<table>
<thead>
<tr>
<th>APPROVAL</th>
<th>REQUEST FOR COUNCIL ACTION</th>
<th>MEETING DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ORDINANCE TO AMEND §15-3.0418 OF THE UNIFIED DEVELOPMENT ORDINANCE, PLANNED DEVELOPMENT DISTRICT NO. 13 (WAL-MART/SAM’S WHOLESALE CLUB) TO ALLOW FOR BUILDING EXTERIOR AND SIGNAGE CHANGES (WAL-MART REAL ESTATE BUSINESS TRUST, APPLICANT) (6701 SOUTH 27TH STREET)</td>
<td>06/19/18</td>
</tr>
</tbody>
</table>

At its June 7, 2018 meeting, the Plan Commission recommended approval of an ordinance to amend §15-3.0418 of the Unified Development Ordinance Planned Development District No. 13 (Wal-Mart/Sam’s Wholesale Club) to allow for building exterior and signage changes (Wal-Mart Real Estate Business Trust, Applicant) (6701 South 27th Street).

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance No. 2018-______, an ordinance to amend §15-3.0418 of the Unified Development Ordinance Planned Development District No. 13 (Wal-Mart/Sam’s Wholesale Club) to allow for building exterior and signage changes (Wal-Mart Real Estate Business Trust, Applicant) (6701 South 27th Street).
CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION
Meeting of June 7, 2018
Planned Development District (PDD) No. 13 Amendment

RECOMMENDATION: Staff recommends approval of the proposed amendment to Planned Development District (PDD) No. 13, as a Minor PDD Amendment, to paint the building and amend the wall signs as presented by the applicant, subject to the conditions noted in the attached ordinance.

Project Name: Walmart Supercenter Exterior Building and Sign Modifications

Project Address: 6701 South 27th Street

Applicant: Wal-Mart Real Estate Business Trust

Agent: Daniel Backstrom, SGA Design Group

Zoning: Planned Development District No. 13

Use of Surrounding Properties: Commercial (east, north and south) and Multi-Family Residential Condominiums (west)

2025 Comprehensive Plan: Commercial

Applicant Action Requested: Recommendation to the Common Council for approval of a minor amendment to Planned Development District No. 13 to allow changes to the building color and wall signs

Project Description
On April 18, 2018, the applicant filed a Minor PDD Amendment Application for Planned Development District No. 13 requesting approval of exterior changes, including painting a new color scheme on the building façade, adding a new “Pickup” sign on the front façade, and replacing all existing exterior signs along with minor wording changes.

The revised color scheme is proposed to be consistent with Walmart’s new brand color pallet. Note that only those areas of the building that are already painted, such as the EIFS, will be painted.

The total sign area proposed is 669.45 square feet, which is an increase of 103.02 square feet of signage. The two existing monument signs are being refaced; however, the total sign area of those signs will not change. A summary of the wall sign changes is below. Additional details are provided in the applicant’s submittal materials.

<table>
<thead>
<tr>
<th>Existing Sign</th>
<th>Proposed Sign</th>
<th>Existing Size (SF)</th>
<th>Proposed Size (SF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walmart (with spark)</td>
<td>Walmart (with spark)</td>
<td>214.44</td>
<td>299.04</td>
</tr>
<tr>
<td>Home &amp; Living</td>
<td>Home &amp; Living</td>
<td>76.08</td>
<td>73.58</td>
</tr>
<tr>
<td>Market &amp; Pharmacy</td>
<td>Grocery &amp; Pharmacy</td>
<td>98.14</td>
<td>102.52</td>
</tr>
<tr>
<td>Outdoor Living</td>
<td>Lawn &amp; Garden</td>
<td>82.05</td>
<td>63.16</td>
</tr>
<tr>
<td>NA</td>
<td>Pickup (with spark)</td>
<td>NA</td>
<td>65.43</td>
</tr>
</tbody>
</table>
It should be noted that the applicant will need to obtain a Sign Permit from the City of Franklin Inspection Department.

**Staff Recommendation:**

Staff recommends approval of the proposed amendment to Planned Development District (PDD) No. 13, as a Minor PDD Amendment, to paint the building and amend the wall signs as presented by the applicant, subject to the conditions noted in the attached ordinance.
WHEREAS, §15-3.0418 of the Unified Development Ordinance provides for and regulates Planned Development District No. 13 (Wal-Mart/Sam’s Wholesale Club), same having been created by Ordinance No. 89-1071 and later amended by Ordinance Nos. 94-1313, 95-1342, 2001-1645, 2002-1705, 2004-1814, 2008-1940, 2010-1995, 2013-2123, 2016-2213 and 2016-2223, such District being located at 6701 South 27th Street, bearing Tax Key No. 714-0003-002; and

WHEREAS, Planned Development District No. 13 (Wal-Mart/Sam’s Wholesale Club) includes those lands legally described as follows:

LOTS 3 AND 4 IN WAL-MART SUBDIVISION BEING A PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND A PART OF THE SOUTHEAST 1/4 OF SECTION 1, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN; and

WHEREAS, Wal-Mart Real Estate Business Trust, having petitioned for a further amendment to Planned Development District No. 13 (Wal-Mart/Sam’s Wholesale Club), to allow for changes to the existing building exterior, including painting a new Walmart “Brand” color scheme on the building façade, adding a new “Pick Up” sign on the front façade and replacing all existing exterior signs with updated wording signs to reflect Walmart’s new naming convention, to obtain approval of a site plan therefore; and

WHEREAS, the City of Franklin Plan Commission having considered the application on the 7th day of June, 2018, 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. 13 (Wal-Mart/Sam’s Wholesale Club) 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. 13 (Wal-Mart/Sam’s Wholesale Club) 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: §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam’s Wholesale Club), of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows: Ordinance No. 2008-1940, Section 1, and Ordinance No. 2010-1995, Section 1, are hereby amended to allow for changes to the existing building exterior, including painting a new Walmart “Brand” color scheme on the building façade, adding a new “Pick Up” sign on the front façade and replacing all existing exterior signs with updated wording signs to reflect Walmart’s new naming convention, on the north/front elevation of the Wal-Mart Supercenter, which shall be located and constructed, and appear as respectively depicted upon and pursuant to those plans and site plan City date-stamped May 23, 2018, attached hereto and incorporated herein.

SECTION 2: The proposed Wal-Mart Supercenter signage changes 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: Wal-Mart Real Estate Business Trust, successors and assigns and any developer of the Wal-Mart Supercenter signage change project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consultants to the City of Franklin, for the Wal-Mart Supercenter signage change 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.

SECTION 4: All other applicable terms and provisions of §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam’s Wholesale Club) 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 Wal-Mart Supercenter signage change project, and all terms and provisions of §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam’s Wholesale Club) as
ORDINANCE NO. 2018-____
Page 3

existing immediately prior to the adoption of this Ordinance and not amended by this Ordinance, 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 ________________, 2018, by Alderman ____________________.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of ______________________, 2018.

APPROVED:

______________________________
Stephen R. Olson, Mayor

ATTEST:

______________________________
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____
City of Franklin
Department of City Development

Date: May 7, 2018
To: Daniel Backstrom, SGA Design Group
From: City Development Staff
RE: Walmart Minor Planned Development District Amendment – Staff Comments

Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Minor Planned Development District (PDD) Amendment application submitted by Daniel Backstrom, SGA Design Group, and date stamped by the City of Franklin on April 18, 2018.

Department of City Development Staff Comments

1. How does the sign area for each individual sign compare to the existing signs? Please provide the existing sign square footage and the proposed sign square footage for each sign.
2. Details for the “Walmart” sign are included, but the sign looks the same as the existing. Is the existing “Walmart” sign on the front of the building being replaced?
3. Staff understands that Walmart is changing brand colors; however, staff does not find the added blue and gray to best complement the existing colors of the building. Note that staff is not concerned with the rear of the building, but generally prefers the current color scheme.

Engineering Staff Comments

No comments.

Police Department Staff Comments

No comments.
**Project Summary**

Exterior improvements to the existing Walmart store located at 6701 S. 27th Street in Franklin, WI include painting all exterior items on the building façade that are currently painted utilizing Walmart’s new “Brand” color pallet as depicted in the color rendering. Add a new “Pickup” sign on the front façade and replace all existing exterior signs with new signs some of which the wording has been updated to reflect Walmart’s new naming convention.
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<td>Slow</td>
<td>RESOLUTION CONDITIONALLY APPROVING A CONDOMINIUM PLAT FOR APOLLO CONDOMINIUMS OF FRANKLIN AT 9067 AND 9069 SOUTH CORDGRASS CIRCLE EAST, LOT 62, PRAIRIE GRASS PRESERVE SUBDIVISION (ANDREW J. GENZ AND DIANA E. GENZ/KRISTINA M. WARRICHAIIET, F/K/A KRISTINA CERJAK AND NICHOLAS J. WARRICHAIIET, AS TO ANY MARITAL PROPERTY INTEREST IN THE PROPERTY, OWNERS, ANDREW J. GENZ, APPLICANT)</td>
<td>06/19/18</td>
</tr>
</tbody>
</table>

At its June 7, 2018, meeting, the Plan Commission recommended approval of a resolution conditionally approving a Condominium Plat for Apollo Condominiums of Franklin at 9067 and 9069 South Cordgrass Circle East, Lot 62, Prairie Grass Preserve Subdivision (Andrew J. Genz and Diana E. Genz/Kristina M. Warrichaieit, F/K/A Kristina Cerjak and Nicholas J. Warrichaieit, as to any marital property interest in the property, Owners, Andrew J. Genz, Applicant).

COUNCIL ACTION REQUESTED

A motion to approve Resolution 2018-______, conditionally approving a Condominium Plat for Apollo Condominiums of Franklin at 9067 and 9069 South Cordgrass Circle East, Lot 62, Prairie Grass Preserve Subdivision (Andrew J. Genz and Diana E. Genz/Kristina M. Warrichaieit, F/K/A Kristina Cerjak and Nicholas J. Warrichaieit, as to any marital property interest in the property, Owners, Andrew J. Genz, Applicant).

Department of City Development: NJF
CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION
Meeting of June 7, 2018
Condominium Plat

RECOMMENDATION: City Development Staff recommends approval of the Condominium (Final) Plat for Lot 62 in the Prairie Grass Preserve Subdivision located at 9067 and 9069 South Cordgrass Circle East, subject to the conditions in the attached draft resolution.

Project Name: Apollo Condominiums of Franklin
Project Address: 9067-9069 South Cordgrass Circle East
Applicant: Andrew Genz
Owner: Kristina Cerjak, Andrew Genz and Diana Genz
Zoning: R-7 Two-Family Residence District
Use of Surrounding Properties: Multi-family residential to the north, south, east and west
2025 Comprehensive Plan: Residential – Multi-Family
Applicant Action Requested: Recommendation of approval to the Common Council for the proposed Condominium Plat Application upon property located at 9067-9069 South Cordgrass Circle East

INTRODUCTION AND ANALYSIS:
On April 30, 2018, Andrew Genz filed a Condominium Plat Application for the property located at 9067-9069 South Cordgrass Circle East. The applicant is proposing to convert an existing two-family duplex into two separate condominium units, which requires a Condominium Plat to be reviewed and approved by the Plan Commission and Common Council pursuant to the Unified Development Ordinance.

The subject property is Lot 62 of the Prairie Grass Preserve Subdivision, which is approximately 0.44 acres. Lot 62, and the adjacent lots are zoned R-7 Two-Family Residence District. The proposed Condominium Plat is consistent with the 2025 Comprehensive Master Plan, as the future land use designation for the property is Residential – Multi-Family.

According to the City’s GIS mapping, twenty-one (21) out of twenty-nine (29) lots in the portion of the Prairie Grass Preserve Subdivision zoned R-7 Two-Family Residence District have already been converted to condominiums. This includes Lot 61 to the west as well as the adjacent lots on the opposite side of Cordgrass Circle.

STAFF RECOMMENDATION:
City Development Staff recommends approval of the Condominium (Final) Plat for Lot 62 in the Prairie Grass Preserve Subdivision located at 9067 and 9069 South Cordgrass Circle East, subject to the conditions in the attached draft resolution.
STATE OF WISCONSIN       CITY OF FRANKLIN       MILWAUKEE COUNTY

RESOLUTION NO. 2018-_____

A RESOLUTION CONDITIONALLY APPROVING A CONDOMINIUM PLAT FOR APOLLO CONDOMINIUMS OF FRANKLIN AT 9067 AND 9069 SOUTH CORDGRASS CIRCLE EAST, LOT 62, PRAIRIE GRASS PRESERVE SUBDIVISION (ANDREW J. GENZ AND DIANA F. GENZ/KRISTINA M. WARRICHAIET, F/K/A KRISTINA CERJAK AND NICHOLAS J. WARRICHAIET, AS TO ANY MARITAL PROPERTY INTEREST IN THE PROPERTY, OWNERS, ANDREW J. GENZ, APPLICANT)

WHEREAES, the City of Franklin, Wisconsin, having received an application for approval of a condominium plat for Apollo Condominiums of Franklin, such plat being Lot 62 in Prairie Grass Preserve, as shown on the Plat of Subdivision recorded January 19, 2005 as Document No. 8939309, being a Re-division of Certified Survey Map No. 6462, and unplatted lands in the Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 20, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, more specifically, of the property located at 9067 and 9069 South Cordgrass Circle East, bearing Tax Key No. 847-0101-000, Lot 62, Prairie Grass Preserve Subdivision, Andrew J. Genz and Diana E. Genz/Kristina M. Warrichaiet, f/k/a Kristina Cerjak and Nicholas J. Warrichaiet, as to any marital property interest in the Property, owners, Andrew J. Genz, applicant; 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 June 7, 2018, pursuant to certain conditions; and

WHEREAES, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed condominium plat is appropriate for approval pursuant to law upon certain conditions and is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin, and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Condominium Plat for Apollo Condominiums of Franklin, as submitted by Andrew J. Genz, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and
A RESOLUTION CONDITIONALLY APPROVING A CONDOMINIUM PLAT FOR
ANDREW J. GENZ AND DIANA E. GENZ/KRISTINA M. WARRICHAIET, F/K/A
KRISTINA CERJAK AND NICHOLAS J. WARRICHAIET, AS TO ANY MARITAL
PROPERTY INTEREST IN THE PROPERTY, OWNERS (APOLLO CONDOMINIUMS
OF FRANKLIN)
RESOLUTION NO. 2018-____
Page 2

made by the applicant, and that all minor technical deficiencies within the
Condominium Plat 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. Andrew J. Genz and Diana E. Genz/Kristina M. Warrichaiet, f/k/a Kristina Cerjak and
Nicholas J. Warrichaiet, as to any marital property interest in the Property, owners,
Andrew J. Genz, applicant, 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 Apollo
Condominiums of Franklin development, 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 Andrew J. Genz and Diana E.
Genz/Kristina M. Warrichaiet, f/k/a Kristina Cerjak and Nicholas J. Warrichaiet, as to
any marital property interest in the Property, owners, Andrew J. Genz, applicant, and
the Apollo Condominiums of Franklin development for the property located at 9067
and 9069 South Cordgrass Circle East: (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 Apollo Condominiums of Franklin development project shall be developed in
substantial compliance with the terms and provisions of this Resolution.

6. Applicant shall record the revised Condominium Plat with the Milwaukee County’s
Office of the Register of Deeds within 60 days of Common Council approval.

BE IT FURTHER RESOLVED, that the Condominium Plat for Apollo
Condominiums of Franklin be and the same is hereby rejected without final approval and
A RESOLUTION CONDITIONALLY APPROVING A CONDOMINIUM PLAT FOR ANDREW J. GENZ AND DIANA E. GENZ/KRISTINA M. WARRICHAIET, F/K/A KRISTINA CERJAK AND NICHOLAS J. WARRICHAIET, AS TO ANY MARITAL PROPERTY INTEREST IN THE PROPERTY, OWNERS (APOLLO CONDOMINIUMS OF FRANKLIN)
RESOLUTION NO. 2018-_____
Page 3

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, the City Clerk is hereby directed to obtain the recording of the Condominium Plat for Apollo Condominiums of Franklin 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 _____________________, 2018.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this ______ day of _____________________, 2018.

APPROVED:

________________________
Stephen R. Olson, Mayor

ATTEST:

________________________
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____
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.
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.
# APPLICATION FOR CONDOMINIUM (FINAL) PLAT

**Review and approval of condominium instruments by the City of Franklin is required per Section 15-2.6103.B. of the City of Franklin Unified Development Ordinance, and prior to submittal to Milwaukee County for recording.**

Condominium instruments shall mean the declaration, plats and plans of a condominium together with any attached exhibits or schedules, in conformity with Wis. Stat. s.703.2.

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

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Applicant is Represented by (contact person)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name:</strong> Andrew John Ganz</td>
<td><strong>Name:</strong> Andrew John Ganz</td>
</tr>
<tr>
<td><strong>Company:</strong></td>
<td><strong>Company:</strong></td>
</tr>
<tr>
<td><strong>Mailing Address:</strong> 9069 S Cordgrass Dr E</td>
<td><strong>Mailing Address:</strong> 9069 S Cordgrass Dr E</td>
</tr>
<tr>
<td><strong>City / State:</strong> Franklin, WI</td>
<td><strong>City / State:</strong> Franklin, WI</td>
</tr>
<tr>
<td><strong>Zip:</strong> 53132</td>
<td><strong>Zip:</strong> 53132</td>
</tr>
<tr>
<td><strong>Phone:</strong> 414-305-4012</td>
<td><strong>Phone:</strong> 414-305-4012</td>
</tr>
<tr>
<td><strong>Email Address:</strong> <a href="mailto:aganz@findorff.com">aganz@findorff.com</a></td>
<td><strong>Email Address:</strong> <a href="mailto:aganz@findorff.com">aganz@findorff.com</a></td>
</tr>
</tbody>
</table>

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**Project Property Information:**

- **Property Address:** 9069 S Cordgrass Dr E
- **Property Owner(s):** Kristina M Gerjak, Andrew J & Diana E Ganz
- **Mailing Address:** 9069 S Cordgrass Dr E
- **City / State:** Franklin, WI
- **Zip:** 53132
- **Email Address:** aganz@findorff.com

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*The 2025 Comprehensive Master Plan Future Land Use Map is available at: [http://www.franklinwi.gov/Home/Resources/Maps.htm](http://www.franklinwi.gov/Home/Resources/Maps.htm)*

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The Unified Development Ordinance (UDO) can be found at the City's website: [www.franklinwi.gov](http://www.franklinwi.gov)

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**Final Condominium (Final) Plat Application submittals for review must include and be accompanied by the following:**

- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin: $1,000
- Legal Description for the subject property (WORD.doc or compatible format).
- Eight (8) complete collated and folded sets of Application materials to include:
  - One (1) original and seven (7) copies of a written Project Narrative, detailed description of the project.
  - Eight (8) full size copies of the Condominium Plat/Plans, drawn to scale (14" x 22") per s. 703.11 (2) (d) Wis. Stats.
  - Two (2) copies of the Declarations and By-Laws (as applicable) per UDO Section 15-7.6060A, for administrative review and approval.
- Email (or CD-ROM) with all plans/submittal materials. Plans must be submitted in Adobe PDF format.

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*Upon receipt of a complete submittal, staff review will be conducted within 20 days.*

*Final Plat review requests require Plan Commission review and recommendation within 40 days of the filing date.*

*Within 60 days of the date of filing, Common Council shall approve, conditionally approve or reject the Final Plat, unless the time is extended by agreement with the Subdivider.*

---

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 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. §543.13.

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

---

**Signature - Property Owner**

**Name & Title (PRINT)**

**Date:**

**Signature - Applicant**

**Name & Title (PRINT)**

**Date:**

**Signature - Property Owner**

**Name & Title (PRINT)**

**Date:**

**Signature - Applicant's Representative**

**Name & Title (PRINT)**

**Date:**
PROJECT NARRATIVE
APOLLO CONDOMINIUMS OF FRANKLIN
9067-69 S CORDGRASS CIR E

City of Franklin, WI
Planning Department

April 30, 2018

Apollo Condominiums of Franklin is a proposed, small condominium comprised of two units at the existing multi-family/duplex residence at 9067 and 9069 S Cordgrass Cir E in the Prairie Grass Preserve subdivision. The lot for which this project is proposed is described as follows:

Lot 62 in Prairie Grass Preserve, as shown on the Plat of Subdivision recorded January 19, 2005 as Document No. 8939309, being a Re-division of Certified Survey Map No. 6462, and unplatted lands in the Southwest ¼ and Southeast ¼ of the Northeast ¼ of Section 20, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

The parcel size is approximately 0.44 acres. The property is currently zoned R-7, Option 1. No modifications to the land, building or other improvements are proposed as part of this project.

Currently, within the Prairie Grass Preserve subdivision, there are 23 multi-family homes, 18 of which are individual, two-unit condominium associations. This proposed project is intended to match the property ownership structure of the majority of similar properties in the subdivision.

The applicants are submitting the necessary documents for the Condominium Plat application for discussion and approval by the City of Franklin. Enclosed you will find the application form, legal description for the subject property, the condominium plat, condominium declarations, agreement in lieu of bylaws, action by written consent of unit owners, and application fee.

Please accept our submittal and feel free to contact myself with any questions. Thank you!

Andrew Genz
Initial Registered Agent
Apollo Condominiums of Franklin
Lot 62 in Prairie Grass Preserve, as shown on the Plat of Subdivision recorded January 19, 2005 as Document No. 8939309, being a Re-division of Certified Survey Map No. 6462, and unplatted lands in the Southwest ¼ and Southeast ¼ of the Northeast ¼ of Section 20, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.
ACTION BY WRITTEN CONSENT OF
UNIT OWNERS AT APOLLO CONDOMINIUMS OF FRANKLIN

WHEREAS, pursuant to Section 703.365(3m) of the Wisconsin Statutes, the undersigned, being all of the Unit owners at Apollo Condominiums of Franklin, an unincorporated association, hereby consent to the following action with the express intention that the action be as effective as a standard Bylaw agreement.

NOW, THEREFORE, BE IT RESOLVED that the undersigned Unit owners of this small condominium approved and adopted pursuant to Wisconsin Statutes, the use of a Written Consent Agreement in lieu of formal Bylaws, including the provisions of Section 703.365(3)(a) through (d) as set forth herein:

(a) Notwithstanding s. 703.10 (2) (a), all aspects of the management, operation, and duties of the association of a small condominium shall be delegated to the board of directors, which may retain a manager, including a master association under s. 703.155, for the small condominium, and the bylaws shall so specify.
(b) Under s. 703.10 (2) (c), notice of meetings shall be given in a manner best calculated to assure that actual notice is received by the owners of all units of a small condominium, and the bylaws shall so specify.
(c) Section 703.10 (2) (d) does not apply to a small condominium. The board of directors shall be composed of one representative from each unit, chosen by and from among the unit owners of that unit.
(d) All actions taken by the board of directors of a small condominium under this chapter must be approved by an affirmative vote or written consent of at least 75 percent of the board.

[SIGNATURE PAGE FOLLOWS]
IN WITNESS WHEREOF, the Declarants have executed this Written Consent at Franklin, Wisconsin, this 26th day of April, 2018.

APOLLO CONDOMINIUMS OF FRANKLIN

By:  Andrew J. Genz

By:  Diana E. Genz

By:  Kristina M. Warrichaet, f/k/a Kristina Cerjak

By:  Nicholas J. Warrichaet as to any marital property interest in the Property

STATE OF WISCONSIN

) ss.

COUNTY OF MILWAUKEE

) ss.

Personally came before me this 26th day of April, 2018, the above-named Andrew J. Genz, Diana E. Genz, Nicholas J. Warrichaet, Kristina M. Warrichaet, f/k/a Kristina Cerjak, Nicholas J. Warrichaet, to me known to be the people who executed the foregoing document and acknowledged the same.

Ronald E. English
Notary Public, State of Wisconsin
My Commission is permanent.
AGREEMENT IN LIEU OF BYLAWS
APOLLO CONDOMINIUMS OF FRANKLIN

This agreement is created in lieu of formal Bylaws as allowed by Wis. Stat. §703.365(3m). This agreement shall be binding upon the Unit owners, their heirs, successors, and/or assigns and shall govern the operation and administration of the Condominium.

Management

As required by Section 703.365 of the Wisconsin Statutes, all aspects of the management, operation, and duties of the association of the small condominium shall be delegated to the Board of Directors. The Board of Directors shall be composed of one representative from each unit, chosen by and among the unit owners. All actions taken by the Board of Directors of a small condominium must be approved by an affirmative vote or by written consent of at least 75% of the Board.

The Association shall have the right, by action of the Board of Directors, to delegate one or more of its powers, to the extent permitted by law, to a Master Association created under section 703.155 of the Wisconsin Statutes.

“Master Association” means a profit or nonprofit corporation or unincorporated association, which exercises the powers under 703.15(3) on behalf of one or more condominiums or for the benefit of the Unit owners of one or more condominiums. This section is only applicable if the Declaration allows either electively or expressly for the delegation of powers to this Master Association. Apollo Condominiums of Franklin has not permitted these actions and thus this section is not applicable.

Meetings

Notice of meetings shall be given in a manner best calculated to assure that actual notice is received by the owners of all Units of the small condominium as prescribed by 703.365(3)(b).

[SIGNATURE PAGE FOLLOWS]
IN WITNESS WHEREOF, the Declarants have executed this Agreement in Lieu of Bylaws at Franklin, Wisconsin, this 26th day of April, 2018.

APOLLO CONDOMINIUMS OF FRANKLIN

By:  
Andrew J. Genz

By:  
Diana E. Genz

By:  
Kristina M. Warrichaet, f/k/a 
Kristina Cerjak

By:  
Nicholas J. Warrichaet as to any marital property interest in the Property

STATE OF WISCONSIN

COUNTY OF MILWAUKEE

Personally came before me this 26th day of April, 2018, the above-named Andrew J. Genz, Diana E. Genz, Nicholas J. Warrichaet, Kristina M. Warrichaet, f/k/a Kristina Cerjak, Nicholas J. Warrichaet, to me known to be the people who executed the foregoing document and acknowledged the same.

Ronald E. English
Notary Public, State of Wisconsin
My Commission is permanent.
CONDOMINIUM DECLARATION
FOR
APOLLO CONDOMINIUMS OF FRANKLIN

This declaration is made pursuant to the Condominium Ownership Act of the State of Wisconsin, Chapter 703 of the Wisconsin Statutes and particularly “Section 703.365, “Small Condominiums” in its entirety, except as specifically modified herein, this 26th day of April, 2018; ANDREW J. GENZ, DIANA E. GENZ, NICHOLAS J. WARRICHAET, as to any marital property interest in the Property, AND KRISTINA M. WARRICHAET, dba KRISTINA CERJAK, Wisconsin residents and owners of the property, hereby declare that the property known as 9067 and 9069 S. Cordgrass Circle E. Franklin, WI 53132, together with all buildings and improvements thereon is hereby submitted to the condominium form of ownership as provided by the Act and this Declaration, and shall be known as Apollo Condominiums of Franklin.

1. **Description of Land.** The following described real estate is made subject to this Declaration:

Lot 62 in Prairie Grass Preserve, as shown on the Plat of Subdivision recorded January 19, 2005 as Document No. 8939309, being a Re-division of Certified Survey Map No. 6462, and unplatted lands in the Southwest ¼ and Southeast ¼ of the Northeast ¼ of Section 20, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

2. **Description of Buildings and Units.** The property consists of a cement board siding and brick building with composition shingles containing two (2) Units and attached 2 car garage, (2) egress windows and elevated wood deck to each Unit. The building is located on real estate as indicated on the survey attached hereto as “Exhibit A” and made a part of this Declaration.

A Unit is that part of a building intended for individual, private use, comprised of one or more cubicles of air at one or more levels of space having outer boundaries formed by the interior surfaces of the perimeter walls, floors, ceilings, windows, window frames, doors and door frames of the building.

Each Unit has a living room with a gas fireplace, kitchen, dining room, and finished basement with wet bar. Unit 9067 has three bedrooms, 3.5 bathrooms, and Unit 9069 has three bedrooms, 2.5 bathrooms. Each unit is approximately one half of the entire interior of the building. The location and dimensions of the building and of each unit appear graphically in the condominium plat filed for record with this Declaration.
3. **Common Elements and Limited Common Elements.** The Common Elements shall consist of all Apollo Condominiums of Franklin improvements and appurtenances, except the individual Units defined above, including the land, the exterior of the building, bearing walls, roof, rain gutters, downspouts, the common wall separating the Units, foundations, utilities services, pipes, ducts, electrical wiring and conduits, public utility lines, water and sewer laterals, landscaping, and all other areas not contained in the Units or specifically designated in the condominium plat as Limited Common Elements.

Each Unit owner shall have a valid, exclusive easement to the space between the interior and exterior walls for purposes of adding additional utility outlets, wall hangings, erection of non-bearing partition walls and the like, where space between the units, and provided further that the common areas and facilities be restored to their former condition by the Unit owner at his or her sole expense upon completion or termination of the use requiring the easement. Easements are hereby granted and declared for the benefit of the Unit owners and the Association of Unit owners (hereinafter described) for the installation, maintenance and repair of common utility services in and on any part of the common areas or Units.

Maintenance of the Common Elements, including repair, replacement, painting, snow removal and lawn care shall be the responsibility and duty of the Unit owners collectively. The Unit owners shall have the duty and responsibility for keeping and maintaining their property in good order and repair; provided, however, that any damage caused to the common elements by the negligence or deliberate action of an owner or his or her guest shall be the responsibility of such owner to repair.

The Limited Common Elements designated in the condominium plat include the stoops, patios, sidewalks, decks, driveways, and front yards with landscaping appurtenant to each individual unit, except the maintenance and lawn care shall be treated as if it were a Common Element. Such limited Common Elements shall be reserved for the exclusive use of the owner or occupant of the Unit to which they are appurtenances. No Unit owner may alter, remove, repair, maintain, decorate, landscape, or adorn any Limited or Common Element in any manner contrary to any rule or regulation. No structural or mechanical changes shall be made by any owner to any of the Common Elements or Limited Common Elements without the prior written approval of the other Unit owner.

4. **Percentage Interest.** The owner of each Unit shall have a 50% interest in the Common Elements and the Limited Common Elements, and shall have a right to use and occupy the Common Elements in accordance with the provisions of this Declaration, the Bylaws, the rules and regulations and amendments thereto if any, and/or an Action by Written Consent constituting the agreement of the parties.
5. **Voting.** The owner or owners of each Unit shall be entitled to cast one (1) vote per Unit.

6. **Use of the Property and Units.** The property and Units are restricted to residential use only and each Unit shall be occupied by only one family. Units may be rented by the owner, but may not be subdivided.

7. **Registered Agent for Service of Process.** The initial registered agent for the condominium who shall receive service of process shall be Andrew J. Genz at 9069 S. Cordgrass Circle E, Franklin, WI, 53132. The name or residence of such agent may be changed by the Association by resolution upon property filing with the Register of Deeds.

8. **Destruction and Reconstruction.** If the entire building is damaged or destroyed so as to be uninhabitable, only the unanimous vote and decision of the owners of both Units shall affect the decision to repair, rebuild or sell. If they cannot agree, the provisions of Section 703.365 as to arbitration shall be controlling. In the event of the partial or total destruction of either or both Units, Common Elements or Limited Common Elements, they shall be repaired and rebuilt as soon as practical and substantially to the same design, plan and specifications as originally built, unless otherwise unanimously agreed upon by the owners. If only the interior of one Unit is badly damaged and destroyed, its owner shall make the necessary repairs and restoration.

9. **General Provisions.** The ownership, use and operation of the condominium shall be subject to the following provisions, binding on the owners of both Units.

   a. **Insurance.** Each Unit owner shall provide and maintain fire and extended coverage of his or her own Unit. To the extent possible, any insurance provided hereunder shall state that the insurer waives its rights of subrogation as to any claim against a Unit owner and the Association, and that the insurance cannot be cancelled, invalidated or suspended without thirty (30) days prior written notice to the Association and the other Unit owner. The amount, protection and types of hazards to be covered shall be reviewed annually by the Unit owners, and the amount of coverage may be increased or decreased at any time as deemed necessary to conform to the requirements of replacement value.

   b. **Reciprocal Easements.** Each owner and the Association shall have the right of ingress and egress over, upon, and across the Common Elements and the Units, if necessary, for access to the owner's own Unit and for purposes of repairing and maintaining electrical, plumbing, heating facilities, water pipes and laterals, sewer pipes and laterals, underground electric and telephone wires, and so forth.
c. **Central Air Conditioning.** All air conditioning equipment installed in each Unit shall be located immediately adjacent to the unit and become a part of each such unit.

d. **The Condominium Association.** The Association shall be an unincorporated Association comprised of one (1) representative from each Unit. The Association is authorized to establish rules and regulations for the use of the condominium and to prescribe fines, penalties or special assessments for any violations thereof. All owners shall be members of the Association and responsible for carrying out the purposes of this Declaration and shall agree to abide by and be subject to the rules and regulations, duties and obligations of this Declaration and the ByLaws adopted in connection therewith. The owner or owners of a Unit shall be entitled to cast one (1) vote per Unit.

e. **Unit Owners Rights With Respect to Interiors.** Each owner shall have the exclusive right to paint, repaint, tile, panel, paper or otherwise refurnish or redecorate the interior surface of the walls, ceilings, floors and doors forming the boundary of his or her Unit and all such items within the Unit boundaries and to erect or demolish partition walls of a non-structural nature provided that the owner may take no action which will materially change any common walls or cause damage to the structure of the condominium.

f. **Common Expenses.** All insurance premiums, exterior maintenance, landscaping and painting shall be paid for by the Unit owners.

Real estate taxes, assessments, and special charges will be assessed separately on each Unit and shall be paid individually by the owner of the Unit. Sewer and water charges, repairs to sewer, water lateral, water pump or sump pumps, electrical service and natural gas service shall be paid individually by the affected owner of the Unit. To the extent any such charges or expenses are charged to the Property as a whole, they will be equally divided by each Unit.

g. **Enforcement.** Each owner shall have the right to enforce all restrictions, conditions, covenants, reservations, liens and charges, now or hereafter imposed by the provisions of or pursuant to the terms of this Declaration, by any proceeding at law or in equity. Except in the event of the collection of assessments owing, before such enforcement, the owner seeking enforcement shall submit the issue to arbitration pursuant to Chapter 703.365(6); however, the owners may agree to use two (2) arbitrators except where an expenditure or action is believed to be necessary for the safety and proper use of the property or the owner’s Unit, in which case the statutory procedure shall not be modified.
No owner may exempt him or herself or any Unit of any liability for contribution toward common expenses by any waiver of the use of enjoyment of any Common or Limited Common Element or by abandonment of the Unit; no conveyance shall relieve the Unit or the Unit owner of any such liability and the owner shall be jointly, severally, and personally liable along with his or her grantee in any conveyance for Common expenses incurred up to the date of sale for which a statement of condominium lien is reported, until all expenses charged to the Unit have been paid.

All assessments, when due, shall immediately become a personal debt of the Unit owner and a lien shall be placed against the Unit until paid as provided in the Act.

h. **First Mortgagee's Rights Confirmed.** No provision of the condominium documents gives an owner or any other party priority over any rights of the first mortgagee of the Unit pursuant to its mortgage in the case of a payment to the Unit owner of insurance proceeds or condemnation awards for losses to, or a taking of, a Unit and Common Elements and Limited Common Elements.

i. **Partition of Common Elements Prohibited.** There shall be no partition of Common Elements or Limited Common Elements through judicial proceedings or otherwise until this Declaration is terminated and the property withdrawn from the terms of the applicable statutes regarding condominium ownership.

j. **Severability.** Invalidation of any one of the covenants or restrictions of this Declaration, by judgment or court order, shall in no way affect any other provision, all of which shall remain in full force and effect.

k. **Amendment.** This Declaration may be amended at any time by the written agreement of the owners and mortgagors of each Unit, but no amendment shall be effective until the certificate setting forth the amendment is signed by the owners and mortgagors of each Unit and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin. Each mortgagee shall be provided prior written notice of any proposed amendment.

l. **Notices.** All notices and other documents required to be given by this Declaration shall be sufficient if given to one (1) owner of a Unit personally or by regular mail, regardless of the number of owners who may have an interest therein.

m. **The Condominium Plat.** A copy of the condominium plat filed for record is attached hereto as Exhibit "A" as part of this Declaration.
n. **Controlling Law.** All operations of the condominium shall be conducted in compliance with the applicable provisions of the Condominium Ownership Act of the Wisconsin statutes.

o. **Failure of Association to Insist on Strict Performance Not Waiver.** The failure of the Association or of one owners to insist upon the strict performance of any of the terms, conditions and/or restrictions of this Declaration, or the rules and/or regulations established hereunder, or to exercise any right or option granted herein, shall not be construed as a waiver or relinquishment for the future of any such term, condition and/or restriction, which shall remain in full force and effect.

[**SIGNATURE PAGE FOLLOWS**]
IN WITNESS WHEREOF, the Declarants have executed this Declaration at Franklin, Wisconsin, this 26th day of April, 2018.

APOLLO CONDOMINIUMS OF FRANKLIN

By: 
Andrew J. Genz

By: 
Diana E. Genz

By: 
Kristina M. Warrichaet, f/k/a Kristina Cerjak

By: Nicholas J. Warrichaet as to any marital property interest in the Property

STATE OF WISCONSIN )
COUNTY OF MILWAUKEE ) ss.

Personally came before me this 26th day of April, 2018, the above-named Andrew J. Genz, Diana E. Genz, Nicholas J. Warrichaet, Kristina M. Warrichaet, f/k/a Kristina Cerjak, Nicholas J. Warrichaet, to me known to be the people who executed the foregoing document and acknowledged the same.

Ronald E. English
Notary Public, State of Wisconsin
My Commission is permanent.

This instrument drafted by:
Attorney Ronald E. English III
Hippermeyer, Reilly, Blum,
Schmitzer, Fabian & English S.C.
720 Clinton St., P.O. Box 766
Waukesha, Wisconsin 53187-0766
Telephone: (262) 549-8181
<table>
<thead>
<tr>
<th>APPROVAL</th>
<th>REQUEST FOR COUNCIL ACTION</th>
<th>MEETING DATE</th>
</tr>
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<tbody>
<tr>
<td>REPORTS &amp; RECOMMENDATIONS</td>
<td>RESOLUTION TO APPROVE A SPECIAL USE AMENDMENT TO ALLOW FOR RESTAURANT BUILDING REMODELING AND SITE WORK FOR THE EXISTING MCDONALD’S DRIVE-THROUGH RESTAURANT PREVIOUSLY APPROVED AS PART OF A ZONING PERMIT APPROVAL, UPON PROPERTY LOCATED AT 7501 WEST RAWSON AVENUE (MCDONALD’S USA, LLC, APPLICANT)</td>
<td>06/19/18</td>
</tr>
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At the June 7, 2018 Plan Commission meeting, following a properly noticed public hearing, the following action was approved: move to recommend approval of a Special Use Amendment to allow for restaurant building remodeling and site work for the existing McDonald’s drive-through restaurant previously approved as part of a Zoning Permit approval, upon property located at 7501 West Rawson Avenue (McDonald’s USA, LLC, applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2018-________, a resolution imposing conditions and restrictions for the approval of a Special Use Amendment to allow for restaurant building remodeling and site work for the existing McDonald’s drive-through restaurant previously approved as part of a Zoning Permit approval, upon property located at 7501 West Rawson Avenue (McDonald’s USA, LLC, applicant).
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.
STATE OF WISCONSIN       CITY OF FRANKLIN       MILWAUKEE COUNTY

RESOLUTION NO. 2018-____

A RESOLUTION TO APPROVE A SPECIAL USE AMENDMENT TO ALLOW FOR RESTAURANT BUILDING REMODELING AND SITE WORK FOR THE EXISTING MCDONALD’S DRIVE-THROUGH RESTAURANT PREVIOUSLY APPROVED AS PART OF A ZONING PERMIT APPROVAL, UPON PROPERTY LOCATED AT 7501 WEST RAWSON AVENUE (MCDONALD’S USA, LLC, APPLICANT)

WHEREAS, McDonald’s USA, LLC, having petitioned the City of Franklin for the approval of a Special Use Amendment to allow for restaurant building remodeling and site work for the existing McDonald’s drive-through restaurant, previously approved as part of a Zoning Permit approval authorizing a McDonald’s restaurant with drive-through window, on May 28, 1987 and conditional approval of a Special Use thereafter, for extended hours of operation, by Resolution No. 2011-6713, dated April 19, 2011, upon property located at 7501 West Rawson Avenue, such property being zoned B-3 Community Business District, more particularly described as follows:

Parcel 4 of Certified Survey Map No. 4828, being a division of a part of the Northwest 1/4 of the Northwest 1/4 of Section 10, in Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, recorded on October 14, 1986, Reel 1974, Images 636 to 638 inclusive, as Document No. 5973440; Tax Key No. 756-9993-010; and

WHEREAS, such proposed amendment being for the purpose of remodeling the interior public areas and the entire exterior of the existing McDonald’s restaurant, construction of a small addition to the building along the drive-thru on the south side of the restaurant, replacement of the pavement and re-stripping the area around the perimeter of the building, additional landscape plantings and revision of the accessible entrance; 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 17th day of May, 2018, and the Plan Commission thereafter having determined to recommend that the proposed amendment to Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed amendment to Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and
WHEREAS, the Common Council having received such Plan Commission recommendations and also having found that the proposed amendment to Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of McDonald’s USA, LLC, for the approval of an amendment to Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this amendment to Special Use is approved only for the use of the subject property by McDonald’s USA, LLC, successors and assigns, for the McDonald’s USA, LLC restaurant building remodel and site work project, which shall be developed in substantial compliance with and constructed, operated and maintained by McDonald’s USA, LLC, pursuant to those plans City file-stamped May 7, 2018 and annexed hereto and incorporated herein as Exhibit A.

2. McDonald’s USA, LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consultants to the City of Franklin, for the McDonald’s USA, LLC restaurant building remodel and site work project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

3. The approval granted hereunder is conditional upon McDonald’s USA, LLC and the McDonald’s USA, LLC restaurant building remodel and site work project for the property located at 7501 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.

4. Review and approval of all signage on the subject property shall be conducted by the Architectural Review Board and subject to issuance of a Sign Permit from the Inspection Department, prior to installation of any signage.
MCDONALD’S USA, LLC – AMENDMENT TO SPECIAL USE RESOLUTION NO. 2018-_____

Page 3

BE IT FURTHER RESOLVED, that in the event McDonald’s USA, LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this amendment to Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the additional Special Use permission granted under this Resolution.

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

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be an amendment to such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance, and that all of the terms and conditions of the Zoning Permit authorizing a McDonald’s restaurant with drive-through window approved on May 28, 1987 and Special Use Resolution No. 2011-6713, not specifically and expressly amended by or in direct conflict with this Resolution, shall remain in full force and effect.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of completion of the McDonald’s USA, LLC restaurant building remodel and site work.

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 a: a regular meeting of the Common Council of the City of Franklin this _____ day of ______________________, 2018.
MCDONALD'S USA, LLC – AMENDMENT TO SPECIAL USE RESOLUTION NO. 2018-_____
Page 4

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of ___________________, 2018.

APPROVED:

___________________________________________
Stephen R. Olson, Mayor

ATTEST:

___________________________________________
Sandra L. Wesolowski, City Clerk
AYES _____ NOES _____ ABSENT _____
Special Use Amendment

RECOMMENDATION: City Development Staff recommends approval of the Special Use to allow for restaurant building remodeling and site work for the existing McDonald's drive-through restaurant previously approved as part of a Zoning Permit, subject to the conditions in the draft Resolution.

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>McDonald's Special Use Amendment</th>
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<tbody>
<tr>
<td>Project Address:</td>
<td>7501 West Rawson Avenue</td>
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<tr>
<td>Applicant:</td>
<td>McDonald's USA, LLC d/b/a/ McDonald's restaurant</td>
</tr>
<tr>
<td>Agent:</td>
<td>Ray Rodenbach, Schroeder &amp; Holt Architects</td>
</tr>
<tr>
<td>Property Owner:</td>
<td>McDonald's Real Estate Company</td>
</tr>
<tr>
<td>Current Zoning:</td>
<td>B-3 Community Business District</td>
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<tr>
<td>2025 Comprehensive Master Plan</td>
<td>Commercial</td>
</tr>
<tr>
<td>Use of Surrounding Properties:</td>
<td>BMO Harris Bank and the Rawson Medical Center to the north; Orchard View commercial center to the south; single-family residential to the east; and Chase Bank to the west</td>
</tr>
<tr>
<td>Applicant Action Requested:</td>
<td>Recommendation of Approval for the proposed Special Use Amendment</td>
</tr>
</tbody>
</table>

INTRODUCTION:

On March 28, 2018, McDonald’s USA, LLC filed a Special Use Amendment Application with the Planning Department, requesting approval to remodel the existing McDonalds restaurant at 7501 W. Rawson Avenue. The public areas of the interior of the restaurant and the entire exterior will be included in the remodel. A small addition is proposed along the drive-through on the south side of the building. The project includes replacing pavement and re-striping the area around the perimeter of the building, additional landscape plantings, and revising the accessible entrance. The total construction budget for the project is approximately $518,000.

HISTORY:

At the May 17, 2018 Plan Commission meeting, the following action was approved: move to postpone and continue the item to the June 7, 2018 Plan Commission meeting. City development Staff recommended the proposed Special Use be postponed to the June 7, 2018 meeting to provide proper notice to surrounding neighbors, and to allow staff more time to complete a review of the applicant’s submittal.

The City of Franklin Plan Commission approved a Zoning Permit for the McDonald’s restaurant with drive-thru at their meeting on May 14, 1987. Since Zoning Permits are no longer issued.
and because restaurants with drive-thru facilities now require Special Use approval in the B-3 Community Business district, Special Use approval was required to expand the restaurant’s hours of operation and make minor site changes in 2011 via Resolution No. 2011-6713.

PROJECT DESCRIPTION AND ANALYSIS:

The proposed remodel project is part of the McDonald’s Core 16 – Major Remodel Program. The applicant is proposing a 22.25 square foot addition on the south side of the building to expand the distance between the drive-through windows from 32’ to 40’, to comply with a new McDonald’s design standard. Plans also include removing and replacing the pavement and re-striping parking stalls and drive aisles around the perimeter of the store. The Site Plan depicts 45 off-street parking spaces, which complies with the minimum UDO requirement for a restaurant of this size. An accessible access will be installed from the sidewalk on West Rawson Avenue to the front door of the restaurant. The applicant will also be adding a bike rack along this route. Additional landscape plantings will be installed around the parking lot. The overall Landscape Surface Ratio (LSR) for the site will remain at 0.17 after the remodel. While this is below the B-3 District standard of a minimum 0.4 LSR, it is the current LSR for the property, thus no change will occur. Finally, the accessory structure in the southeast corner of the site will be painted and reroofed to match exterior restaurant changes.

The existing mansard roof of the restaurant will be cut back flush with the existing exterior walls. New E.F.I.S. walls will be constructed above the window height and will extend to the top of the existing parapet. A horizontal band of prefinished corrugated steel will be added near the top of the parapet wall. The lower portion of the building will be painted Chelsea Gray and the upper portion Midnight Oil. These areas are separated by canopies and trellises made of anodized and painted aluminum. The area around the drive-through windows will be painted Iron Mountain. The proposed exterior elevations depict new wall signage. Staff recommends review and approval of all signage on the subject property shall be conducted by the Architectural Review Board and subject to issuance of a Sign Permit from the Inspection Department, prior to installation of any signage.

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. Staff believes that the proposed Special Use meets these requirements, and that it should not have a detrimental effect on the general health, welfare, safety, and convenience of persons residing or working near the business.

STAFF RECOMMENDATION:

City Development Staff recommends approval of the Special Use to allow for restaurant building remodeling and site work for the existing McDonald’s drive-through restaurant previously approved as part of a Zoning Permit, subject to the conditions in the attached draft Resolution.
May 07, 2018

City of Franklin
9229 West Loomis Road
Franklin WI, 53132

Re: McDonald’s 7501 West Rawson Avenue – Written Project Summary

The following is the written project summary regarding the remodeling of the existing McDonald’s, located at 7501 West Rawson Avenue.

McDonald’s Business Operation:
McDonald’s is a fast food restaurant that offers sit down dining for 77 patrons and also offers drive-thru service. The lobby and drive-thru are open from 5am to 11pm Sunday through Monday and 5am to 12am Friday and Saturday. The restaurant typically has 7 to 8 employees working during a typical shift.

This project is part of the McDonald’s Core 16 - Major Remodel Program.

Site related revisions include:
- Removing and replacing the paving and re-stripping the area around the perimeter of building.
- Revising the accessible entrance to site.
- Adding new exterior signage.
- Adding additional trees, plants and shrubs.
- Painting existing shed and adding standing seam metal roof.

Revisions to the exterior of the building are as follow:
- The existing mansard roof will be cut back flush with the existing exterior walls.
- New E.I.F.S. walls will be constructed above the window height and will extend to the top of the existing parapet.
- The lower portion of the building will be re-painted.
- A horizontal band of prefinished corrugated steel will be added near the top of the parapet wall.
- New tile covered brand walls will be added to the North and West sides.
- A standing seam metal roof will be added to the back of the building. Color to match shed roof.
- Canopies/ trellises will be added to the North, West and East sides of the building. Materials will be anodized and painted aluminum.
- There will be a 22.25sf building addition at the Drive-Thru.

The reason for the addition is that the drive-thru windows are currently about 32’ apart. McDonalds new design standard requires that the distance between the centerlines of the drive-thru windows be at least 40’-0” An addition is required because there is a jog in the existing building just past the rear drive-thru window, which does not allow the window to be moved without an addition.

All of the public areas of the building, including the toilet rooms are being remodeled. No changes will be made to the kitchen area.

The total construction budget for this project is $518,000.00.
May 7, 2018

City of Franklin  
Department of City Development  
9229 West Loomis Road  
Franklin, WI 53132

RE: McDonald’s Restaurant, Franklin WI

Please find below responses to comments:

**Unified Development Ordinance (UDO) Requirements**  
**Site Plan**
1. Please indicate all dates of Site Plan revision per Section 15-7.0103-D of the UDO.  

   **Response: Title block includes revision date.**

2. Please indicate the width of all right-of-ways and label “ROW” as required by Section 15-7.0103-L of the UDO.

   **Response: Right-of-way width is now indicated on plans**

3. Please indicate the building setbacks on the Site Plan per Section 15-7.0103-M of the UDO.

   **Response: Setbacks are shown on site plan and listed on site data table**

4. Please indicate the existing zoning of the property on the site plan per Section 15-7.0103-Z of the UDO. The property is zoned B-3 Community Business District.

   **Response: Zoning is listed in site data table**

**Parking**
5. Section 15-5.0203 of the UDO defines requirements for off-street parking. Per this section a general restaurant requires 20.0 spaces per 1,000 square feet of Gross Floor Area (GFA) for indoor dining/seating area and 6.5/1,000 square feet for kitchen and employee service areas, plus 7 queuing spaces per service lane. Please illustrate that your proposed business is meeting these requirements on the site plan (probably in tabular format).

   **Response: Site data table updated to show required 43 parking spaces calculated for 1,570 s.f. of dining area and 1,759 s.f. of kitchen/service area. There are nine queuing spaces, vehicle stacking shown on site plan.**

   **Floor Area, Gross (For Determining Requirements for Off-Street Parking and Off-Street Loading).** The floor area shall mean the sum of the gross horizontal areas of the several floors of the buildings or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks, or closets, and any basement floor area.
devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area for purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space, or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Staff Recommendations

Site Plan
1. Please label the size of the restaurant on the Site Plan in square feet.

Response: Total square footage shown on site plan

2. Please label the dumpster enclosure on the Site Plan.

Response: Enclosure is labeled on site plan

3. Please depict that the drive-thru lane can accommodate seven (7) queuing spaces on the Site Plan.

Response: Vehicle stacking for drive-thru is now shown.

4. Staff recommends making the space between the striped pedestrian crossing and northern most parking stall on the west side of the building a landscape island.

Response: This area has been converted to landscaping

5. Please identify the Landscape Surface Ratio (LSR) for the property on the Site Plan and/or Landscape Plan. According to Section 15-11.0103 of the Unified Development Ordinance, Landscape Surface Ratio (LSR) is defined as, "The ratio derived by dividing the area of landscaped surface by the base site area." Please note the B-3 District requires a minimum LSR of 0.3.

Response: the existing LSR for this site is 0.17. The proposed LSR will remain at 0.17.

6. Staff recommends moving the two (2) drive-thru arrows on the east side of the building from the outer drive aisle to actual drive-thru lane.

Response: These were erroneously placed and removed.

7. Staff suggests providing pedestrian amenities such as pedestrian furniture, decorative trash receptacles, and a bicycle rack.
Response: A bike rack was added along the frontage at the new ADA right-of-way connection.

Parking

8. Staff recommends repairing any potholes and/or major cracks in the portion of the parking lot not being replaced as part of this project.

Response: The entire lot will be milled and overlayed with new asphalt.

Architecture

9. Please submit colored elevations with your Plan Commission submittal.

Response: Colored Elevations have been submitted

10. The artist's rendering depicted on the "Exterior Design Guidelines" sheet doesn't appear to be specific to this particular location, or the proposed color options for this location. Please omit this sheet from your submittal and add the material and color detail to the architectural elevations or a separate sheet without the rendering.

Response: The Exterior Design Guidelines have been omitted. Additional information has been added to the Colored Elevations

11. Staff recommends using different colors for the EIFS and brick. You are currently proposing C1-Chelsea Cray for both, with the exception of the area around the drive-thru windows, which is C2-Iron Mountain. However, the east elevation with the drive-thru windows is not visible from the street.

Response: The color of the EIFS above the Trellis/Canopies has been changed to Benjamin Moore – Midnight Oil

12. The architectural elevations depict a, "MS New wood or composite roof screen" on the rear of the building. However, this feature doesn't appear on the colored elevation for the rear of the building. Please correct this discrepancy.

Response: Roof screen had been added to colored elevations

13. Please add the standing seam metal roof to the building materials list on the architectural elevations. What color will the standing seam roof be?

Response: The standing seam metal roof material has been added to the materials list

14. Please label the exterior finish material beneath the standing seam metal on the rear of the building. Is this an existing material or proposed new material?
Response: This material has been labeled on the Exterior Elevations

15. Staff recommends painting the shed and replacing the roof with standing seam metal to match the rear or the restaurant

Response: Shed will be painted and a standing seam metal roof will be added to match rear of restaurant

16. Please provide a floor plan (reflecting proposed interior changes) for the restaurant.

Response: Building Floor Plan had been provided

17. Please submit a material sample board for the Plan Commission meeting.

Response: A material Sample Board will be provided

Landscape Plan

18. Please depict the location, extent, type, and sizes of all existing trees and plantings on the Landscape Plan. The Landscape Plan shows the location of existing plantings, but the size and type are not labeled. Also, the evergreens within the bufferyard are not depicted on the plan.

Response: Information added.

19. A minimum of two (2) different species shall be provided for each 5-11 provided plantings of each planting type per Section 15-5.0302 (F) of the UDO.

Response: Additional species added to meet min. species required.

20. Coordinate the Planting list with like types and designate the plants as a Canopy, Evergreen, Decorative Tree or Shrub. Please indicate the required amount of plantings in accordance with Section 15-5.0302 A. of the UDO within the Planting List.

Response: Planting types added to plant list. Required plantings chart added below plant list.

21. Staff suggests using a different ornamental tree other than the Chanticleer Pear (Pyrus calleryana). In other states, ornamental pear cultivars have been known to cross and create an invasive wild population of hybrid Callery pear trees. It’s not against Franklin’s code to use a pear tree, but we’d prefer you swap it out with a different ornamental tree.

Response: Species changed
22. Please label the Landscape Bufferyard on the Landscape Plan (currently labeled “Existing opaque landscape screen)

Response: Bufferyard Labeled.

Lighting Plan

Response: See photometric plan and cut sheet detail on SD-1.0

23. Lighting Plan Elements. A Lighting Plan submitted pursuant to this Ordinance shall have, at a minimum, the following elements:

1. A catalog page, cut sheet, or photograph of the luminaire including the mounting method. 
   Response: Cut sheets have been included on sheet SD-1.0

2. A photometric data test report of the proposed luminaire graphically showing the lighting distribution at all angles vertically and horizontally around the luminaire.

3. A plot plan, drawn to a recognized engineering or architectural scale, indicating the location of the luminaire(s) proposed, mounting and/or installation height in feet, the overall illumination levels (in footcandles) and uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
   Response: See photometric plan

4. A graphic depiction of the luminaire lamp (or bulb) concealment and light cut-off angles.

24. Are the fixtures on the Lighting Plan existing or proposed? Please differentiate if there is a combination of both.

Response: Existing poles to remain, new LED fixtures to be installed

25. Wall packs and soffit/building lighting shall be included in the Lighting Plan.

Response: Now included

26. Staff recommends replacing the existing and/or proposed lighting fixtures with full cut-off fixtures so the footcandles zero out at the lot lines.

Project Summary

27. Please briefly describe McDonald’s business operation in the Project Summary. This should include: number of employees; hours of operation; etc.
Response: Description of business operation has been added to Project Summary

28. Please state the size of the building addition (in square feet) in the Project Summary.

Response: Size of building addition has been added to Project Summary

29. Why are the drive-thru lanes being reconfigured? Please provide the rationale for this site change in the Project Summary.

Response: Improve lot circulation, current configuration prevents vehicles from circulating behind building

30. Please identify the type of metal (i.e. aluminum) used for the horizontal band and canopies/trellises in the Project Summary.

Response: Type of material has been added to Project Summary

Sign Plan

31. Please note any proposed signage will require separate review and approval by the Architectural Review Board and issuance of a Sign Permit from the Inspection Department. Please contact the Building Inspection Department at 414-425-0084 for details.

Response: Sign Plan – acknowledged

Engineering Department Comments

32. Milwaukee County Highway DOT may need to review and approve the connection of the proposed walk to the existing sidewalk owned by the County. A permit may be required for working within the County’s right-of-way.

Response: Acknowledged

Fire Department Comments
The Fire Department has no comments/concerns regarding the proposed Special Use Amendment at this location.

Police Department Comments
The Franklin Police Department has reviewed the application for 7501 West Rawson Avenue. The Police Department has no issues with this request.
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:
   McDonald's will continue to operate in harmony with the general and specific purposes regarding the special use standards.

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:
   McDonald's has operated on the current property for approximately 30 years. We do not believe there will be any adverse impact to the community or neighborhood.

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:
   McDonald's will not dominate or interfere with the use or development of neighboring properties.

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:
   McDonald's will continue to use the same public facilities and services as have been used for the past 30 years.
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:**
*Traffic will be the same as the current operation.*

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

**Response:**
*The modifications to the property will not result damages of any natural, scenic or historic importance.*

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

**Response:**
*The special use will comply with the applicable regulations and additional standards of the district.*

B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

**Response:**
*McDonald’s is currently operating as a special use at this location.*

C. **Considerations.** In determining whether the applicant’s evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

**Response:**
*McDonald’s has been operating as a public convenience on the current site for approximately 30 years.*
2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

   **Response:**
   *McDonald’s has operated on this site for about 30 years. It would not be feasible to relocate to another site.*

3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

   **Response:**
   *McDonald’s is unaware of any adverse effects that may have occurred over the years on the immediate vicinity. The remodel project take these items into account.*

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

   **Response:**
   *McDonald’s has been operating on this site for many years. Any precedent for incompatible uses would have occurred years ago.*