

# 🌮 CITY OF FRANKLIN 🐠

#### **REPORT TO THE PLAN COMMISSION**

#### Meeting of March 23, 2017

#### Rezoning

**RECOMMENDATION:** City Development Staff recommends approval of the proposed Rezoning, subject to the conditions in the draft ordinance.

Project Name:	Bridgestone Capital LLC Rezoning
Project Address:	8647 South 35 <sup>th</sup> Street
Applicant:	Ryan S. Konicek, Bridgestone Capital LLC
Owners (property):	Bridgestone Capital LLC
Current Zoning:	R-6 Suburban Single-Family Residence District and C-1 Conservancy District
Proposed Zoning:	R-6 Suburban Single-Family Residence District
2025 Future Land Use:	Residential
Use of Surrounding Properties:	Single-family residential to the north, east and west and Franklin Woods Nature Center to the south
Applicant Action Requested:	Recommendation of approval of the Rezoning request

#### **Project Description and Analysis:**

On February 13, 2017, the applicant filed an application requesting to rezone the C-1 Conservancy District portion of land upon property located at 8647 S. 35<sup>th</sup> Street to R-6 Suburban Single-Family Residence District.

The Plan Commission and Common Council recently approved a 3 Lot Certified Survey Map for the subject property with a condition stating, "The applicant shall apply for a Rezoning Application to remove the existing C-1 Conservancy District zoning, prior to recording the Certified Survey Map. If rezoned, the zoning information on the CSM shall be revised accordingly."

Staff recommended removal of the C-1 Conservancy District as it is no longer utilized by the City (see Section 15-1.0111 below).

#### SECTION 15-1.0111 REPEAL

A. **Repeal of Zoning Ordinance.** The City of Franklin Ordinance No. 221 adopted on February 6, 1968 and subsequent amendments thereto, relating to the zoning of land is hereby repealed and all other Ordinances or parts of Ordinances of the City of Franklin inconsistent or conflicting with this Ordinance, to the extent of the inconsistency or conflict only, are hereby repealed, excepting Section 8.5 of Ordinance No. 221 (B-4 Regional Shopping District) and Section 12.1 of Ordinance No. 221 (C-1 Conservancy District), which shall remain in effect until such time, after duly held public hearing, as the Common Council rezones the lands in a B-4 or C-1 zoning pursuant to Ordinance No. 221 to a zoning district

provided for within this Ordinance. Immediately upon approval of said rezonings, the aforementioned Sections 8.5 and 12.1 shall be repealed without further public hearing.

Note that protected natural resources onsite will be placed within a conservation easement. The conservation easement has not yet been submitted, but is required as part of the Certified Survey Map approval and must be reviewed and approved by the Common Council prior to recording with the Milwaukee County Register of Deeds.

#### **Staff Recommendation:**

City Development Staff recommends approval of the proposed Rezoning, subject to the conditions in the draft ordinance.

STATE OF WISCONSIN

#### CITY OF FRANKLIN

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

#### AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM C-1 CONSERVANCY DISTRICT TO R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT (8647 SOUTH 35TH STREET) (APPROXIMATELY 8.987 ACRES) (RYAN S. KONICEK, OPERATOR OF BRIDGESTONE CAPITAL LLC, APPLICANT)

WHEREAS, Ryan S. Konicek, Operator of Bridgestone Capital LLC having petitioned for the rezoning of a certain parcel of land from C-1 Conservancy District to R-6 Suburban Single-Family Residence District, such land being located at 8647 South 35th Street; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 23rd day of March, 2017, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning 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 rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and 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: §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the property described below be changed from C-1 Conservancy District to R-6 Suburban Single-Family Residence District:

> That part of the Southeast 1/4 of the Southwest 1/4 of Section 13, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Southeast corner of said Southwest 1/4; thence South 88°07'53" West, on and along the south line of said Southwest 1/4, 33.01 feet;

#### ORDINANCE NO. 2017-\_\_\_\_ Page 2

thence North 00°13'26" West and parallel to the east line of said Southwest 1/4, 33.01 feet to the north right of way line of West Puetz Road and the point of beginning; thence South 88°07'54" West, on and along said north right of way line, 847.35 feet; thence North 00°13' 26" West, 462.19 feet; thence North 88°07'54" East, 847.35 feet to the west right of way line of South 35'" Street; thence South 00°13'26" East, on and along said west right of way line, 462.19 feet to the point of beginning. Containing 391,475 square feet (8.987 acres), more or less. Tax Key No. 833-9999-000.

- SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
- SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.
- SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

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

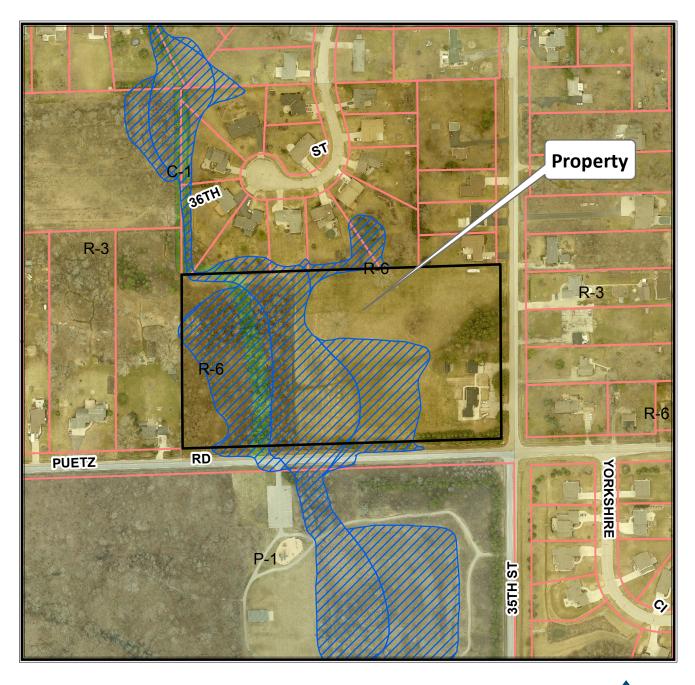
ATTEST:

Sandra L. Wesolowski, City Clerk

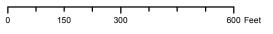
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# 8647 S. 35th Street TKN 833 9999 000

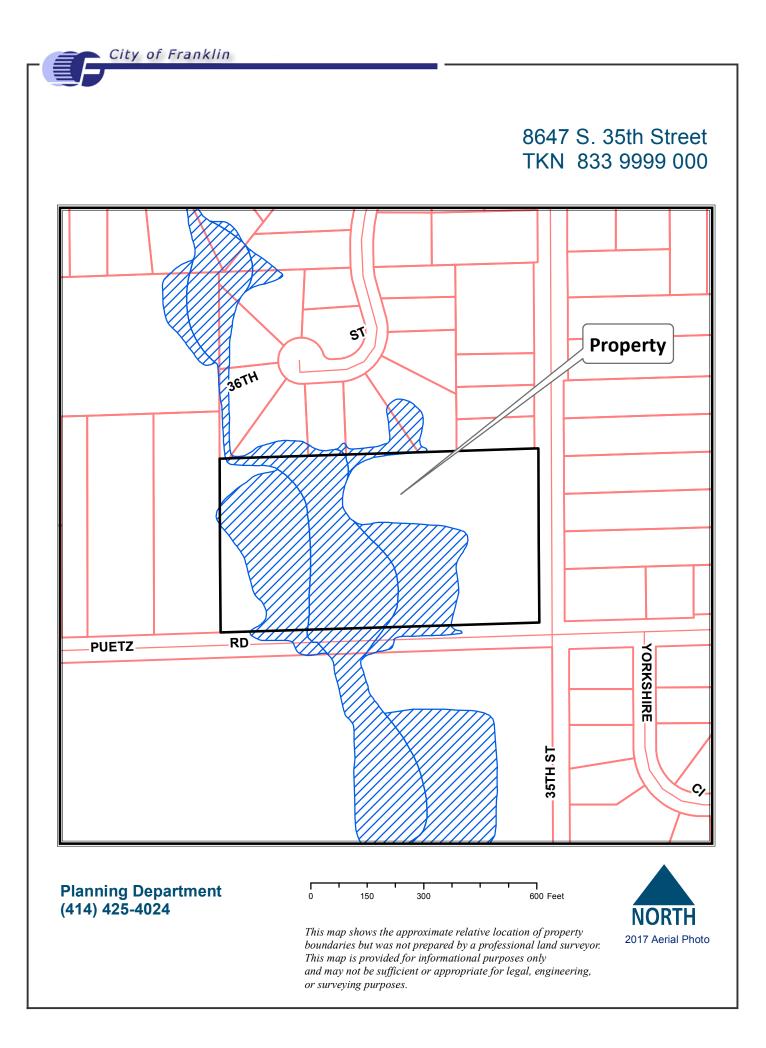


#### Planning Department (414) 425-4024





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



#### Rezoning Application: Project Summary

The subject property consists of 9 acres to be divided into three roughly equal parcels (Parcel #1 - #3) of approximately 3 acres each. The owner is seeking to build two houses on the property, one on proposed Parcel #2 and one on proposed Parcel #3 (See Site Plan).

The intent of the proposed rezoning action would change the C-1 Conservancy District transecting the property to R-6 Single Family Residential. Franklin's "Future Land Use Map 2025" has the entire subject property zoned as residential making the proposed rezoning consistent with the comprehensive master plan. Additionally, rezoning of the C-1 to R-6 has been required by the City of Franklin. This action will have no impact as the area to be rezoned will be located entirely within a conservation easement and is not to be impacted or physically altered (see NRPP Figure).

### LIST OF PROPERTY OWNERS WITHIN 200' OF PROPERTY TO BE RE-ZONED

<u>Name</u>	<u>Address</u>	<u>tax Key Number</u>
City of Franklin	3723 West Puetz Road	8549936000
Donald & Jadwiga Bricco	3828 West Puetz Road	8339994000
Frank D. Ornelas	3820 West Puetz Road	8339995000
Muhammad Asif Iqbal	4034 West Puetz Road	8339988001
Terry L. & Cheryl F. Revocable Trust	8588 S. 36 <sup>th</sup> Street	8330105000
Kenneth A. & Linda Buchmann	8582 S. 36 <sup>th</sup> Street	8330104000
Robert Kowalski Living Trust	8576 S. 36 <sup>th</sup> Street	8330103000
Gerald & Lucille Wachowaik	8570 S. 36 <sup>th</sup> Street	8330102000
Norman & Gladys Hintz	8566 S. 36 <sup>th</sup> Street	8330101000
Derk & Karen Vander Molen	8558 S. 36 <sup>th</sup> Street	8330100000
Duane Laumann	8575 S. 35 <sup>th</sup> Street	8330095000
Michael & Keesha Geason	8603 S. 35 <sup>th</sup> Street	8330096000
Daniel & Ellen Crass	8619 S. 35 <sup>th</sup> Street	8330097000
James Remm	8564 S. 35 <sup>th</sup> Street	8329978002
William & Julie Kutchin	8600 S. 35 <sup>th</sup> Street	8329979000
Donald & Cherie Blank	8616 S. 35 <sup>th</sup> Street	8329980000
Mijodrag & Jelka Simic	8630 S. 35 <sup>th</sup> Street	8329981000
Mijodrag & Jelka Simic	8646 S. 35 <sup>th</sup> Street	8329982000
Clemens Knoll Jr.	8656 S. 35 <sup>th</sup> Street	8329983001
Scott & Debra Matysik	3460 West Puetz Road	8329984000
Bruce Fox	3495 W. Yorkshire Circle	8550087000
William & Mary Civiletta-Kalich	3467 W. Yorkshire Circle	8550086000

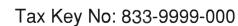
# LEGAL DESCRIPTION

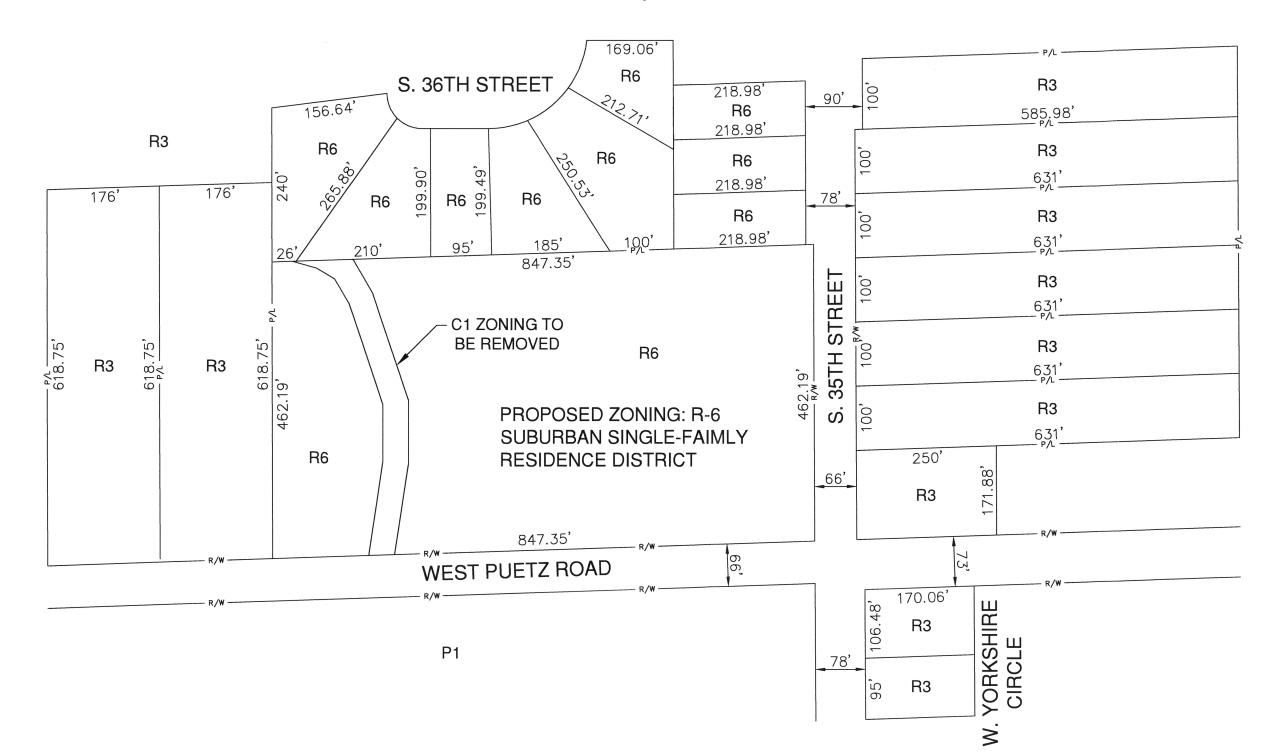
That part of the Southeast 1/4 of the Southwest 1/4 of Section 13, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southwest 1/4; thence South 88°07'53" West, on and along the south line of said Southwest 1/4, 33.01 feet; thence North 00°13'26" West and parallel to the east line of said Southwest 1/4, 33.01 feet to the north right of way line of West Puetz Road and the point of beginning; thence South 88°07'54" West, on and along said north right of way line, 847.35 feet; thence North 00°13' 26" West, 462.19 feet; thence North 88°07'54" East, 847.35 feet to the west right of way line of South 35<sup>th</sup> Street; thence South 00°13'26" East, on and along said west right of way line, 462.19 feet to the point of beginning.

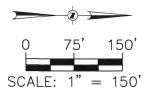
Containing 391,475 square feet (8.987 acres), more or less.

# REZONING EXHIBIT 8647 S. 35TH STREET









# Franklin

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City Development

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Item D.2.

### 🇊 CITY OF FRANKLIN 🇊

#### **REPORT TO THE PLAN COMMISSION**

#### Meeting of March 23, 2017

#### Site Plan Amendment

**RECOMMENDATION:** City Development staff recommends approval of the Site Plan Amendment for property located at 9545 South 80<sup>th</sup> Street to allow for a 1,080 square foot addition to the existing northern open storage building at Zuern Building Products, Inc., subject to the conditions outlined in the attached resolution.

Project Name:	Zuern Building Products, Inc. Site Plan Amendment
Project Address:	9545 South 80 <sup>th</sup> Street
Property Owner:	Gen3 Ventures, LLC
Applicant:	Zuern Building Products, Inc.
Zoning:	M-1 Limited Industrial District
Use of Surrounding Properties:	Vacant land zoned commercial (to the north); Institutional (to the east); and vacant land zoned industrial (to the south and west)
<b>Comprehensive Plan</b>	Commercial
Applicant's Requested Action:	Approval of the Site Plan Amendment Application

#### **INTRODUCTION & BACKGROUND**

Please note that:

- Staff recommendations are *underlined, in italics*, and are included in the draft resolution.
- Staff suggestions are only <u>underlined</u> and are not included in the draft resolution.

On February 13, 2017, Zuern Building Products, Inc. filed a Site Plan Amendment Application with the Department of City Development. The applicant is proposing to construct an approximately 1,080 square foot building addition on the east side of an existing open storage building at their building material supplier business located at 9545 South 80<sup>th</sup> Street.

Zuern Building Products, Inc. purchased the property at 9545 South 80<sup>th</sup> Street from Worzella Lumber in 2013. The Plan Commission approved a Zoning Permit for Worzella Lumber on June 22<sup>nd</sup>, 1995. A lumberyard and building materials supplier is classified under Standard Industrial Classification (SIC) Title No. 5211 Lumber and Other Building Materials Dealers, which is allowed as a permitted use in the M-1 Limited Industrial District. The Department of City Development issued a Zoning Compliance Permit to Zuern Building Products, Inc. in 2013.

#### **PROJECT DESCRIPTION / ANALYSIS**

The applicant is proposing to construct an approximately 1,080 square foot building addition on the east side of the northern open storage building at 9545 South 80<sup>th</sup> Street. The property is approximately 7.86 acres or 342,382 square feet. Improvements on the property consist of an office/showroom with an attached warehouse along South 80<sup>th</sup> Street, a shop building and three

(3) open storage buildings. The proposed building addition is on an area of the site that is gravel. The addition will be a seamless extension of the northern storage structure and will be built by Morton Buildings, Inc., who built the original storage building. Building materials will consist of steel siding and a standing seam metal roof with gutters to match the existing building.

Zuern Building Products, Inc. has 30 employees working at their Franklin location. Hours of operation for the business are Monday through Friday 7:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to 12:00 p.m.

#### **Outdoor Storage**

Zuern's site has accumulated a significant amount of unscreened outdoor storage including lumber, building materials, pallets and unsalable lumber. According to Section 15-3.0803(F) of the City of Franklin Unified Development Ordinance, "Open storage areas shall be screened from view of any street..." Therefore, <u>Staff recommends unscreened outdoor storage be relocated to existing buildings, removed from the site, or screened with a solid wood fence subject to review and approval by Planning Staff, within one year of the date of adoption of the Resolution approving the Site Plan Amendment.</u>

#### **Landscaping**

The original grading plan for Worzella Lumber dated January 3, 1994 depicts eleven (11) evergreen trees along the north property line of the site. These plantings are not present on the property today and would help screen the lumberyard from West Ryan Road. Therefore, <u>Staff recommends Zuern Building Products, Inc. plant eleven (11) evergreen trees of a species, size, and in a location to be reviewed and approved by Planning Staff, within one year of the date of adoption of the Resolution approving the Site Plan Amendment.</u>

#### <u>Parking</u>

The existing parking lot contains thirty-two (32) off-street parking spaces and one (1) ADA accessible space for a total of thirty-three (33) parking spaces. Staff finds the existing off-street parking is sufficient for Zuern's current business operations. However, according to Table 15-5.0202(I)(1) of the City of Franklin Unified Development Ordinance, a parking lot with 26-50 off-street parking spaces is required to provide a minimum of two (2) accessible parking spaces. Therefore, <u>Staff recommends the applicant stripe a second accessible parking space in accordance with Table 15-5.0202(I)(1) of the City of Franklin Unified Development Ordinance.</u>

#### **STAFF RECOMMENDATION**

City Development Staff recommends approval of the Site Plan Amendment for property located at 9545 South 80<sup>th</sup> Street to allow for a 1,080 square foot addition to the existing northern open storage building at Zuern Building Products, Inc., subject to the conditions outlined in the attached resolution.

STATE OF WISCONSIN

#### CITY OF FRANKLIN PLAN COMMISSION

#### RESOLUTION NO. 2017-

#### A RESOLUTION AMENDING THE SITE PLAN FOR PROPERTY LOCATED AT 9545 SOUTH 80TH STREET TO ALLOW FOR A 1,080 SQUARE FOOT ADDITION TO THE EXISTING NORTHERN OPEN STORAGE BUILDING AT ZUERN BUILDING PRODUCTS, INC. (TAX KEY NO. 896-9996-003) (GEN3 VENTURES, LLC, APPLICANT)

WHEREAS, Gen3 Ventures, LLC having applied for an amendment to the Site Plan for the property located at 9545 South 80th Street, such Site Plan having been previously approved as part of a Zoning Permit approval for Elaine Worzella/8100 Block of Ryan Road, to allow a lumber yard and complementary structures, on June 22, 1995; and

WHEREAS, such proposed amendment proposes an 18 foot by 60 foot (1,080 square foot) addition to the existing northern open storage building at Zuern Building Products, Inc. located at 9545 South 80th Street, and the Plan Commission having reviewed such proposal and having found same to be in compliance with and in furtherance of those express standards and purposes of a Site Plan review pursuant to Division 15-7.0100 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Site Plan for Zuern Building Products, Inc., dated March 13, 2017, as submitted by Gen3 Ventures, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

- Gen3 Ventures, LLC, successors and assigns and any developer of the Zuern Building Products, Inc. storage building addition project shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Zuern Building Products, Inc. storage building addition 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.
- 2. The approval granted hereunder is conditional upon Gen3 Ventures, LLC and the Zuern Building Products, Inc. storage building addition project for the property located at 9545 South 80th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all

#### GEN3 VENTURES, LLC - SITE PLAN AMENDMENT RESOLUTION NO. 2017-\_\_\_\_ Page 2

other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

- 3. The Zuern Building Products, Inc. storage building addition project shall be developed in substantial compliance with the plans City file-stamped March 13, 2017.
- 4. Unscreened outdoor storage shall be moved into existing buildings, removed from the site, or screened from the view of any street with a solid wood fence subject to review and approval by Planning Staff, within one year of the date of adoption of this Resolution.
- 5. Eleven (11) evergreen trees of a species, size and in a location to be reviewed and approved by Planning Staff shall be planted within one year of the date of adoption of this Resolution.
- 6. A second accessible off-street parking space shall be striped in the parking lot in accordance with Table 15-5.0202(I)(1) of the City of Franklin Unified Development Ordinance, prior to issuance of an Occupancy Permit by the Inspection Department.

BE IT FURTHER RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Zuern Building Products, Inc. storage building addition as depicted upon the plans City file-stamped March 13, 2017, attached hereto and incorporated herein, shall be developed and constructed within one year from the date of adoption of this Resolution, or this Resolution and all rights and approvals granted hereunder shall be null and void, without any further action by the City of Franklin; and the Site Plan for the property located at 9545 South 80th Street, as previously approved, is amended accordingly.

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

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

#### GEN3 VENTURES, LLC - SITE PLAN AMENDMENT RESOLUTION NO. 2017-\_\_\_\_ Page 3

APPROVED:

Stephen R. Olson, Chairman

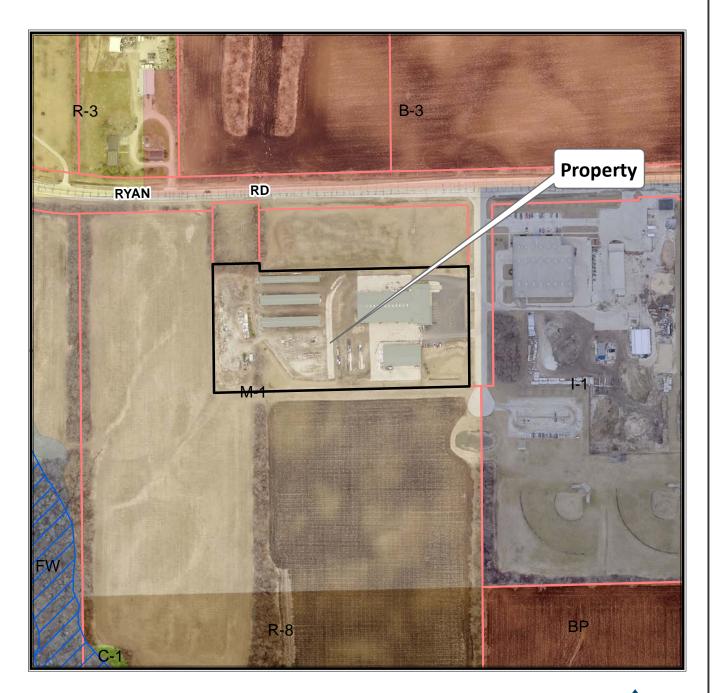
ATTEST:

Sandra L. Wesolowski, City Clerk

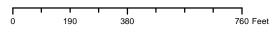
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# 9545 S. 80th Street TKN 896 9996 003

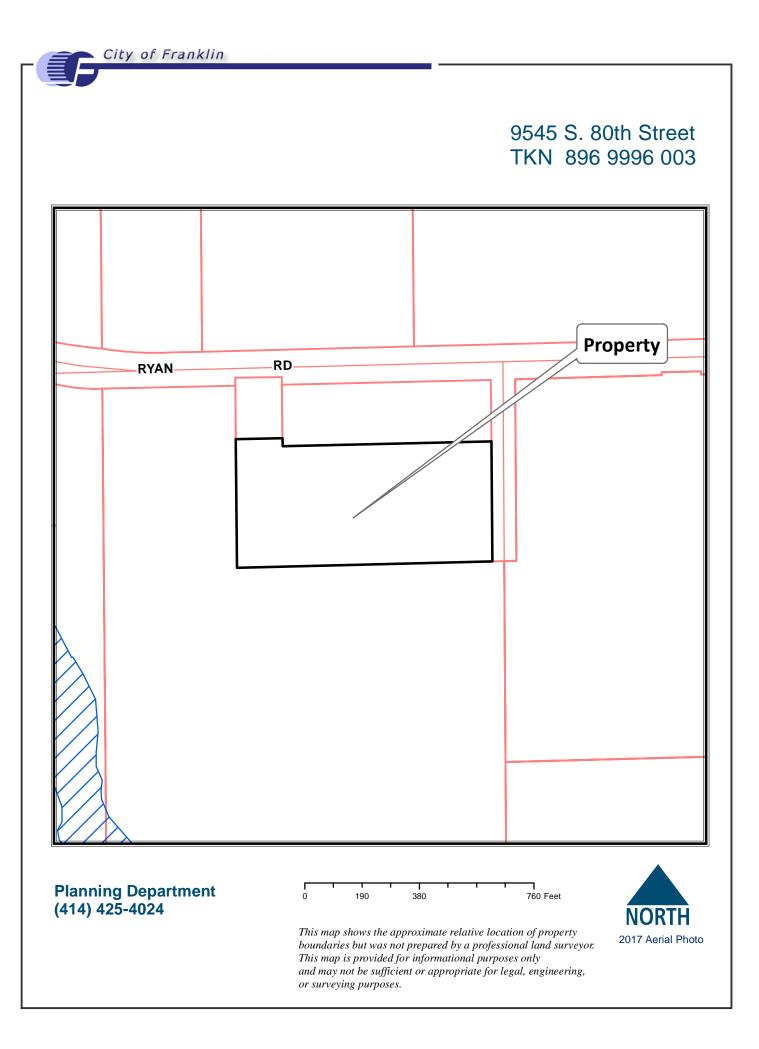


#### Planning Department (414) 425-4024





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







Franklin

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## **City Development**

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Zuern Building Products is a building material supplier to both the contractor and homeowner. We also have design departments, both cabinetry and home design. Company wide we have about 140 employees, with our Franklin Location having about 30 of those employees. These numbers fluctuate due to seasonal help. Our hours of operation in Franklin are M-F 7am-5pm and Sat 8am-12pm. We have box vans, moffets, tri-axles, pick up trucks, and flat bed trucks at this location. These are used for delivery of our product, and our sales team. The materials on site are of the building material nature; dimensional lumber, engineered lumber, cedar, decking, windows, millwork, windows, doors, and hardware as well as the products in store. We continue to work to improve the property overall. We are continually cleaning different areas on the property, improving our racking and storage within existing sheds, have re-worked office space within the existing store, and look to eventually expand our showroom to increase offering of window, millwork, and cabinetry displays.

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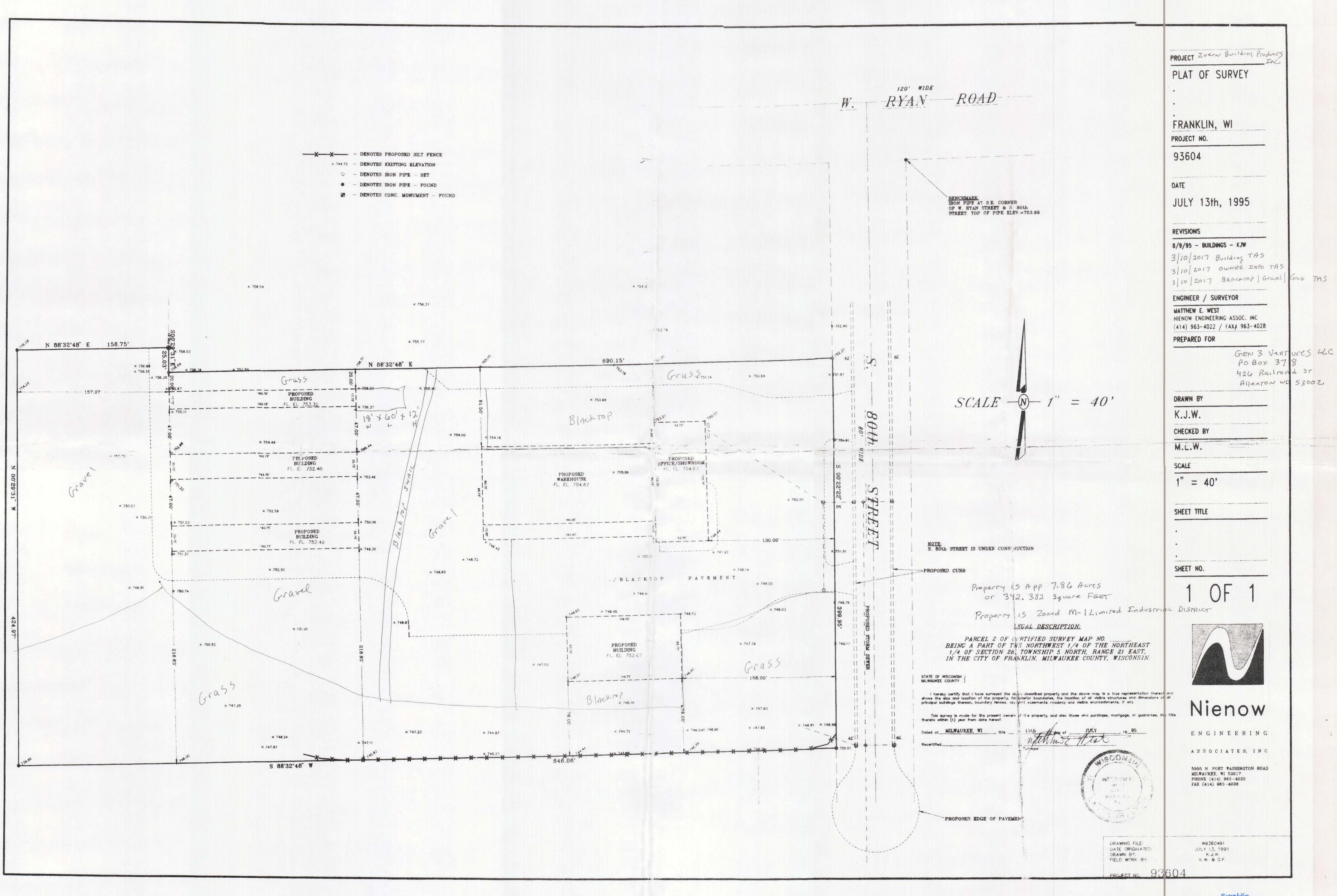
We currently have three dumpsters on site. We have one regular trash dumpster and one recycling dumpster placed on the South side of the main building, inside of the yard. These two cannot be seen from Hwy 100. The third dumpster currently sits where the proposed addition will be built. We can place that one if a different area behind the shed so it will not be seen from Hwy 100.

#### 7.

The proposed addition will be used for some of the material that we currently have sitting outside. Our goal is to have as much product under cover as possible. Our current warehouse renovation, that is nearing the end, will also help with some of the product currently sitting outside. We have been cleaning up the far West area of the property also. There is a collection of pallets and unsalable lumber. Some of this material was acquired from the previous owner. We are making every effort possible to remove that material, and clean up the area. We have recently learned that we have access to a place in in Harford, WI, where this material can be taken and ground for mulch.

P.O. BOX 378 ALLENTON, WI 53002 (262) 629-5551 N144 W5800 PIONEER RD.#1 CEDARBURG, WI 53012 (262) 375-9400 9545 S. 80TH STREET FRANKLIN, WI 53132 (414) 529-9770 1800 S. CHURCH STREET WATERTOWN, WI 53094 (920) 261-5676

#### www.zuerns.com



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