

**City of Franklin
Plan Commission Meeting
April 23, 2020
Minutes**

Approved
May 7, 2020

A. Call to Order and Roll Call

Mayor Steve Olson called the April 23, 2020 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 Mayor Steve Olson, Commissioners Patricia Hogan, Patrick Leon, Adam Burckhardt, Kevin Haley, Alderman Mark Dandrea and City Engineer Glen Morrow. Also present were Associate Planner Régulo Martínez, Assistant Planner Marion Ecks, City Development Director Calli Berg and City Attorney Jesse Wesolowski.

B. Approval of Minutes

1. Special Meeting of April 6, 2020 and regular meeting of April 9, 2020.

Commissioner Hogan moved and Commissioner Leon seconded approval of the April 6, 2020 special meeting minutes. On roll call vote, all voted 'aye'. Motion carried (6-0-0).

Commissioner Hogan moved and Commissioner Haley seconded approval of the April 9, 2020 regular meeting minutes. On roll call vote, all voted 'aye'. Motion carried (6-0-0).

C. Public Hearing Business Matters

1. CARISCH, INC. REMODELING OF AN EXISTING RESTAURANT BUILDING WITH A DRIVE THROUGH. Special Use and Site Plan Amendment applications by Carisch, Inc., to operate an Arby's restaurant out of an existing 3,288 square foot restaurant building with patio, wraparound drive through, 28 parking spaces, including 2 Americans with Disabilities Act spaces and 2 drive through spaces, and associated landscaping, lighting, and signage [remodeling work will include changes to the facades and interiors of the building, replacement of the drive through ordering facility, repairs to the parking lot, relocation of landscaping and parking, and removal of a portion of the existing patio to accommodate the 2

Assistant Planner Marion Ecks presented the request by Carisch, Inc., to operate an Arby's restaurant out of an existing 3,288 square foot restaurant building with patio, wraparound drive through, 28 parking spaces, including 2 Americans with Disabilities Act spaces and 2 drive through spaces, and associated landscaping, lighting, and signage [remodeling work will include changes to the facades and interiors of the building, replacement of the drive through ordering facility, repairs to the parking lot, relocation of landscaping and parking, and removal of a portion of the existing patio to accommodate the 2 drive through parking spots] with hours of operation from 10:00 a.m. to 10:00 p.m., Monday through Sunday, restaurant located at 7621 West Rawson Avenue (formerly Pantheon restaurant and Burger King restaurant prior thereto), in Planned Development District No. 16 (Franklin Centre, Formerly Called Franklin Plaza); Tax Key No. 755-0193-000.

drive through parking spots] with hours of operation from 10:00 a.m. to 10:00 p.m., Monday through Sunday, restaurant located at 7621 West Rawson Avenue (formerly Pantheon restaurant and Burger King restaurant prior thereto), in Planned Development District No. 16 (Franklin Centre, Formerly Called Franklin Plaza); Tax Key No. 755-0193-000.

2. THE ROCK SPORTS COMPLEX CHALLENGE TOWER INSTALLATION. Special Use and Site Plan applications by Michael R. Schmitz, owner of Rock Snow Park, LLC (Roc Ventures, LLC, property owner) to allow for a challenge tower/aerial rope course use [challenge towers/aerial ropes courses are not specifically listed as Permitted/Special Use in Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) Ordinance No. 2019-2368, therefore, the applicant is requesting the Plan Commission determine that the proposed use is similar to those listed as Special Uses in the Planned Development District Ordinance, such as Outdoor Climbing Walls or Indoor/Outdoor Sports (non-motorized) not elsewhere classified] in Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), and a Site Plan to allow for the installation of a proposed 50 foot high Challenge Tower (compact aerial courses or high rope courses, comprised of numerous swinging, climbing and

The Official Notice of Public hearing was read in to the record by Assistant Planner Marion Ecks and the Public Hearing was opened at 7:04 p.m. and closed at 7:05 p.m.

Special Use

Commissioner Leon moved and Alderman Dandrea seconded a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a Special Use to operate an Arby's restaurant with a drive through out of an existing 3,288 square foot restaurant building located at 7621 West Rawson Avenue. On roll call vote, all voted 'aye'. Motion carried (6-0-0).

Site Plan Amendment

Commissioner Hogan moved and Commissioner Leon seconded a motion to approve a Resolution amending the Site Plan for property located at 7621 West Rawson Avenue to remodel an existing restaurant building to allow for the operation of an Arby's restaurant (tax key no. 755-0193-000). On roll call vote, all voted 'aye'. Motion carried (6-0-0).

Associate Planner Régulo Martínez presented the request by Michael R. Schmitz, owner of Rock Snow Park, LLC (Roc Ventures, LLC, property owner) to allow for a challenge tower/aerial rope course use [challenge towers/aerial ropes courses are not specifically listed as Permitted/Special Use in Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) Ordinance No. 2019-2368, therefore, the applicant is requesting the Plan Commission determine that the proposed use is similar to those listed as Special Uses in the Planned Development District Ordinance, such as Outdoor Climbing Walls or Indoor/Outdoor Sports (non-motorized) not elsewhere classified] in Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), and a Site Plan to allow for the installation of a proposed 50 foot high Challenge Tower (compact aerial courses or high rope courses, comprised of numerous swinging, climbing and balancing challenges) with 3 levels of obstacles and 50 elements, including a kids course, an observation deck at the top, with a 50 foot by 50 foot octagonal footprint, to be located east of the existing Ski Chalet in The Rock Sports Complex, upon property located at 7011 South Ballpark Drive, property zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) and FW Floodway District; Tax Key No. 744-1003-000.

The Official Notice of Public hearing was read in to the record by Associate Planner Régulo Martínez and the

balancing challenges) with 3 levels of obstacles and 50 elements, including a kids course, an observation deck at the top, with a 50 foot by 50 foot octagonal footprint, to be located east of the existing Ski Chalet in The Rock Sports Complex, upon property located at 7011 South Ballpark Drive, property zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) and FW Floodway District; Tax Key No. 744-1003-000.

3. FIRESTONE COMPLETE AUTO CARE FACILITY DEVELOPMENT. Unified Development Ordinance Text Amendment, Special Use and Site Plan Applications by Pavilion Development Company (Menard, Inc., property owner) to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 7539 “Automotive Repair Shops, Not Elsewhere Classified” to allow for such Use as a Special Use within the M-1 Limited Industrial District, in conjunction with a Special Use application (which is contingent upon approval of the concurrent Unified Development Ordinance Text Amendment) to allow for minor automotive repair (primary use) (allowed under Standard Industrial Classification Code No. 7539), along with retail sales of tires and installation (accessory use) (allowed under Standard Industrial Classification Code No. 5531 Auto and home supply stores), and a Site Plan to construct a 6,262 square foot Firestone Complete Auto Care facility (tire sales/installation and minor automobile repair with mercantile showroom) with eight service bays and

Public Hearing was opened at 7:14 p.m. and closed at 7:18 p.m.

Special Use

City Engineer Morrow moved and Alderman Dandrea seconded a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a Special Use for the installation of a challenge tower/aerial rope course upon property located at 7011 South Ballpark Drive, within Planned Development District No. 37 (the Rock Sports Complex/Ballpark Commons). On roll call vote, all voted 'aye'. Motion carried (6-0-0).

Site Plan

City Engineer Morrow moved and Alderman Dandrea seconded a motion to approve a Resolution approving a Site Plan to allow for the installation of a proposed 50 foot high challenge tower (7011 South Ballpark Drive). On roll call vote, all voted 'aye'. Motion carried (6-0-0).

Assistant Planner Marion Ecks presented the request by Pavilion Development Company (Menard, Inc., property owner) to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 7539 “Automotive Repair Shops, Not Elsewhere Classified” to allow for such Use as a Special Use within the M-1 Limited Industrial District, in conjunction with a Special Use application (which is contingent upon approval of the concurrent Unified Development Ordinance Text Amendment) to allow for minor automotive repair (primary use) (allowed under Standard Industrial Classification Code No. 7539), along with retail sales of tires and installation (accessory use) (allowed under Standard Industrial Classification Code No. 5531 Auto and home supply stores), and a Site Plan to construct a 6,262 square foot Firestone Complete Auto Care facility (tire sales/installation and minor automobile repair with mercantile showroom) with eight service bays and associated parking (approximately 32 spaces), lighting, landscaping, stormwater management, utility connections and other site amenities, including vehicular and pedestrian circulation, a trash enclosure and used inventory storage enclosure, upon a vacant 1.23 acre parcel, property located at 10800 West Speedway Drive (approximately 900 feet northeast of the intersection of South Lovers Lane Road and West Speedway Drive, on the north side of West Speedway Drive [near the Kwik Trip convenience store property]), zoned M-1 Limited Industrial District; Tax Key No. 704-1012-000.

associated parking (approximately 32 spaces), lighting, landscaping, stormwater management, utility connections and other site amenities, including vehicular and pedestrian circulation, a trash enclosure and used inventory storage enclosure, upon a vacant 1.23 acre parcel, property located at 10800 West Speedway Drive (approximately 900 feet northeast of the intersection of South Lovers Lane Road and West Speedway Drive, on the north side of West Speedway Drive [near the Kwik Trip convenience store property]), zoned M-1 Limited Industrial District; Tax Key No. 704-1012-000.

The Official Notice of Public hearing was read in to the record by Assistant Planner Marion Ecks and the Public Hearing was opened at 7:32 p.m. and closed at 7:34 p.m.

Unified Development Ordinance Text Amendment

Commissioner Hogan moved and Commissioner Leon seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance text at table 15-3.0603 Standard Industrial Classification Title No. 7539 “automotive repair shops, not elsewhere classified” to allow for such use as a Special Use in the M-1 Limited Industrial District. On roll call vote, all voted 'aye'. Motion carried (6-0-0).

The Official Notice of Public hearing was read in to the record by Assistant Planner Marion Ecks and the Public Hearing was opened at 7:32 p.m. and closed at 7:34 p.m.

Special Use

Commissioner Leon moved and Commissioner Hogan seconded a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a Special Use to operate an automotive minor repair (primary use) and tire retail sales and installation (accessory use) business upon property located at 10800 West Speedway Drive. On roll call vote, all voted 'aye'. Motion carried (6-0-0).

The Official Notice of Public hearing was read in to the record by Assistant Planner Marion Ecks and the Public Hearing was opened at 7:37 p.m. and closed at 7:38 p.m.

Site Plan

Alderman Dandrea moved a motion to table this item to the May 21, Plan Commission meeting, Alderman Dandrea withdrew this motion.

Commissioner Leon moved and Alderman Dandrea seconded a motion to approve a Resolution approving a Site Plan for construction of a Firestone Complete Auto Care facility with eight service bays and associated parking, lighting, landscaping, stormwater management, utility connections and other site amenities (at approximately 10800 West Speedway Drive), using the Pewaukee, Wisconsin, Tire Plus facility as base architectural design subject to staff approval. On roll call vote, all voted 'aye'. Motion carried (6-0-0).

4. THE LEARNING EXPERIENCE DAYCARE FACILITY CONSTRUCTION.

Assistant Planner Marion Ecks presented the request by Steven Pagnotta of Bradford Franklin LLC (Franklin-Wyndham, LLC, property owner), to Amend the Unified

Unified Development Ordinance Text Amendment and Waiver and Release of Easement applications (for construction of a 10,000 square foot one-story daycare building (The Learning Experience), 4,463 square foot playground and parking lot (35 parking spaces), with associated landscaping, fencing and lighting), by Steven Pagnotta of Bradford Franklin LLC (Franklin-Wyndham, LLC, property owner), to Amend the Unified Development Ordinance text at §15-3.0307 CC City Civic Center District, Subsection A.9., to exempt the property in the northeastern corner of the district, such property bearing Tax Key No. 794-9999-009, from the requirements for cross-access for both pedestrian and vehicular circulation with adjacent parcel(s) to the east of the subject property located at 9651 West Drexel Avenue (approximately 1.13 acres of vacant land, previously addressed as 7760 Lovers Lane Road), the applicant's request for a Waiver and Release of the Floating Access Easement is for the subject property (within the Shoppes at Wyndham Village) only [the applicant received approval for a Special Use and Site Plan for the property on December 3, 2019, and as a condition of the approvals, they must obtain City approval of the Unified Development Ordinance text amendment], property zoned CC City Civic Center District; Tax Key No. 794-9999-009.

Development Ordinance text at §15-3.0307 CC City Civic Center District, Subsection A.9., to exempt the property in the northeastern corner of the district, such property bearing Tax Key No. 794-9999-009, from the requirements for cross-access for both pedestrian and vehicular circulation with adjacent parcel(s) to the east of the subject property located at 9651 West Drexel Avenue (approximately 1.13 acres of vacant land, previously addressed as 7760 Lovers Lane Road), the applicant's request for a Waiver and Release of the Floating Access Easement is for the subject property (within the Shoppes at Wyndham Village) only [the applicant received approval for a Special Use and Site Plan for the property on December 3, 2019, and as a condition of the approvals, they must obtain City approval of the Unified Development Ordinance text amendment], property zoned CC City Civic Center District; Tax Key No. 794-9999-009.

The Official Notice of Public hearing was read in to the record by Assistant Planner Marion Ecks and the Public Hearing was opened at 8:15 p.m. and closed at 8:16 p.m.

Unified Development Ordinance Text Amendment

Alderman Dandrea moved and Commissioner Burckhardt seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance text at §15-3.0307 CC City Civic Center District, subsection A.9., to exempt the property in the northeastern corner of the district, such property bearing tax key no. 794-9999-009, from the requirements for cross-access for both pedestrian and vehicular circulation with adjacent parcel(s) to the east of the subject property. On roll call vote, five (5) members voted 'aye' and one (1) voted 'nay'. Motion carried (5-1-0).

Release of Easement Restriction

Alderman Dandrea moved and Commissioner Burckhardt seconded a motion to recommend approval of a Resolution authorizing the Waiver and Release in part of the floating access easement upon land within the Shoppes at Wyndham Village, previously approved by Resolution No. 2007-6339, solely for the property located at 9651 West Drexel Avenue (previously addressed as 7760 South Lovers Lane Road). On roll call vote, five (5) members voted 'aye' and one (1) voted 'nay'. Motion carried (5-1-0).

D. Business Matters

1. PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) MIRACLE LEAGUE OF MILWAUKEE MIRACLE

Associate Planner Régulo Martínez presented the request by ROC Foundation, Inc., applicant (BPC County Land, LLC, property owner), to allow for the construction of a Miracle League of Milwaukee Miracle Field facility (a custom designed field for children of all abilities) at the

FIELD CONSTRUCTION WITHIN THE MILWAUKEE MILKMEN’S STADIUM IN THE ROCK SPORTS COMPLEX.

Site Plan Amendment application by ROC Foundation, Inc., applicant (BPC County Land, LLC, property owner), to allow for the construction of a Miracle League of Milwaukee Miracle Field facility (a custom designed field for children of all abilities) at the Milwaukee Milkmen’s Stadium (S1) at Ballpark Commons, located in the Rock Sports Complex Area, the principal use being outdoor baseball, with the following ancillary uses: stadium restrooms, concession stands and public address system; site area is approximately 1.01 acres, zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), located at approximately 7035 South Ballpark Drive (along the west concourse of the stadium at Ballpark Commons); Tax Key No. 744-1003-000 [per Ordinance 2019-2368, the hours of operation for the Stadium shall be limited to 7:00 a.m. to 11:00 p.m. (in the event of rain delays, extra innings or technical difficulties, an extension up to 12:00 a.m. is allowed), and the scheduling of games will be staggered with Milwaukee Milkmen baseball games to allow for ample parking].

2. JHB PROPERTIES, LLC LAND DIVISION. Certified Survey Map application by JHB Properties, LLC, the second Certified Survey Map (Certified Survey Map B) of a two-step land division that the applicant is performing at this location within Planned Development District No. 39 (Mixed Use Business Park), to divide Lot 3 of Certified Survey Map No. ____ into two lots and two outlots for stormwater and

Milwaukee Milkmen’s Stadium (S1) at Ballpark Commons, located in the Rock Sports Complex Area, the principal use being outdoor baseball, with the following ancillary uses: stadium restrooms, concession stands and public address system; site area is approximately 1.01 acres, zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), located at approximately 7035 South Ballpark Drive (along the west concourse of the stadium at Ballpark Commons); Tax Key No. 744-1003-000 [per Ordinance 2019-2368, the hours of operation for the Stadium shall be limited to 7:00 a.m. to 11:00 p.m. (in the event of rain delays, extra innings or technical difficulties, an extension up to 12:00 a.m. is allowed), and the scheduling of games will be staggered with Milwaukee Milkmen baseball games to allow for ample parking].

Commissioner Leon moved and Alderman Dandrea seconded a motion to approve a Resolution amending the Site Plan for property located at approximately 7035 South Ballpark Drive to allow for the construction of a Miracle League of Milwaukee Miracle Field facility at the Milwaukee Milkmen’s Stadium, the principal use being outdoor baseball, with the following ancillary uses: stadium restrooms, concession stands and public address system (tax key no. 744-1003-000), this approval shall be valid for eighteen (18) months if needed. On roll call vote, all voted 'aye'. Motion carried (6-0-0).

Alderman Dandrea moved and Commissioner Leon seconded a motion to waive the requirement to provide bicycle and pedestrian amenities of Ordinance 2019-2368, Section 15-3.0442E(B)(2)(e). On roll call vote, all voted 'aye'. Motion carried (6-0-0).

Alderman Dandrea moved and Commissioner Leon seconded a motion to waive the requirement of permanent, on-site, outdoor irrigation of Unified Development Ordinance Section 15-5.0303(D) as the Stadium is not currently irrigated and the Miracle Field surface will be poured rubber. On roll call vote, all voted 'aye'. Motion carried (6-0-0).

Assistant Planner Marion Ecks presented the request by JHB Properties, LLC, the second Certified Survey Map (Certified Survey Map B) of a two-step land division that the applicant is performing at this location within Planned Development District No. 39 (Mixed Use Business Park), to divide Lot 3 of Certified Survey Map No. ____ into two lots and two outlots for stormwater and conservation [the first step in the process (Certified Survey Map A) was approved by the Common Council on March 3, 2020, with conditions, creating three lots and one stormwater outlot], property located at 3617 West Elm Road (immediately

conservation [the first step in the process (Certified Survey Map A) was approved by the Common Council on March 3, 2020, with conditions, creating three lots and one stormwater outlot], property located at 3617 West Elm Road (immediately north of the proposed lift station for Planned Development District No. 39 (Mixed Use Business Park)); Tax Key No. 979-9997-000.

north of the proposed lift station for Planned Development District No. 39 (Mixed Use Business Park)); Tax Key No. 979-9997-000.

City Engineer Morrow moved and Commissioner Leon seconded a motion to recommend approval of a Resolution conditionally approving a 2 Lot and 2 Outlot Certified Survey Map, being Lot 3 of Certified Survey Map No. _____, as recorded in the Register of Deeds Office for Milwaukee County as Document No. _____ being a part of the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 36, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (3617 West Elm Road), with the following lot numbers: Lot 1, Lot 2, Outlot 1 and Outlot 2. On roll call vote, all voted 'aye'. Motion carried (6-0-0).

E. Adjournment

Commissioner Hogan moved and Commissioner Leon seconded a motion to adjourn the Plan Commission meeting of April 23, 2020 at 8:29 p.m. On voice vote, all voted 'aye'; motion carried. (6-0-0).