

**City of Franklin  
Plan Commission Meeting  
September 23, 2021  
Minutes**

Approved  
**October 7, 2021**

**A. Call to Order and Roll Call**

Mayor Steve Olson called the September 23, 2021, 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 Olson, Commissioners Burckhardt and Leon, City Engineer Glen Morrow and Alderwoman Hanneman. Absent were Commissioners Kevin Haley and Patricia Hogan. Also present were Principal Planner Régulo Martínez-Montilva, Planning Manager Heath Eddy, Economic Development Director Calli Berg, and City Attorney Jesse Wesolowski.

**B. Approval of Minutes**

1. Regular Meeting of September 9, 2021

Commissioner Leon moved and Alderwoman Hanneman seconded approval of the September 9, 2021 regular meeting minutes. On voice vote, all voted 'aye'. Motion carried (4-0-2).

**D. Business Matters**

**1. BOSCH PROPERTY LAND DIVISION.** Certified Survey Map application in conjunction with a Land Division Variance application, by Dorothy Bosch Common Trust, applicant and property owner, to split an approximately 80 acre lot into two separate lots (to provide the current property owner the option to sell the existing farmhouse in the future and to also retain a large track of land for current and future use), Lot 1 being vacant of structures and having an area of 74.96 acres with a lot width of 1,006 feet along South 92nd Street, and Lot 2 containing the existing structures (house, barn, silo and other accessory structures) and having an area of 4 acres and a lot width of 319.5 feet along the same roadway (1.21 acres is dedicated for South 92nd Street right-of-way), and this Certified Survey Map requires a land division variance to allow for the creation of Lot 2 with an area of 4 acres, while the minimum lot area in the A-2 Prime Agricultural District is 35 acres,

Principal Planner Martínez-Montilva presented the request by Dorothy Bosch Common Trust, applicant and property owner, to split an approximately 80 acre lot into two separate lots (to provide the current property owner the option to sell the existing farmhouse in the future and to also retain a large track of land for current and future use), Lot 1 being vacant of structures and having an area of 74.96 acres with a lot width of 1,006 feet along South 92nd Street, and Lot 2 containing the existing structures (house, barn, silo and other accessory structures) and having an area of 4 acres and a lot width of 319.5 feet along the same roadway (1.21 acres is dedicated for South 92nd Street right-of-way), and this Certified Survey Map requires a land division variance to allow for the creation of Lot 2 with an area of 4 acres, while the minimum lot area in the A-2 Prime Agricultural District is 35 acres, per Unified Development Ordinance Table 15- 3.0315, property located at 10757 South 92nd Street, zoned A-2 Prime Agricultural District, FW Floodway District and C-1 Conservancy District; Tax Key No. 986-9997-000

**Land Division Variance**

Alderwoman Hanneman moved and Commissioner Leon seconded a motion to adopt a Resolution conditionally approving a Land Division Variance for a 2 lot Certified Survey Map, being the North 1/2 of the Southeast 1/4 of Section 32, Township 5 North, Range 21 East, City of

per Unified Development Ordinance Table 15- 3.0315, property located at 10757 South 92nd Street, zoned A-2 Prime Agricultural District, FW Floodway District and C-1 Conservancy District; Tax Key No. 986-9997-000.

### **3. WOODLAND TRAILS CONDOMINIUMS**

#### **FAÇADE/WINDOW CHANGES.**

Unified Development Ordinance §15-3.0430 Planned Development District No. 25 (Woodland Trails Condominiums-Burke Properties) Minor Amendment application by Woodland Trails Condominium Association, Inc., to replace the existing cobblestone façades with HardiePlank siding panel and to replace the windows on seven buildings within the condominium complex, properties located at 9301, 9325, 9337, 9363, 9375, 9399, and 9411 Cobblestone Way, zoned Planned Development District No. 25 (Woodland Trails Condominiums-Burke Properties; Tax Key Nos. 882-0146-000, 882- 0135-000, 882-0124-000, 882-0118-000, 882-0111-000, 882-0101-000 and 882-0152- 000.

### **C. Public Hearing Business Matters**

#### **1. PAYNE & DOLAN, INC. QUARRY RECLAMATION PLAN.**

Payne & Dolan, Inc., property owner. A Nonmetallic Mining Reclamation Plan and the issuance of a Nonmetallic Mining Reclamation Permit for the Franklin Aggregates Quarry site. The purpose of the Reclamation Plan is to describe the activities necessary to reclaim the Franklin Aggregates Quarry

Franklin, Milwaukee County, Wisconsin (at 10757 South 92nd Street). On voice vote, all voted 'aye'. Motion carried (4-0-2).

#### **Certified Survey Map**

Alderman Hanneman moved and Commissioner Leon seconded a motion to recommend approval of a Resolution conditionally approving a 2 lot Certified Survey Map, being the North 1/2 of the Southeast 1/4 of Section 32, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (at 10757 South 92nd Street). On voice vote, all voted 'aye'. Motion carried (4-0-2).

Planning Manager Eddy presented the request by Woodland Trails Condominium Association, Inc., to replace the existing cobblestone façades with HardiePlank siding panel and to replace the windows on seven buildings within the condominium complex, properties located at 9301, 9325, 9337, 9363, 9375, 9399, and 9411 Cobblestone Way, zoned Planned Development District No. 25 (Woodland Trails Condominiums-Burke Properties; Tax Key Nos. 882-0146-000, 882- 0135-000, 882-0124-000, 882-0118-000, 882-0111-000, 882-0101-000 and 882-0152- 000.

#### **Minor Amendment Determination**

Alderman Hanneman moved and Commissioner Leon seconded a motion determining the proposed amendment to be a Minor Amendment. On voice vote, all voted 'aye'; motion carried. (4-0-2).

#### **Planned Development District Ordinance Amendment**

Alderman Hanneman moved and Commissioner Leon seconded a motion to recommend approval of an Ordinance to amend §15-3.0430 of the Unified Development Ordinance, Planned Development District No. 25 (Woodland Trails Condominiums-Burke Properties) to allow for façade changes within the Woodland Trails Condominiums complex (9301, 9325, 9337, 9363, 9375, 9399 and 9411 Cobblestone Way). On voice vote, all voted 'aye'; motion carried. (4-0-2).

The Official Notice of Public hearing was read into the record by Planning Manager Eddy and the Public Hearing was opened at 7:30 p.m. and closed at 7:34 p.m.

Principal Planner Martínez-Montilva explained that this meeting is for informational purposes only and the meeting for a Plan Commission recommendation is tentatively scheduled for October 21<sup>st</sup>.

site to a condition whereby future development is feasible after completion of mineral extraction activities. The Franklin Aggregates Quarry is an active limestone quarry to be continued on the site until completion of the mineral extraction activities. Reclamation is an on-going process during mineral extraction, with a majority of the reclamation being completed during active mineral extraction. Final reclamation will consist of reclaiming the quarry perimeter upon completion of the mineral extraction activities. Approximately 75 acres will need to be reclaimed and the remaining 250 acres will become a lake. The proposed land use to which this site will be reclaimed is Green/Open Space. Reclamation of the site will include the 250 acre lake with restored slopes and rock faces surrounding the lake. The stockpiled topsoil and other overburden materials will be placed over the reclaimed areas surrounding the lake, graded to conform with the surrounding land and seeded. The necessary topsoil and overburden are to be re-distributed across the parcel and fine graded to present a uniform appearance. Reclaimed slopes will be seeded upon completion of the fine grading. This proposed land use (outside of the envisioned lake) is to be considered a temporary use. The final end use for the reclaimed site is not being proposed at this time. The ultimate land development and end use (beyond grading, vegetation and other requirements detailed in the Plan) will be subject to future land use requirements. No final end-use development proposals shall be implemented prior to submission of detailed end-use plans pursuant to then applicable City of Franklin ordinance requirements, and the granting of detailed zoning and land use approvals in accordance with such applicable ordinance requirements. The site of the proposed Reclamation Plan is upon property zoned Planned Development District No. 23 (Limestone Quarry and Mixed Use) and Planned

Clint Wenninger, Payne & Dolan, Inc., presented the Franklin Aggregates Nonmetallic Mining Reclamation Plan.  
No action needed.

Development District No. 24 (Limestone Quarry and Mixed Use), 5335 West Rawson Avenue, Franklin, Wisconsin 53132, located within the approximate boundaries of West Rawson Avenue on the north, West Drexel Avenue on the south, South 51st Street on the east and South 68th Street on the west. The properties which are the subject of the application bear Tax Key Nos. (all or portions of parcels) 758 9985 000, 758 9987 002, 758 9994 000, 758 9995 002, 758 9997 000, 758 9998 001, 758 9999 000, 789 9990 001, 789 9992 000, 789 9993 000, 789 9994 000, 789 9995 001, 789 9991 003, 790 9993 000, 757 9999 000, 757 9973 001, 757 9974 000, 757 9974 000, 757 9972 001, 757 9971 001, 757 9970 001, 757 9969 001, 758 9993 000, 758 9992 000 and 758 9991 000.

#### **D. Business Matters**

**2. PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) SLEEP INN & MAINSTAY SUITES HOTEL CONSTRUCTION.** Site Plan application by Michael E. Zimmerman, BPC County Land, LLC (BPC County Land, LLC property owner), to allow for the construction of a dual branded Sleep Inn & MainStay Suites Hotel with 98 rooms, 47 conventional hotel rooms branded as Sleep Inn and 51 MainStay Suites rooms for extended stay, the proposed site improvements including the following: 4-story wood frame hotel building with a 13,775 square foot building footprint, 53,100 square foot total floor area which will include an indoor pool, guest laundry, fitness and community rooms; exterior patio between the hotel building and Ballpark Drive; surface parking lot with a total of 111 stalls, 106 regular parking stalls and 5 accessible stalls, including landscape islands, landscape buffers and light poles; new driveway connection to South Ballpark Drive; relocation of existing driveway connection to South Ballpark

Principal Planner Martínez-Montilva presented the request by Michael E. Zimmerman, BPC County Land, LLC (BPC County Land, LLC property owner), to allow for the construction of a dual branded Sleep Inn & MainStay Suites Hotel with 98 rooms, 47 conventional hotel rooms branded as Sleep Inn and 51 MainStay Suites rooms for extended stay, the proposed site improvements including the following: 4-story wood frame hotel building with a 13,775 square foot building footprint, 53,100 square foot total floor area which will include an indoor pool, guest laundry, fitness and community rooms; exterior patio between the hotel building and Ballpark Drive; surface parking lot with a total of 111 stalls, 106 regular parking stalls and 5 accessible stalls, including landscape islands, landscape buffers and light poles; new driveway connection to South Ballpark Drive; relocation of existing driveway connection to South Ballpark Drive which may impact on-street parking on both sides of Ballpark Drive and existing crosswalk; stormwater management facilities (to be reviewed separately by the Engineering Department) and signage (subject to separate approvals); [This 3.56 acre property is located in the Ballpark Commons Sports Village Commercial/Mixed Use Area of Planned Development District No. 37 where hotel is a permitted use. The minimum front setback in this area is 25 feet. The applicant is requesting to allow for a 15 foot front setback due to utility easements located near the rear lot line, which limit the property's buildable area. According to the Planned Development District Ordinance Section 15-30442.B., the Plan Commission has the authority to waive setback requirements in this area.] property

Drive which may impact on-street parking on both sides of Ballpark Drive and existing crosswalk; stormwater management facilities (to be reviewed separately by the Engineering Department) and signage (subject to separate approvals); [This 3.56 acre property is located in the Ballpark Commons Sports Village Commercial/Mixed Use Area of Planned Development District No. 37 where hotel is a permitted use. The minimum front setback in this area is 25 feet. The applicant is requesting to allow for a 15 foot front setback due to utility easements located near the rear lot line, which limit the property's buildable area. According to the Planned Development District Ordinance Section 15-30442.B., the Plan Commission has the authority to waive setback requirements in this area.] property located at 6868 South Ballpark Drive (Building C6 on the west side of South 76th Street), zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons); Tax Key No. 744-1010-000.

#### **4. STRAUSS BRANDS LLC MEAT PROCESSING FACILITY CONSTRUCTION.**

A Resolution to Amend Resolution No. 2020-7681, A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Meat Processing Facility Use Upon Property Located at the Southwest Corner of the Intersection of West Loomis Road and the New Monarch Drive (Lot 83 of Ryan Meadows Subdivision) (Strauss Brands LLC, Applicant), to Extend the Time for Commencement of the Special Use Development; and A Resolution to Amend Resolution No. 2020-024, A Resolution Approving a Site Plan for Construction of a Meat Processing Facility with Associated Cattle Pen, a Harvest Floor, Carcass Coolers, Fabrication Areas, Packaging Areas, Warehouse Areas, Shipping Docks, Operations Offices, Employee Welfare

located at 6868 South Ballpark Drive (Building C6 on the west side of South 76th Street), zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons); Tax Key No. 744-1010-000.

#### **Motion 1**

City Engineer Morrow moved and Alderwoman Hanneman seconded a motion to remove condition #5. On voice vote, all voted 'aye'. Motion carried (4-0-2).

#### **Motion 2**

Alderwoman Hanneman moved and City Engineer Morrow seconded a motion to add the following condition: "The developer agrees to donate the land or grant an easement for a potential trail on S. 76th Street, and the developer agrees to bear the cost of the park impact fee match". On voice vote, all voted 'aye'. Motion carried (4-0-2).

#### **Motion 3**

Alderwoman Hanneman moved and City Engineer Morrow seconded a motion to a motion to adopt a Resolution approving a Site Plan for construction of a Sleep Inn & Mainstay Suites hotel within Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) (6868 South Ballpark Drive), subject to amendments as discussed. On voice vote, all voted 'aye'. Motion carried (4-0-2).

City Attorney Wesolowski recommended the Plan Commission go into closed session, as posted on the agenda, to discuss legal matters pertaining to the litigation concerning these previously approved applications.

#### **Motion 1**

Meeting went into closed session at 8:37 p.m. Alderwoman Hanneman moved City Engineer Morrow seconded to move the meeting into closed session. On voice vote, all voted 'aye'; motion carried. (3-1-2).

#### **Motion 2**

Meeting was moved to open session at 8:52 p.m. Commissioner Leon moved Alderman Hanneman seconded to reopen the meeting at 8:52 p.m. On voice vote, all voted 'aye'; motion carried. (4-0-2).

#### **Motion 3**

Commissioner Leon moved Alderman Hanneman seconded a motion to recommend approval of a Resolution amending Resolution No. 2020-7681 to extend the approval of a Special Use for a Meat Processing Facility Use Upon Property Located at the Southwest Corner of the Intersection of West Loomis

Spaces, Associated Mechanical Support Facilities and Spaces, a Future Development Area, Stormwater Ponds, Parking Lot and Truck and Employee Vehicle Entrance Drives (the Southwest Corner of the Intersection of West Loomis Road and the New Monarch Drive (Lot 83 of Ryan Meadows Subdivision) (Strauss Brands LLC, Applicant), to Extend the Time for Commencement of the Site Plan Use Development. As the subject Special Use development upon which the Site Plan Use approval is conditioned is a subject in the litigation matter *Franklin Community Advocates, et al. v. City of Franklin, and Strauss Brands, LLC*, Milwaukee County Circuit Court Case No. 20-CV-7031, which litigation matter is in process and pending at this time, the Plan Commission may enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Plan Commission who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

### **Adjournment**

Road and the New Monarch Drive (Lot 83 of Ryan Meadows Subdivision) (Strauss Brands LLC, Applicant), to Extend the Time for Commencement of the Special Use Development. On voice vote, all voted ‘aye’; motion carried. (4-0-2) (2-1).

### **Motion 4**

Commissioner Leon moved Alderman Hanneman seconded a motion to approve a Resolution amending Resolution No. 2020-024 to extent the approval for a Site Plan for Construction of a Meat Processing Facility with Associated Cattle Pen, a Harvest Floor, Carcass Coolers, Fabrication Areas, Packaging Areas, Warehouse Areas, Shipping Docks, Operations Offices, Employee Welfare Spaces, Associated Mechanical Support Facilities and Spaces, a Future Development Area, Stormwater Ponds, Parking Lot and Truck and Employee Vehicle Entrance Drives (the Southwest Corner of the Intersection of West Loomis Road and the New Monarch Drive (Lot 83 of Ryan Meadows Subdivision). On voice vote, all voted ‘aye’; motion carried. (4-0-2) (2-1).

City Engineer Morrow moved and Commissioner Leon seconded to adjourn the Plan Commission meeting of September 23, 2021 at 8:53 p.m. On voice vote, all voted ‘aye’; motion carried. (4-0-2).