

**City of Franklin
Plan Commission Meeting
March 8, 2018
Minutes**

Approved
March 22, 2018

A. Call to Order and Roll Call

Mayor Steve Olson called the March 8, 2018 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 Adam Burckhardt, Kevin Haley and Patricia Hogan and Alderman Dandrea. Excused was City Engineer Glen Morrow and Commissioner David Fowler. Also present were City Attorney Jesse Wesolowski and Planning Manager Joel Dietl.

B. Approval of Minutes

- 1. Regular Meeting of February 22, 2018.

Alderman Dandrea moved and Commissioner Haley seconded approval of the February 22, 2018 minutes of the regular meeting of the Plan Commission as corrected. On voice vote, all voted 'aye'. Motion carried (4-0-2).

C. Public Hearing Business Matters

1. BRYAN O’BOYLE DETACHED ACCESSORY STRUCTURE CONSTRUCTION ON EXISTING SINGLE-FAMILY HOME PROPERTY [recommendation to Board of Zoning and Building Appeals]. Application by Bryan O’Boyle for an Area Exception from Table 15-3.0314 of the Unified Development Ordinance to allow for a 20 foot side yard setback (5 feet less than the A-1 Agricultural District minimum required side yard setback of 25 feet), for property located at 10199 West Oakwood Road, for construction of an approximately 276 square foot detached accessory structure on the west side of the existing single-family home [the proposed accessory structure would be setback 20 feet from the west property line], property zoned A-1 Agricultural District and C-1 Conservancy District; Tax Key No. 942-0003-000.

Planning Manager Dietl presented the request by Bryan O’Boyle for an Area Exception from Table 15-3.0314 of the Unified Development Ordinance to allow for a 20 foot side yard setback (5 feet less than the A-1 Agricultural District minimum required side yard setback of 25 feet), for property located at 10199 West Oakwood Road, for construction of an approximately 276 square foot detached accessory structure on the west side of the existing single-family home [the proposed accessory structure would be setback 20 feet from the west property line], property zoned A-1 Agricultural District and C-1 Conservancy District.

The Official Notice of Public Hearing was read in to the record by Planning Manager Joel Dietl and the Public Hearing was opened at 7:03 and closed at 7:17.

Alderman Dandrea moved to recommend approval of an application for an Area Exception to allow for construction of an approximately 276 square foot detached accessory structure on the west side of the existing single-family home [application requests an Area Exception from table 15-3.0314 of the Unified Development Ordinance to allow for a 20 foot side yard setback (5 feet less than the A-1 Agricultural District minimum required side yard setback of

25 feet), for property located at 10199 W. Oakwood Road, [the proposed accessory structure would be setback 20 feet from the west property line]. However, the motion failed for lack of a second.

Alderman Dandrea moved and Commissioner Haley seconded a motion to the Board of Zoning and Building Appeals to deny the request for a detached accessory structure construction because of a lack of information. On voice vote, all voted ‘aye’. Motion carried (4-0-2).

2. COMPLIANCE WITH 2017 WISCONSIN ACT 67 UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT. Unified Development Ordinance Text Amendment application by the City of Franklin to amend the Unified Development Ordinance text for compliance with 2017 Wisconsin Act 67, an act to amend in part §§ 62.23(7)(hb) (title), 62.23(7)(hb)1.a. and 62.23(7)(hb)2. and to create in part §§ 62.23(7)(de), 62.23(7)(e)7.a., 62.23(7)(e)7.d., 66.10015(1)(e), 66.10015(2)(e), 66.10015(4) of the Wisconsin Statutes, an act relating to: limiting the authority of local governments to regulate development on substandard lots and require the merging of lots; requiring a political subdivision to issue a conditional use permit under certain circumstances; standards for granting certain zoning variances; local ordinances related to repair, rebuilding, and maintenance of certain nonconforming structures; Unified Development Ordinance amendments including [as may be necessary for compliance and not limited for compliance to Division 15-3.0700 Special Use Standards and Regulations, §§15-3.0701 General Standards for Special Uses, 15-3.0702 Detailed Standards for Special Uses in Residential Districts, 15-3.0703

Planning Manager Joel Dietl presented the request by the City of Franklin to amend the Unified Development Ordinance text for compliance with 2017 Wisconsin Act 67, an act to amend in part §§ 62.23(7)(hb) (title), 62.23(7)(hb)1.a. and 62.23(7)(hb)2. and to create in part §§ 62.23(7)(de), 62.23(7)(e)7.a., 62.23(7)(e)7.d., 66.10015(1)(e), 66.10015(2)(e), 66.10015(4) of the Wisconsin Statutes, an act relating to: limiting the authority of local governments to regulate development on substandard lots and require the merging of lots; requiring a political subdivision to issue a conditional use permit under certain circumstances; standards for granting certain zoning variances; local ordinances related to repair, rebuilding, and maintenance of certain nonconforming structures; Unified Development Ordinance amendments including [as may be necessary for compliance and not limited for compliance to Division 15-3.0700 Special Use Standards and Regulations, §§15-3.0701 General Standards for Special Uses, 15-3.0702 Detailed Standards for Special Uses in Residential Districts, 15-3.0703 Detailed Standards for Special Uses in Nonresidential Districts and 15-9.0103 Applications for Special Use Permit; §§15-9.0106 Applications for Zoning Variance, 15-9.0107 Applications for Minor Zoning Variance and 15-10.0206 Variances; and Division 15-3.1000 Nonconforming Buildings, Structures, and Uses, §§15-3.1002 Existing Nonconforming Structures, 15-3.1003 Existing Substandard Lots, 15-3.1004 Continuance of Use, 15-3.1006 Repairs and Alterations, and 15-11.0100 Definitions].

The Official Notice of Public Hearing was read in to the record by Planning Manager Joel Dietl and the Public Hearing was opened at 7:19 and closed at 7:21.

Alderman Dandrea moved and Commissioner Haley seconded a motion to postpone and continue the subject

Detailed Standards for Special Uses in Nonresidential Districts and 15-9.0103 Applications for Special Use Permit; §§15-9.0106 Applications for Zoning Variance, 15-9.0107 Applications for Minor Zoning Variance and 15-10.0206 Variances; and Division 15-3.1000 Nonconforming Buildings, Structures, and Uses, §§15-3.1002 Existing Nonconforming Structures, 15-3.1003 Existing Substandard Lots, 15-3.1004 Continuance of Use, 15-3.1006 Repairs and Alterations, and 15-11.0100 Definitions]. [SUBJECT MATTER CONTINUED FROM THE FEBRUARY 22, 2018 MEETING. **THIS PUBLIC HEARING WAS PREVIOUSLY NOTICED FOR, OPENED AND HELD AT THE PLAN COMMISSION MEETING ON FEBRUARY 22, 2018, AND THEN POSTPONED AND CONTINUED TO THE MARCH 8, 2018 PLAN COMMISSION MEETING TO ALLOW FOR FURTHER PUBLIC INPUT.]**

matter and Public Hearing to the March 22, 2018 Plan Commission meeting. On voice vote, all voted ‘aye’. Motion carried (4-0-2).

D. Business Matters

1. BALLPARK COMMONS/THE ROCK SPORTS COMPLEX. Unified Development Ordinance §15-3.0442 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) Minor Amendment application by Michael E. Zimmerman, owner, The Rock Sports Complex, LLC, to revise the district as it pertains to certain site preparation work in the following manner: To clarify that only those land disturbance activities within the Milwaukee Metropolitan Sewerage District (MMSD) landfill gas pipeline easement require prior MMSD approval, pursuant to Condition Number

Minor Amendment

Planning Manager Joel Dietl presented the request by Michael E. Zimmerman, owner, The Rock Sports Complex, LLC, to revise the district as it pertains to certain site preparation work in the following manner: To clarify that only those land disturbance activities within the Milwaukee Metropolitan Sewerage District (MMSD) landfill gas pipeline easement require prior MMSD approval, pursuant to Condition Number 8 in Planned Development District NO. 37, Ordinance No. 2016-2212; to allow general site clearing and grading to occur prior to establishment of any new roadway bond for the portion of any roadway located on the landfill, pursuant to Condition Number 13 in Planned Development District No. 37, Ordinance No. 2016-2212; and to allow general site clearing and grading to occur prior to approval of a comprehensive stormwater management plan which plan must be approved prior to issuance of any

8 in Planned Development District NO. 37, Ordinance No. 2016-2212; to allow general site clearing and grading to occur prior to establishment of any new roadway bond for the portion of any roadway located on the landfill, pursuant to Condition Number 13 in Planned Development District No. 37, Ordinance No. 2016-2212; and to allow general site clearing and grading to occur prior to approval of a comprehensive stormwater management plan which plan must be approved prior to issuance of any Building Permits, pursuant to Condition Number 25 in Planned Development District No. 37, Ordinance No. 2016-2212.

Building Permits, pursuant to Condition Number 25 in Planned Development District No. 37, Ordinance No. 2016-2212.

Alderman Dandrea moved and Commissioner Hogan 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 Dandrea moved and Commissioner Haley seconded a motion to recommend approval of an Ordinance to amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to revise the district as it pertains to certain site preparation work in the following manner: to clarify that only those land disturbance activities within the Milwaukee Metropolitan Sewerage District (MMSD) landfill gas pipeline easement require prior MMSD approval, pursuant to condition number 8 in Planned Development District No. 37, Ordinance No. 2016-2212; to allow general site clearing and grading to occur prior to establishment of any new roadway bond for the portion of any roadway located on the land fill, pursuant to condition number 13 in Planned Development District No. 37, Ordinance No. 2016-2212; and to allow general site clearing and grading to occur prior to approval of a comprehensive storm water management plan which plan must be approved prior to issuance of any building permits, pursuant to condition number 25 in Planned Development District No. 37, Ordinance No. 2016-2212 (7900 West Crystal Ridge Drive). On voice vote, all voted 'aye'. Motion carried (4-0-2).

2. MOLLY MAID PROFESSIONAL HOME CLEANING SERVICE

BUSINESS USE. Special Use application by R & R Swan Investments, LLC d/b/a Molly Maid, to operate a maid service business with hours of operation from 7:00 a.m. to 5:00 p.m., Monday through Friday, which application also includes a property owner requested revised Site Plan approval for existing site improvements constructed without prior City approval, specifically, reconfiguration of the parking lot in the northwest corner of the property and

Planning Manager Joel Dietl presented the request by R & R Swan Investments, LLC d/b/a Molly Maid, to operate a maid service business with hours of operation from 7:00 a.m. to 5:00 p.m., Monday through Friday, which application also includes a property owner requested revised Site Plan approval for existing site improvements constructed without prior City approval, specifically, reconfiguration of the parking lot in the northwest corner of the property and addition of a new parking lot in the rear of the property, upon property zoned M-1 Limited Industrial District and C-1 Conservancy District, located at 11113 West Forest Home Avenue, Suite 200.

Commissioner Haley moved and Alderman Dandrea seconded a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a

addition of a new parking lot in the rear of the property, upon property zoned M-1 Limited Industrial District and C-1 Conservancy District, located at 11113 West Forest Home Avenue, Suite 200; Tax Key No. 704-9978-002.

3. FABU EYES EYELASH EXTENSION SERVICE BUSINESS USE. Special Use application by Yulia Da Silva, owner, Fabu LLC, d/b/a Fabu Eyes, to operate an eyelash extension service business with hours of operation from 9:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 2:00 p.m., Saturday and Sunday, upon property zoned M-1 Limited Industrial District and C-1 Conservancy District, located at 11113 West Forest Home Avenue, Suite 240; Tax Key No. 704-9978-002.

Special Use for a professional home cleaning service business use and property owner requested revised Site Plan approval upon property located at 11113 West Forest Home Avenue, Suite 200. On voice vote, all voted 'aye'. Motion carried (4-0-2).

Planning Manager Joel Dietl presented the request by Yulia Da Silva, owner, Fabu LLC, d/b/a Fabu Eyes, to operate an eyelash extension service business with hours of operation from 9:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 2:00 p.m., Saturday and Sunday, upon property zoned M-1 Limited Industrial District and C-1 Conservancy District, located at 11113 West Forest Home Avenue, Suite 240.

Commissioner Haley moved and Commissioner Burckhardt seconded a motion recommend approval of a Resolution imposing conditions and restrictions for the approval of a Special Use for an eyelash extension service business use upon property located at 11113 West Forest Home Avenue, Suite 240. On voice vote, all voted 'aye'. Motion carried (4-0-2).

E. Adjournment

Commissioner Hogan moved and Commissioner Haley seconded to adjourn the Plan Commission meeting of March 8, 2018 at 7:45 p.m. All voted 'aye'; motion carried. (4-0-2).