

**City of Franklin
Plan Commission Meeting
May 9, 2019
Minutes**

Approved
May 23, 2019

A. Call to Order and Roll Call

Mayor Steve Olson called the May 9, 2019 regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Commissioners, Kevin Haley, Patricia Hogan, David Fowler, Adam Burckhardt, Assistant City Engineer Sara Arnold. Excused was Alderman Mark Dandrea. Also present were Principal Planner Ben Kohout, Economic Development Director Calli Berg and City Attorney Jesse Wesolowski. Alderpersons present were Nelson (left at 7:45pm) and Wilhelm (left at 10:10 pm).

B. Approval of Minutes

1. Regular Meeting of April 18, 2019.

Commissioner Haley moved and Commissioner Fowler seconded approval of the April 18, 2019 minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (5-0-1).

The Mayor inquired with the audience if anyone was present for the U.S. Cellular public hearing item, for a new monopole at Andy's Gas Station on W. Ryan Road. No one answered in the affirmative. The Commission agreed to proceed on to another item on the agenda.

D. Business Matters

- 1. SCOTT A. MAYER AND SUSANNE MAYER LAND DIVISION.** Certified Survey Map application by Scott A. Mayer and Susanne Mayer to subdivide the existing property into three separate lots (Lot 1 and Lot 2, each with a proposed new residence fronting onto West Ryan Road, and Outlot 1, located to the south of said lots), property zoned R-2 Estate Single-Family Residence District, located at 9533 West Ryan Road.

Principal Planner Kohout presented the request by by Scott A. Mayer and Susanne Mayer to subdivide the existing property into three separate lots (Lot 1 and Lot 2, each with a proposed new residence fronting onto West Ryan Road, and Outlot 1, located to the south of said lots), property zoned R-2 Estate Single-Family Residence District, located at 9533 West Ryan Road.

Commissioner Haley moved and Commissioner Fowler seconded a motion to recommend approval of a Resolution conditionally approving a 3 lot certified survey map, being a resubdivision of lot 2, certified survey map no. 7363, being a part of the West one-half of the East one-half of the Northeast quarter of Section 29, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (9533 West Ryan Road), noting that Condition No. 8 regarding public water and sanitary sewer service is subject to further staff review and consideration by the Common Council. On

voice vote, all voted 'aye'. Motion carried (5-0-1).

C. Public Hearing Business Matters

4. MILLS HOTEL WYOMING, LLC MIXED-USE

DEVELOPMENT. Comprehensive Master Plan Amendment and Rezoning applications by Mills Hotel Wyoming, LLC, to amend the Future Land Use Map designation of the eastern portion of Outlot 1 and the southern portion of Lot 2 of Certified Survey Map No. 9095 from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use, and to rezone the western portion of Outlot 1 of Certified Survey Map No. 9095 from R-2 Estate/Single-Family Residence District to M-1 Limited Industrial District, to rezone the eastern portion of Outlot 1 of Certified Survey Map No. 9095 from R-2 Estate/Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District and to rezone the southern portion of Lot 2 of Certified Survey Map No. 9095 from M-1 Limited Industrial District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District, properties generally located south of the intersection of West Loomis Road and West Ryan Road, including portions of what was formerly 11205 West Ryan Road (Rezoning total acreage approximately 50.69 acres; Comprehensive Master Plan Amendment total acreage approximately 26.1 acres); Tax Key Nos. 891-9008-000 and 891-9010-0.

Principal Planner Kohout presented the request by Mills Hotel Wyoming, LLC, to amend the Future Land Use Map designation of the eastern portion of Outlot 1 and the southern portion of Lot 2 of Certified Survey Map No. 9095 from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use, and to rezone the western portion of Outlot 1 of Certified Survey Map No. 9095 from R-2 Estate/Single-Family Residence District to M-1 Limited Industrial District, to rezone the eastern portion of Outlot 1 of Certified Survey Map No. 9095 from R-2 Estate/Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District and to rezone the southern portion of Lot 2 of Certified Survey Map No. 9095 from M-1 Limited Industrial District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District, properties generally located south of the intersection of West Loomis Road and West Ryan Road, including portions of what was formerly 11205 West Ryan Road (Rezoning total acreage approximately 50.69 acres; Comprehensive Master Plan Amendment total acreage approximately 26.1 acres).

The Official Notice of Public hearing was read in to the record by Principal Planner Kohout and the Public Hearing was opened at 7:24 p.m. and closed at 7:36 p.m.

Commissioner Burckhardt moved and Commissioner Haley seconded a motion to approve a resolution recommending the adoption of an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for properties generally located South of the intersection of West Loomis Road and West Ryan Road, including portions of what was formerly 11205 West Ryan Road (the Eastern portion of Outlot 1 and the Southern portion of Lot 2 of Certified Survey map No. 9095) from Business Park use and Areas of Natural Resource Features use to Residential use and Areas of Natural Resource Features use, pursuant to Wis. Stat. § 66.1001(4)(b). On voice vote, all voted 'aye'. Motion carried (5-0-1).

Commissioner Hogan moved and Commissioner Haley seconded a motion to recommend approval of an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone the Western portion of Outlot 1 of Certified Survey Map No. 9095 from R-2 Estate/Single-Family Residence

district to M-1 Limited Industrial District, to rezone the Eastern portion of Outlot 1 of Certified Survey Map No. 9095 from R-2 Estate/Single-Family Residence district and C-1 Conservancy District to R-6 Suburban Single-Family Residence district and to rezone the Southern portion of Lot 2 of Certified Survey Map No. 9095 from M-1 Limited Industrial District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District (properties generally located South of the intersection West Loomis Road and West Ryan Road, including portions of what was formerly 11205 West Ryan Road (the Western and Eastern portion of Outlot 1 and the Southern portion of Lot 2 of Certified Survey Map No. 9095) (approximately 50.69 acres). On voice vote, all voted 'aye'. Motion carried (5-0-1).

D. Business Matters

2. BEAR FRANKLIN MIXED-USE SUBDIVISION DEVELOPMENT. Preliminary Plat application by Bear Development, LLC on behalf of Mills Hotel Wyoming, LLC, property owner, for an 87 lot subdivision with 83 lots and 4 Outlots; Lots 1-79 are singlefamily residential lots meeting the R-6 Suburban Single-Family Residence District standards; Lots 81-84 are light industrial lots meeting the M-1 Limited Industrial District standards; Outlots 1-3 are for proposed stormwater retention and maintenance and Outlot 4 is for proposed community open space and stormwater retention and maintenance (all lots are proposed to be served by public water and sanitary sewer service), property zoned R-6 Suburban Single-Family Residence District, R-2 Estate Single-Family Residence District, C-1 Conservancy District and M-1 Limited Industrial District; Tax Key Nos. 891-9009-000, 891-9010-000, 891-9008-000, 892-9993-001 and 891-9007-000.

Principal Planner Kohout presented the request by Bear Development, LLC on behalf of Mills Hotel Wyoming, LLC, property owner, for an 87 lot subdivision with 83 lots and 4 Outlots; Lots 1-79 are single-family residential lots meeting the R-6 Suburban Single-Family Residence District standards; Lots 81-84 are light industrial lots meeting the M-1 Limited Industrial District standards; Outlots 1-3 are for proposed stormwater retention and maintenance and Outlot 4 is for proposed community open space and stormwater retention and maintenance (all lots are proposed to be served by public water and sanitary sewer service).

Commissioner Haley moved and Commissioner Hogan seconded a motion to recommend approval of a resolution conditionally approving a preliminary plat for Bear Franklin Subdivision (at approximately West Ryan Road and South 112th Street) with condition No. 26 pertaining to a new recreational trail to be deleted from the resolution. On roll call vote, Hogan, Burckhardt, Haley, Assistant City Engineer Arnold voted “aye”. Commissioner Fowler voted “nay”. Motion carried (4-1-1).

3. OAK RIDGE SINGLE-FAMILY RESIDENTIAL SUBDIVISION DEVELOPMENT.

Principal Planner Kohout presented the request by Fred Arbanella, Arbanella/Carmody Homes, to divide the existing property, recorded as Parcel 3 of Certified Survey

Preliminary Plat and Certified Survey Map applications by Fred Arbanella, Arbanella/Carmody Homes, to: Certified Survey Map (2 Lot): to divide the existing property, recorded as Parcel 3 of Certified Survey Map No. 6949, into 2 parcels (the parcel identified as Lot 1 in the Certified Survey Map will create a single-family residential lot 0.662 acres in size and the existing house will remain; remainder of the parcel is currently farmed), to keep the existing homestead located at 7475 South 49th Street separate from the proposed Oak Ridge Subdivision plat; property zoned R-6 Suburban Single-Family Residence District, Tax Key No. 759-9981-010.

Preliminary Plat: subdivide the proposed Lot 2 of the aforesaid Certified Survey Map (being part of Parcel 3 of Certified Survey Map No. 6949) being approximately 11.21 acre property at 7475 South 49th Street, to create a 23 lot subdivision (home sites ranging in size from 0.25 acres to 0.44 acres) and 1 outlot which will be created and will contain a storm water management basin and will preserve a portion of an existing wetland, wetland buffer and wetland setback [as part of the development, Marquette Avenue will be extended west from 49th Street to 51st Street and 50th Street will be extended south from West Minnesota Avenue to Marquette Avenue], and identify the need to acquire additional land for the northern portion of the right-of-way for South 50th Street; property zoned R-6 Suburban Single-Family Residence District; Tax Key No. 759-9981-010.

Map No. 6949, into 2 parcels (the parcel identified as Lot 1 in the Certified Survey Map will create a single-family residential lot 0.662 acres in size and the existing house will remain; remainder of the parcel is currently farmed), to keep the existing homestead located at 7475 South 49th Street separate from the proposed Oak Ridge Subdivision plat.

Commissioner Haley moved and Commissioner Hogan seconded a motion to recommend approval of a motion to recommend approval of the CSM. Haley withdrew the original motion. No action taken.

Commissioner Hogan moved and Commissioner Fowler seconded a motion to table the CSM to the next Planning Commission meeting. All voted “aye”. Motion carried (5-0-1).

Commissioner Haley moved and Commissioner Burckhardt seconded a motion to recommend approval of a resolution conditionally approving a 2 lot certified survey map, being a redivision of parcel 2 of certified survey map No. 2153 and parcel 3 of certified survey map no. 6949, all in the southwest ¼ of the northeast ¼ of section 11, township 5 north, range 21 east, city of franklin, Milwaukee county, Wisconsin (at 7475 south 49th street), with the condition that the resolution, wherever applicable, shall impose all conditions of the CSM applicable to the overall development to the plat and with regard to the single family home conditions, the remaining portion of the CSM, the obligation of the development agreement stays with the CSM and is performed under the plat approval process of subdivision. All voted “aye”. Motion carried (5-0-1).

Principal Planner Kohout presented the request by Fred Arbanella, of Arbanella/Carmody Homes, to subdivide the proposed Lot 2 of the aforesaid Certified Survey Map (being part of Parcel 3 of Certified Survey Map No. 6949) being approximately 11.21 acre property at 7475 South 49th Street, to create a 23 lot subdivision (home sites ranging in size from 0.25 acres to 0.44 acres) and 1 outlot which will be created and will contain a storm water management basin and will preserve a portion of an existing wetland, wetland buffer and wetland setback [as part of the development, Marquette Avenue will be extended west from 49th Street to 51st Street and 50th Street will be extended south from West Minnesota Avenue to Marquette Avenue], and identify the need to acquire additional land for the northern portion of the right-of-way for South 50th Street.

Commissioner Haley moved and Commissioner Burckhardt seconded a motion to recommend approval of a resolution

conditionally approving a preliminary plat for Oak Ridge of Franklin Subdivision (at 775 South 49th Street) with the condition that condition No. 6 on the presented resolution be deleted. All voted “aye”. Motion carried (5-0-1).

4. PLEASANT VIEW ESTATES SINGLE-FAMILY RESIDENTIAL SUBDIVISION DEVELOPMENT.

Preliminary Plat application by Rick J. Przybyla, President of Creative Homes, Inc., to subdivide the balance of the approximately 32.132 acre site known as both Evergreen Park Estates and the proposed Pleasant View Estates located at approximately South 49th Street and West Marquette Avenue (the proposed plat also includes a portion of the extension of Marquette Avenue from its current location westward to South 51st Street (in conjunction with the recently proposed Oak Ridge Subdivision to the north)), to create a 26 lot, 4 outlot single-family subdivision, including a proposed sidewalk or trail from the cul-de-sac of Pleasant View Court southward and eastward to the City’s Pleasant View Park, (home sites ranging in size from 13,000 square feet to 25,000 square feet) (Outlot 1 purpose undetermined, Outlot 2 consists almost entirely of protected natural resource features, Outlot 3 would be partly for stormwater management purposes and Outlot 4 would be entirely for stormwater management purposes), property zoned R-6 Suburban Single-Family Residence District; Tax Key No. 788-9981-003.

Principal Planner presented a Preliminary Plat application by Rick J. Przybyla, President of Creative Homes, Inc., to subdivide the balance of the approximately 32.132 acre site known as both Evergreen Park Estates and the proposed Pleasant View Estates located at approximately South 49th Street and West Marquette Avenue (the proposed plat also includes a portion of the extension of Marquette Avenue from its current location westward to South 51st Street (in conjunction with the recently proposed Oak Ridge Subdivision to the north)), to create a 26 lot, 4 outlot single-family subdivision, including a proposed sidewalk or trail from the cul-de-sac of Pleasant View Court southward and eastward to the City’s Pleasant View Park.

Commissioner Haley moved and Commissioner Fowler seconded a motion to add a condition to re-align a proposed trail along the west side of the property line to avoid natural resources and if a wetland buffer is present, proposed trail would need to go through the Natural Resource Special Exception process as part of phase one. On a roll call vote, Commissioners Hogan, Burckhardt, Fowler and Assistant City Engineer voted “aye”. Commissioner Haley voted “nay”. Motion carried. (4-1-1).

Commissioner Fowler and Commissioner Haley seconded a motion to amend condition No. 15 to propose Creative Homes, Inc., successors and assigns, developer of this plat, shall obtain instruction???? which shall include at a minimum full and complete construction of Marquette Ave., all lots adjacent to Marquette Ave., and the pedestrian access trail to Pleasant Valley park, as soon as is reasonably practicable, in cooperation with the developer of Oak Ridge Subdivision and shall complete such construction and improvements no later than by Phase Two of this subdivision plat. All voted “aye”. Motion carried (5-0-1).

Commissioner Fowler and Commissioner Haley seconded a motion to recommend approval of a resolution conditionally approving a preliminary plat for Pleasant view Estates subdivision (at approximately South 49th Street and West Marquette Avenue) with changes discussed. All voted “aye”. Motion carried (5-0-1).

Meeting adjourned for break at 9:48 pm. Meeting reconvened at 9:57 pm.

C. Public Hearing Business Matters**1. PROPOSED PROJECT PLAN, BOUNDARIES AND CREATION OF TAX INCREMENTAL DISTRICT NO. 7, CITY OF FRANKLIN, WISCONSIN.**

A. Public Hearing regarding the proposed project plan, boundaries and creation of Tax Incremental District No. 7 (See the Public Hearing Notice which was published on April 24, 2019 & May 1, 2019, a copy of which is enclosed with the agenda packet materials for this meeting). The proposed boundaries of the TID No. 7 would be within an area generally detailed on the map depicted upon the aforesaid Public Hearing Notice. The District is expected to be a blighted area district based on the identification and classification of the property proposed to be included within the District. Proposed projects costs include various public improvements and cash grants to owners or lessee or developers of land located within the district (development incentives) and professional and organizational services, administrative costs, and finance costs. The proposed costs include projects within the proposed boundary and within a ½ mile radius of the proposed boundary of the District.

B. Consideration of “A Resolution Designating Proposed Boundaries and Approving a Project Plan for Tax Incremental District No. 7, City of Franklin, Wisconsin”.

Economic Development Director Berg presented the proposed project plan, boundaries and described the creation of Tax Incremental District No. 7 project.

The Official Notice of Public hearing was read in to the record by Economic Development Director Berg and the Public Hearing was opened at 10:05 p.m. and closed at 10:06 p.m.

Ehlers Senior Municipal Advisor Dawn Gunderson explained the project to the Commission.

City Attorney Wesolowski noted the public notice read into the record did include a public hearing time of 6:30 p.m. and that the Plan Commission meeting agenda posted and distributed stated the standard meeting (including all public hearings) start time of 7:00 pm. The Clerk’s Office had signs placed to be visible at all entrances to City Hall noticing the meeting commencement time (including public hearings) of 7:00 p.m. Staff was present at 6:05 p.m. and the City Attorney was present at 6:10 p.m. The City Attorney noted that three people entered City Hall prior to and upon 6:30 p.m., a Commissioner and two other persons attending for other meeting items, and only a relatively few others entered prior to the meeting [total of nine by the start of the Meeting, excluding applicants and representatives on unrelated items], some of whom spoke on other meeting matters. The City Attorney stated the 30 minute early notice was within the realm of the published public hearing notice providing reasonable notice and it was referenced on the Meeting agenda posted and distributed and therefore is not necessary to re-publish. The City Attorney noted he had discussed this matter with Assistant City Attorneys Sajdak and Smith and they concluded the matter was properly addressed. The City Attorney noted the Mayor periodically inquired throughout the meeting if anyone was present for the Tax Incremental District items, and no one answered in the affirmative.

Commissioner Haley moved and Commissioner Fowler seconded a Motion to Adopt a Resolution Designating Proposed Boundaries and Approving a Project Plan for Tax Incremental District No. 7, City of Franklin, Wisconsin, with the form and content of the Resolution and the Project Plan to be with the changes as presented to the Plan Commission at this meeting, and with the Project Plan to include an updated “Map Showing Proposed Improvements and Uses” in Section 8, and a City Attorney Opinion letter advising that the Plan is complete and complies with the Statute in Section

18, upon receipt of the aforesaid Map. All voted “aye”.
Motion carried (5-0-1).

**2. PROPOSED AMENDMENT
OF BOUNDARIES AND
PROJECT PLAN FOR TAX
INCREMENTAL DISTRICT NO.
5, CITY OF FRANKLIN,
WISCONSIN.**

A. Public Hearing regarding the proposed amendment of boundaries and project plan for Tax Incremental District No. 5 (See the Public Hearing Notice which was published on April 24, 2019 & May 1, 2019, a copy of which is enclosed with the agenda packet materials for this meeting). The proposed amendment to TID No. 5 is to add additional territory to the existing District’s boundaries, and to amend the Project Plan to update and/or provide for the undertaking of additional expenditures. The proposed boundaries to be added from the original District boundary would be within an area generally detailed on the map depicted upon the aforesaid Public Hearing Notice. Proposed additional projects for approximately \$2 million over the \$27.5 million allowed within the provisions of the original plan adopted on September 6, 2016. These costs may include, but are not limited to: acquisition of rights-of-way, acquisition of easements, site grading, sanitary sewer system improvements, water system improvements, stormwater management system improvements, electric service, gas service, communications infrastructure, street improvements, streetscaping and landscaping, cash grants to owners, lessees or developers of land located within the district (development incentives), professional and organizational services, administrative costs, and finance costs. The proposed costs include projects within the

The Official Notice of Public hearing was read in to the record by Economic Development Director Berg and the Public Hearing was opened at 10:17 p.m. and closed at 10:17 p.m.

Ehlers Senior Municipal Advisor Dawn Gunderson explained the project to the Commission.

Commissioner Haley moved and Commissioner Hogan seconded a Motion to Adopt a Resolution Designating Proposed Amended Boundaries and Approving a Project Plan Amendment for Tax Incremental District No. 5, City of Franklin, Wisconsin, with the form and content of the Project Plan to be with the changes as presented to the Plan Commission at this meeting, and with the Project Plan to include an updated “Maps Showing Proposed Improvements and Uses within the Territory to be Added” in Section 8, and a City Attorney Opinion letter advising that the Plan is complete and complies with the Statute in Section 18, upon receipt of the aforesaid Map(s). All voted “aye”.
Motion carried (5-0-1).

proposed boundary and within a ½ mile radius of the proposed boundary of the District.

B. Consideration of “A Resolution Designating Proposed Amended Boundaries and Approving a Project Plan Amendment for Tax Incremental District No. 5, City of Franklin, Wisconsin”.

C. Public Hearing Business Matters

3. *[PLEASE NOTE: A PUBLIC HEARING NOTICE FOR THIS ITEM IS BEING REPUBLISHED AND THE PUBLIC HEARING WILL BE HELD ON JUNE 6, 2019; THE PUBLIC HEARING PREVIOUSLY NOTICED FOR THIS MEETING WILL NOT BE HELD.]*

UNITED STATES CELLULAR OPERATING COMPANY LLC INSTALLATION OF A TELECOMMUNICATIONS TOWER MONOPOLE AT ANDY’S GAS STATION.

Special Use application by United States Cellular Operating Company LLC, to allow for the installation of a 125 foot monopole tower at Andy’s gas station. The lease area (approximately 3,600 square feet (which includes a 2,304 square foot fenced compound), located in the northwest corner of the property) will consist of a gravel surface and will include a chain-link fence, the tower and ground equipment, and a 30 foot wide United States Cellular Access and Utility Easement is also proposed adjacent to the lease area located at 5120 West Ryan Road, property zoned B-3 Community Business District, bearing Tax Key No. 882-9999-002.

The City Attorney noted the U.S. Cellular public hearing item, for a new monopole at Andy’s Gas Station on W. Ryan Road was insufficiently noticed because the applicant’s plans have changed. Staff noted the applicant has agreed to reschedule the public hearing matter for the June 20, 2019 Plan Commission meeting.

Adjournment

Commissioner Haley moved and Commissioner Burckhardt seconded a motion to adjourn the Plan Commission meeting of May 9, 2019 at 10:23 p.m. All voted ‘aye’; motion carried. (5-0-1).