

CITY OF FRANKLIN  
PLAN COMMISSION MEETING\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA  
THURSDAY, JULY 20, 2023, 7:00 P.M.

The YouTube channel “City of Franklin WI” will be live streaming the Plan Commission meeting so that the public will be able to watch and listen to the meeting.

<https://www.youtube.com/c/CityofFranklinWIGov>.

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

B. **Approval of Minutes**

1. Approval of regular meeting of June 22, 2023.

C. **Public Hearing Business Matters** (action may be taken on all matters following the respective Public Hearing thereon)

1. **DUNKIN’ DONUTS AND BASKIN-ROBBINS RESTAURANT WITH DRIVE-THROUGH DEVELOPMENT.** Special Use application by Kardo Rasha, Kardo Group, Devo Properties/Rawson LLC, property owner, for a Dunkin’ Donuts and Baskin-Robbins restaurant in a single building with a drive-through (the drive-through requires a Special Use approval), parking, and shared stormwater facilities with the adjoining Sendik’s, at the property located at 5444 West Rawson Avenue (Lot 2 of a Certified Survey Map to divide this parcel into three lots, which was recorded on May 12, 2023), such property being zoned M-1 Limited Industrial District and OL-2 General Business Overlay District; Tax Key No. 741-9996-001. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**
  
2. **JAMES W. JOSKO AND SUSAN N. JOSKO SINGLE-FAMILY RESIDENCE INGROUND POOL INSTALLATION [recommendation to Board of Zoning and Building Appeals].** Application by James W. Josko and Susan N. Josko for an Area Exception from Table 15-3.0203 of the Unified Development Ordinance to allow for the installation of an inground pool exceeding the 15% maximum lot coverage standard by approximately 2.3% for property located at 4351 West Hunting Park Drive, zoned R-3 Suburban/Estate Single-Family Residence District; Tax Key No. 834-0025-006. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**

D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)

1. **A HAPPY THOUGHT INDEED MARKET MANAGEMENT INDOOR RE:CRAFT AND RELIC MARKET, A TICKETED SHOPPING EVENT AT THE MILWAUKEE COUNTY SPORTS COMPLEX.** Temporary Use application by Susan M. Smith, A Happy Thought Indeed Market Management LLC, for a two-day indoor event. Re: craft and Relic is a ticketed, curated shopping and food sales event with over 150 vendors to be held at the Milwaukee County Sports Complex located at 6000 West Ryan Road, for three periods, Fall Market held November 11-12, 2023, Winter Market held January 27-28, 2024 and Spring Market held April 27-28, 2024, on property zoned P-1 Park District, FC Floodplain Conservancy District and FW Floodway District; Tax Key Nos. 852-9999-001 and 882-9987-001.

E. **Adjournment**

\*Supporting documentation and details of these agenda items are available at City hall during normal business hours.

\*\*Notice is given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council will not take formal action at this meeting.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

**REMINDERS:**

Next Regular Plan Commission Meeting: August 3, 2023

**City of Franklin**  
**Plan Commission Meeting**  
**June 22, 2023**  
**Minutes**

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

Mayor John Nelson called the June 22, 2023 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 John Nelson, City Engineer Glen Morrow, Alderwoman Courtney Day and Commissioners Patricia Hogan, Kevin Haley and Patrick Léon. Also present were Planning Manager Laurie Miller, Principal Planner Régulo Martínez-Montilva, Associate Planner Marion Ecks, Director of Administration Kelly Hersh, Economic Development Director John Regetz, City Attorney Jesse Wesolowski, Alderwoman Eichmann, Alderman Mike Barber and Alderman Jason Craig.

**B. Approval of Minutes – Regular Meeting of May 18, 2023**

Alderwoman Day moved and Commissioner Léon seconded a motion to approve the May 18, 2023 meeting minutes. On voice vote, all voted ‘aye’; motion carried (5-0-0).

**C. Public Hearing Business Matters**

1. **POTHS GENERAL. Planned Development District** to create Poths General (also known as “The Public Square”), a new Planned Development District (PDD) to redevelop the Orchard View Shopping Center with a “Town Center”, which consists of a central open area with amenities, mixed-use buildings (commercial/residential), apartment buildings and a hotel, the existing Ace Hardware store will remain in its current location), and to rezone the property from B-3 Community Business District and R-6 Suburban Single-Family Residence District to Planned Development District No. 42 (Poths General). And **Comprehensive Master Plan Amendment** to change the Future Land Use Map designation from Commercial Use to Mixed Use.

Applicant: Land By Label LLC (Initech, LLC, property owner).  
Subject property: Approximately 7154 South 76th Street

Planning Manager, Laurie Miller presented this item and stated that this project would serve the city as a great redevelopment opportunity of the Orchard View Shopping Center, the comprehensive master plan amendment is needed because communities are required to have their zoning map consistent with their comprehensive plan future land use map. The plan included in the packet is a concept plan and it’s fully expected that changes may occur between tonight, Common Council, and site plan review. Staff supports the proposed change to the future land use map from Commercial to Mixed Use and rezoning from B-3 and R-6 to a mixed use PDD for several reasons: compatibility with adjacent commercial and residential uses, the property is adjacent to major roadways that may be adequate to support the increase in density, the inclusion of site amenities, and the comprehensive plan identifies this area as an opportunity for “commercial development along the east side of Loomis Road with housing that transitions to existing neighborhoods to the east representing a significant opportunity for future development of the city”. Staff supports the increase to gross and net density provided the Plan Commission makes the determination that the proposed amenities meet a community purpose.

Ian Martin and Emily Cialdini of Land by Label LLC presented the applicant’s request.

City Engineer Morrow commented that the Traffic Impact Analysis (TIA) prepared by the applicant's consultant (Ayres) is subject to review by the Wisconsin Department of Transportation and Milwaukee County and that the city should not prepare a separate TIA nor hire a consultant for this purpose.

Commissioner Hailey expressed concerns about moving too fast without approval of the Traffic Impact Analysis by Milwaukee County.

Alderman Day asked who would be responsible for the maintenance and programming of the proposed amenities.

Ian Martin of Land by Label LLC addressed comments of the Plan Commission and the public: the developer would give proper noticing for relocation to current tenants at Orchard View Shopping Center; the developer would maintain the proposed amenities or hire a contractor to maintain and program amenities; the anticipated phasing of the project is to start construction in the west side of the site and keep construction traffic outside the completed buildings.

Commissioner Léon commented that it's a good application and there is demand for hotels in this area due to sports activities in Ballpark Commons.

Assistant Fire Chief Jim Mayer commented that as the demand for Fire Department services increases, additional staff will be needed to maintain a high quality and a fast response.

Several members of the public participated in the public hearing. Residents expressed their concern for the development's impacts to the traffic along 76<sup>th</sup> Street and Rawson Avenue, stormwater management, lack of parking for the existing Ace hardware store, Fire Department staffing, school demand, public utilities and noise.

Commissioner Léon moved and Commissioner Hailey seconded a motion to adopt 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 located at approximately 7154 South 76th Street from commercial use to mixed use, pursuant to Wis. Stat. § 66.1001(4)(b). On voice vote, all voted 'aye'; motion carried (5-0-0).

Commissioner Léon moved and Commissioner Hogan seconded a motion to recommend approval of an ordinance to create Section 15-3.0447 of the Franklin Unified Development Ordinance establishing Planned Development District no. 42 (Poths General) and to rezone property from B-3 community business district and R-6 suburban single-family residence district to Planned Development District no. 42 (approximately 7154 South 76th Street). On voice vote, all voted 'aye'; motion carried (5-0-0).

Commissioner Léon left the Council Chambers at 9:17 p.m.

2. **VITALOGY. Planned Development District** to create The Vitalogy, a new mixed-use, luxury residential and commercial planned development district which consists of multi-family buildings, townhouse clusters, commercial lots, a public street connecting Terrace Drive with South Loomis Road, and to rezone the property from R-6 Suburban Single-Family Residence District and C-1 Conservancy District to Planned Development District No. 41 (Vitalogy). **Comprehensive Master Plan Amendment** to change the Future Land Use Map designation from Commercial Use to Mixed Use. The applicant is not seeking changes to the Areas of Natural Resource in the Future Land Use Map.

Applicant: Land By Label LLC (Initech, LLC, property owner).

Subject property: Approximately 7154 South 76th Street

Planning Manager, Laurie Miller stated that the applicant is requesting to table this item because the Wisconsin Department of Transportation denied access to Loomis Road.

Commissioner Léon moved and Commissioner Hogan seconded a motion to postpone this item until the city Planning Manager recommends to return this item to Plan Commission. On voice vote, all voted 'aye'; motion carried (5-0-0).

City Attorney Wesolowski stated that the public hearing should be renoticed accordingly.

The Plan Commission entered into a recess from 9:17 p.m. to 9:25 p.m. Commissioner Léon returned to the Council Chambers at 9:25 p.m.

3. **BADAX FLATS. Special Use** to increase the maximum permitted density for a mixed-use building with 78 apartment units in a 3.12-acre site resulting in net density of 40 du/ac (dwelling units per acre), while the maximum net density is eight du/ac in the Mixed Use area of this Planned Development District (PDD). The applicant is requesting this Special Use to increase the permitted density for a maximum yield of 81 dwelling units, without this Special Use the maximum yield allowed is 16 dwelling units. **Site Plan** to allow for this mixed-use building and exterior improvement. Additionally, the applicant is requesting the following waiver: a. Ord. 2019-2368, Table 15-3.0442C.1, a reduced front setback of 10 feet while the minimum setback is 25 feet.

Applicant: BadAx Flats LLC (Zim-Mar Properties, LLC, property owner).

Subject property: Located generally at the southeast corner of West Rawson Avenue and South Ballpark Drive, zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons).

Planning Manager, Laurie Miller presented this item, staff recommends approval of the Special Uses and due to the issues with the average unit size, landscape requirements and inclusion of trash enclosure staff recommends to table the Site Plan so staff can continue to work with the applicant on these deficiencies

Emily Cialdini of Land by Label LLC presented the applicant's request and commented that the Table 15-3.0442.D1 doesn't establish a minimum dwelling unit size for mixed use buildings and that she doesn't think that the minimum required area applies in this case. Planning Manager Miller stated that the PDD does outline average dwelling unit size per number of bedrooms under the multi-family designation which applies in this case. The other issue is that this table does not account for studio apartments therefore staff believes that the average of one-bedroom units applies for studio and one-bedroom apartments. Planning Manager Miller stated that the applicant may seek a text amendment to address the lack of average unit size requirements for studio apartments.

Applicant Cialdini stated that compliance with landscape requirements would reduce the building to 48-50 dwelling units making this project economically infeasible. Ian Martin of Land by Label, LLC stated that other apartment complex, such as the Seasons, faced similar issues with the landscape requirements. Planning manager agreed that the landscaping requirements are too prescriptive, but as of now, we must adhere to it and that Planning Commission can only allow a 25% reduction in required landscaping per code. Planning Manager Miller said that the landscaping requirements will be evaluated during the Unified Development Ordinance rewrite. Planning Manager Miller stated that the landscaping requirements may be possible to meet and number of dwelling units to remain should they

reduce the size of the parking lot. The proposed site has 29 parking spaces over the parking requirement.

Regarding landscape requirements, Mayor Nelson commented that we definitively want to make sure that we keep that high standard.

There was a discussion amongst Planning Commissioners to allow the building and site plan to be approved with conditions that the average studio and one apartment size meet PDD requirements, that parking spaces be reduced by 29 stalls, landscaping be increased to meet the allowable 25% reduction per code, and addition of trash enclosure. Planning Manager Miller stated that she did not feel comfortable with this decision because the changes in unit size, increase in landscaping and decrease in parking could dramatically change the building and site configuration.

No public comments during the public hearing.

Commissioner Léon moved and commissioner Hailey seconded a motion to recommend approval of a resolution imposing conditions and restrictions for the approval of a special use to increase the maximum permitted density for a three-story mixed-use building upon property generally located at the southeast corner of West Rawson Avenue and South Ballpark Drive. On voice vote, all voted 'aye'; motion carried (5-0-0).

Commissioner Hailey moved and commissioner Hogan seconded a motion to table the Site Plan to the next meeting. On voice vote, all voted 'aye'; motion carried (5-0-0).

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

1. **Escamilla Food Truck Operation. Temporary Use** to allow for a food truck (Tony's Taco Truck/Tony's Food Truck) for one year.

Applicant: Anthony Escamilla (Bruce Hubbard, property owner).

Subject property: 3030 West Ryan Road

Associate Planner Ecks presented this item and noted that this temporary use has been requested for a few consecutive years. Planner Ecks expressed her concern that this is no longer a temporary request and that a permanent solution should be identified. Planner Ecks stated that the proposal was the same as previous years and staff supports the reissuance of the food truck for one more year while the applicant is identifying a permanent location for a restaurant.

Commissioner Hogan moved and Commissioner Léon seconded a motion to adopt a resolution imposing conditions and restrictions for the approval of a temporary use for Tony's Taco Truck/Tony's food truck operation in a parking lot located at 3030 West Ryan Road. On voice vote, all voted 'aye'; motion carried (5-0-0).

2. **Unified Development Ordinance (UDO) Rewrite Task Force.** Session with project consultant Houseal Lavigne Associates and Birchline Planning, LLC regarding Article 7: Natural Resource Standards.

This item is postponed.

3. **Consideration of new format for Planning Commission Agenda.** Proposal from Planning Department staff to update the Planning Commission Agenda format.

Planning Manager Miller stated that this is the beginning of a project to review and update methods of communication from the planning department (applications, agendas, public hearing notices, staff reports and additional content found in meeting packets. These changes are being made to create concise and attractive documents that promote better customer service and improved communication with Commissioners and elected officials. Planning Manager Miller also stated that many of these changes will reduce unnecessary cost to tax payers and applicants as well as reduce the strain on staff's limited resources.

Planning Manager Miller provided a brief overview of the changes to the agenda format.

City Attorney Wesolowski presented his legal opinion., stating that the Badke language must remain as-is on the agenda. City Attorney also stated that previous administrations required the agenda to have as much detail as possible and that the proposed format would not meet that standard.

Alderwoman Day praised the change and said that she likes the overall concise format and that the info was providing on one page instead of three. She did suggest adding limited additional information to each agenda item.

Commissioner Léon suggested that we should not make changes just for the sake of change and that he preferred to have very detailed agendas to prevent the reader to have to review the staff report. He also stated that he did not want the reader to have to go to the website to review both the agenda and staff report. Planning Manager Miller stated that the purpose of an agenda is to let the resident understand the overall topics intended to be discussed in the meeting and the order in which they will be discussed. The staff report is meant to provide the reader with all the important details of the project, staff analysis, and recommendations. Planning Manager Miller expressed her belief that the excessive content in the agenda is discouraging the resident from reading the staff report and preventing them for forming an informed opinion. Staff spends a tremendous amount of time on the staff report and want the reader to understand their analysis for support, denial, or tabling of an item. Planning Manager Miller also pointed out that the agenda and staff report are posted together, at the same time, on the website.

Commissioner Haley stated that he likes the new format but requested that staff includes the next meeting date.

The Commissioners discussed the need to adopt a standard agenda and meeting format that will be used for all boards and commissions.

Commissioner Léon moved and City Engineer Morrow seconded a motion to direct planning staff to coordinate with City Attorney through the Department of Administration to refine this updated agenda format to include what is necessary for appropriate public notice in the agenda as a recommendation to the Common Council. On voice vote, all voted 'aye'; motion carried (5-0-0).

## **E. Adjournment**

Commissioner Hogan moved and Commissioner Léon seconded to adjourn the meeting at 10:43 p.m. On voice vote, all voted 'aye'; motion carried (5-0-0).



**CITY OF FRANKLIN**  
**REPORT TO THE PLAN COMMISSION**

**Meeting of July 20, 2023**  
**Special Use**

**RECOMMENDATION:** City Development Staff recommends the Plan Commission forward the Special Use application to the Common Council for decision based on the recommended draft Resolution with conditions as attached.

<b>Project Name:</b>	<b>Dunkin Donuts Baskin Robbins</b>
<b>Property Owner:</b>	Devo Properties/Rawson LLC
<b>Applicant:</b>	Kardo Rasha, Kardo Group
<b>Property Address/Tax Key Number:</b>	5444 W Rawson Avenue/ 741 9996 001
<b>Aldermanic District:</b>	District 5
<b>Agent:</b>	Steven Kolber, Kolbrook Design, Inc.
<b>Zoning District:</b>	M-1 Limited Industrial and OL-2 Overlay
<b>Use of Surrounding Properties:</b>	M-1 Limited Industrial and OL-2 Overlay (east and west), M-1 Limited Industrial (north), M-2 General Industrial (south)
<b>Application Request:</b>	To allow for development of a restaurant with drive thru.
<b>Staff Planner:</b>	Marion Ecks, AICP

**Background**

The applicant is seeking a Special Use Permit for an approximately 2,000 sq. ft. Dunkin Donuts and Baskin Robbins restaurant with a drive-through at the property of 5444 W. Rawson Avenue. This site is noted as Lot 2 of a Certified Survey Map, which was recorded on May 12, 2023, and is currently vacant. The site plan included in the meeting packet is a conceptual plan. Pending Common Council’s approval of the Special Use Permit, Planning Commission will review a final site plan during the building and site plan review process at a future meeting.

**SPECIAL USE**

The lot is zoned M-1 Limited Industrial (§15-3.0309) and OL-2 General Business Overlay (§15-3.0306.C) Districts. Eating Places (SIC Code 5812) are an allowed use in both M-1 Limited Industrial and OL-2 General Business Overlay Districts; however, drive throughs require Special Use approval. The proposed drive-through use meets the requirements of the ordinance for a Special Use.

Staff notes the following:

- The applicant has provided required responses to, and complies with, the standards of §15-3.0701: General Standards for Special Uses.
- The development is consistent with the existing zoning requirements, and Future Land Use Comprehensive Master Plan intent for the district (§15-7.0102.M).
- The adjacent Jilly’s Car Wash received approval of a Special Use for a Drive Through on March 21, 2023.
- The conceptual Site Plan provides enough queuing space for cars to wait in the drive-through without encroaching on internal roads, exceeding the standards of Table 15-5.0203 which requires 7 queuing spaces per service lane.



- As part of the approval of the CSM for these properties, the property owner recorded a cross access easement to provide an internal street serving this parcel and providing access to the Jilly's development and undeveloped rear lot. The easement also connects to the Sendik's development to the east. A portion of the internal road is on this lot.
- This application is being developed using the Natural Resource Protection Plan (NRPP) (Division 15-7.0200) provided as part of the CSM for this property. The NRPP meets UDO requirements for Natural Resource Protection.

### **SITE COMPLIANCE**

A site visit was not performed in preparation for this staff report because the land is currently vacant.

### **STAFF RECOMMENDATION**

The Plan Commission may recommend, and the Common Council may impose, conditions and limitations on a Special Use application related to use, design and operation (§15-3.0701.D).

The Department of City Development staff recommends the Plan Commission forward the Special Use application to the Common Council for decision based on the recommended draft Resolution as attached. The resolution reflects recommended conditions of approval.

## RESOLUTION NO. 2023-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR  
THE APPROVAL OF A SPECIAL USE FOR A DUNKIN' DONUTS AND  
BASKIN-ROBBINS RESTAURANT IN A SINGLE BUILDING, WITH A  
DRIVE-THROUGH WHICH WRAPS THE BUILDING, UPON  
PROPERTY LOCATED AT 5444 WEST RAWSON AVENUE  
(BY KARDO RASHA, KARDO GROUP, APPLICANT,  
DEVO PROPERTIES/RAWSON LLC, PROPERTY OWNER)

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WHEREAS, Kardo Rasha, Kardo Group having petitioned the City of Franklin for the approval of a Special Use for a Dunkin' Donuts and Baskin-Robbins restaurant in a single building, with a drive-through which wraps the building, upon property located at 5444 West Rawson Avenue, zoned M-1 Limited Industrial District and OL-2 General Business Overlay District. The property which is the subject of the application bears Tax Key No. 741-9996-001 and is more particularly described as follows:

Part of Lot 1, Certified Survey Map No. 8120, being a part of the Southeast 1/4 of the Southwest 1/4 of Section 2, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 20th day of July, 2023, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that they will not have an undue adverse impact upon adjoining property; that they will not interfere with the development of neighboring property; that they will be served adequately by essential public facilities and services; that they will not cause undue traffic congestion; and that they will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meet the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Kardo Rasha, Kardo Group, for the approval of a Special Use for the property particularly described in the preamble to this

KARDO RASHA, KARDO GROUP – SPECIAL USE  
RESOLUTION NO. 2023-\_\_\_\_\_

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Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Kardo Rasha, Kardo Group, successors and assigns, for a Dunkin' Donuts and Baskin-Robbins restaurant with a drive-through use, which shall be developed in substantial compliance with, and operated and maintained by Kardo Rasha, Kardo Group, pursuant to those plans City file-stamped January 15, 2023 and annexed hereto and incorporated herein as Exhibit A.
2. Kardo Rasha, Kardo Group, successors and assigns, 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 Kardo Rasha, Kardo Group Dunkin' Donuts and Baskin-Robbins restaurant with a drive-through Special Use, 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.
3. The approval granted hereunder is conditional upon the Kardo Rasha, Kardo Group Dunkin' Donuts and Baskin-Robbins restaurant with a drive-through Special Use for the property located at 5444 West Rawson Avenue: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

BE IT FURTHER RESOLVED, that in the event Kardo Rasha, Kardo Group, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19 of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of

KARDO RASHA, KARDO GROUP – SPECIAL USE  
RESOLUTION NO. 2023-\_\_\_\_\_

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that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

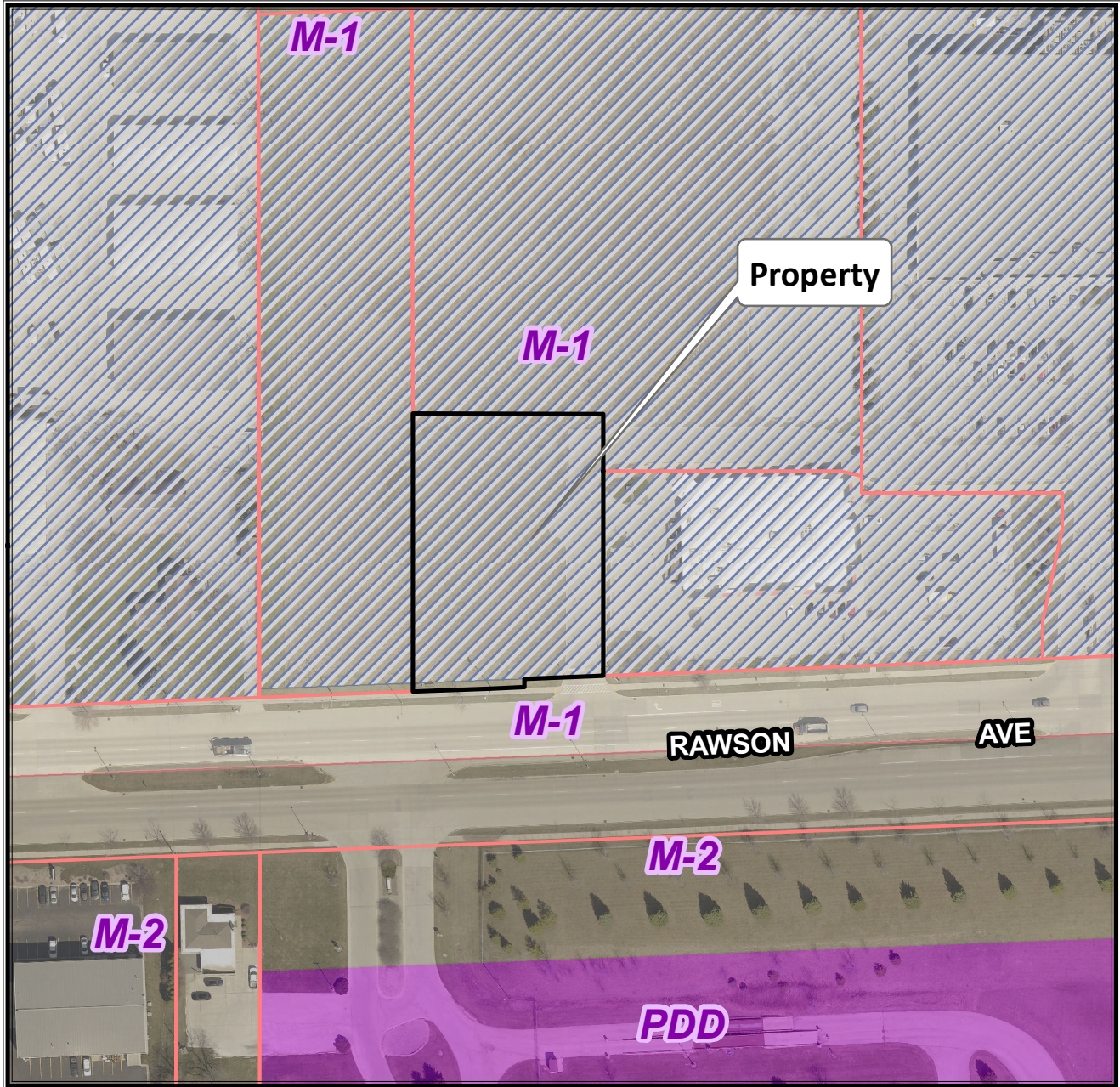
\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

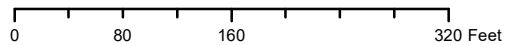
\_\_\_\_\_  
Karen L. Kastenson, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

5444 W. Rawson Ave.  
TKN: 741 9003 000



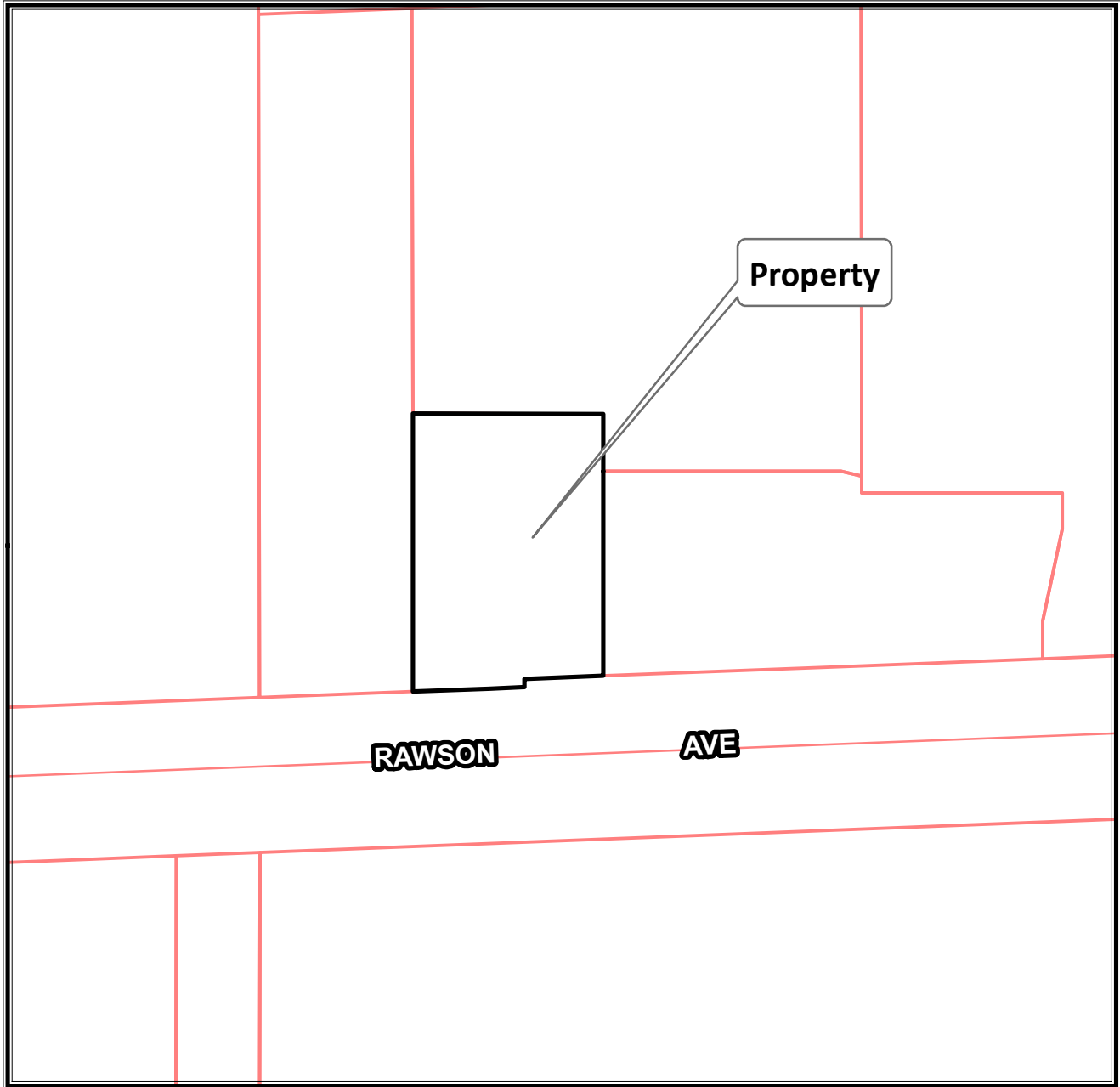
Planning Department  
(414) 425-4024



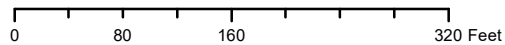
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



5444 W. Rawson Ave.  
TKN: 741 9003 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.*





December 11, 2022

City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

Re: Project Narrative  
Dunkin / Baskin Robbins  
Vacant Lot at 5100 W. Rawson  
Franklin, WI 53132

To Whom it May Concern:

Please accept this correspondence as the narrative for the project referenced above. We are looking for Site Plan approvals and a Special Use approval required for the drive-thru component for the proposed Dunkin / Baskin Robbins.

This facility will be the latest design offering by Dunkin / Baskin Robbins with full menus and an indoor dining area. There will be a single lane drive-thru with a queue capable of handling 11 vehicles prior to entering the parking area.

The building itself will be of wood construction w/ a typical insulated alum. storefront glazing system and brand standard cementitious panel cladding. Parapets built into roof trusses will hide all rooftop equipment and the dumpster enclosure will be of masonry construction.

We are proposing an exterior walk in cooler / freezer at this location as shown on the drawings.

The franchisee for this store has recently constructed similar facilities in Wales, WI and Cudahy, WI and is looking very forward to servicing the Franklin community as well!

If you have any questions or comments, feel free to reach out to me directly.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'SK', with a long horizontal line extending to the right.

Steven Kolber, AIA  
Co-President / Principal  
Kolbrook Design, Inc.  
847-492-1992

828 Davis Street  
Suite 300  
Evanston, IL 60201

[www.kolbrook.com](http://www.kolbrook.com)

**PROJECT DATA**

NUMBER OF TENANTS	1	
TOTAL TENANT SQ FT	2,069 SQ FT	
TOTAL PAKING PROVIDED	20	
PARCEL IDENTIFICATION	741-9996-001	

**BUILDING DATA**

BUILDING HEIGHT	22'-0"	
NUMBER OF STORIES	1	
ZONING DISTRICT	OL2 - GENERAL BUSINESS OVERLAY DISTRICT	

**SITE DETAILS**

LOT AREA	30,761 SQ FT	
BUILDING COVERAGE	2,069 SQ FT	5%
PAVEMENT COVERAGE	17,449 SQ FT	57%
LANDSCAPE COVERAGE	10,656 SQ FT	35%
PEDESTRIAN WALKWAY	1,123 SQ FT	3%

**DRIVE THRU**

**TENANT**

RESTAURANT W/ DRIVE THRU	2,069 SQ FT	
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**PARKING CALCULATION**

RESTAURANT W/ DRIVE THRU	6.5 SPACES PER 1,000 SQ FT KITCHEN AREA	
	20 SPACES PER 1,000 SQ FT INDOOR DINING	

**PARKING REQUIRED**

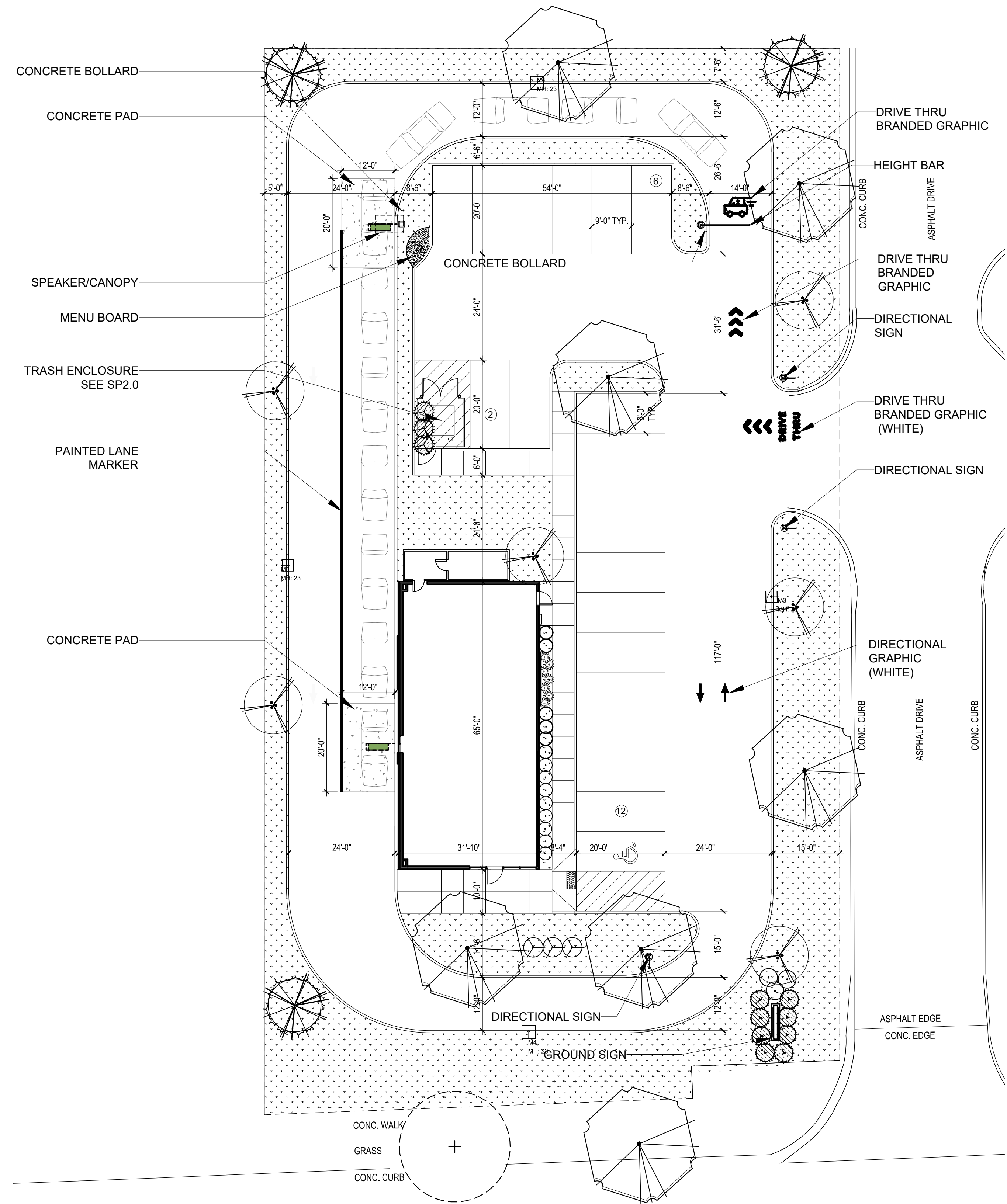
RESTAURANT W/ DRIVE THRU	7 SPACES	414 SQ FT KITCHEN
	20 SPACES	250 SQ FT DINING

**PROVIDED**

	20 SPACES	
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**DRIVE THRU**

NUMBER OF THRU WINDOWS	1 WINDOW	
CAR LENGTHS MENU TO WINDOW	7 CARS	
STACKING (TOTAL # OF VEHICLES)	12 CARS	



**1 SITE PLAN**  
SCALE: 1" = 16'-0"

CIVIL ENGINEERING  
ERA CONSULTANTS

STRUCTURAL ENGINEER

LANDSCAPE DESIGN  
JAY ZUMBAHLEN

MEP ENGINEER

PHOTOMETRICS  
VILLA LIGHTING

DEVELOPER  
KARDO GROUP

ARCHITECT

**kolbrook design**  
828 DAVIS ST., SUITE 300  
EVANSTON, IL 60201  
OFFICE: 847.882.1992 | FAX: 12.453.0699

**DUNKIN' / BASKIN**  
FRANKLIN, WISCONSIN

VACANT LOT - 5100 WEST RAWSON AVENUE  
FRANKLIN, WISCONSIN 53132  
PC #: 364076

PROJECT:

DRAWING ISSUE	DATE
PLANNING COMMISSION REVIEW	12.11.2022

DRAWN BY: D. CAMPBELL  
CHECKED BY: S. KOLBER  
SHEET TITLE:

ARCHITECTURAL  
SITE PLAN

SHEET NO.

**SP1.0**

Kolbrook Job No.	1687.014	Consultant Job No.	-
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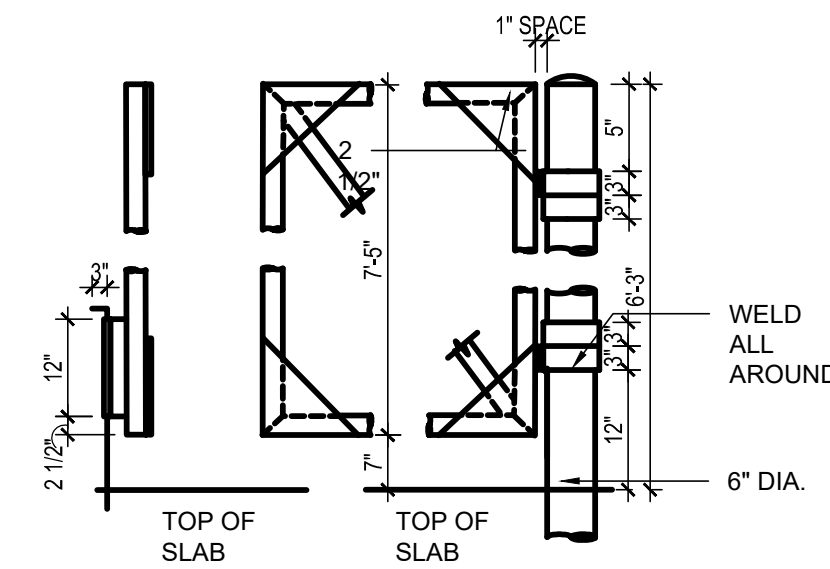


**ENCLOSURE PLAN NOTES**

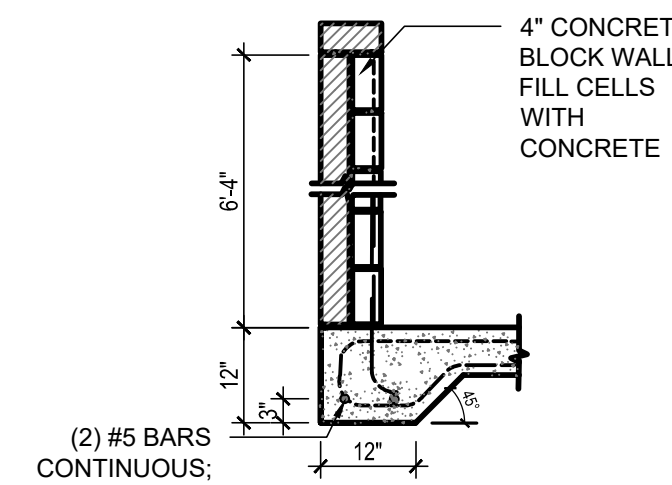
1. DEPTH OF TRASH ENCLOSURE APRON VARIES DEPENDING ON SITE CONDITIONS.
2. 3'-0" WIDE PERSONNEL ACCESS MAY BE ADDED ON THE SIDE OR REAR WALLS IF DESIRED.

**ENCLOSURE WALL SECTION NOTES**

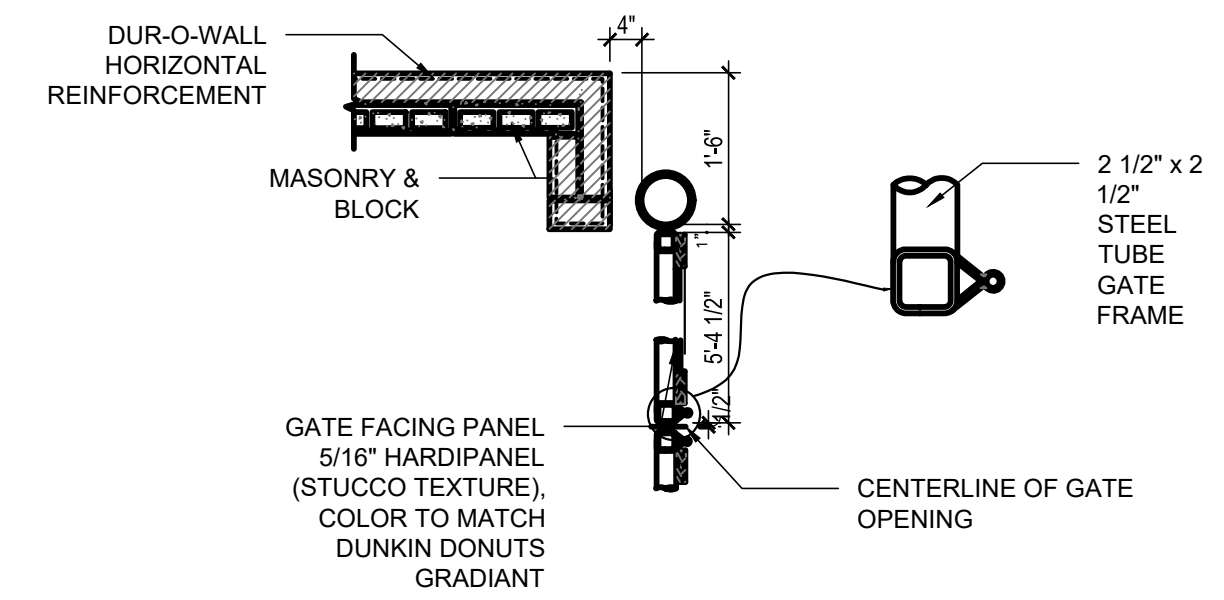
1. MASONRY VENEER TO MATCH BUILDING MAS-02 ON 4" CONCRETE BLOCK WALL.
2. 6" CONCRETE SLAB W/ 6"x6" W2.9xW2.9 W.W.F.
3. TYP. WALL FOOTING = 12"x12" CONTINUOUS W/ (2) #5 BAR BOTTOM REINFORCEMENT.
4. 6" CONCRETE APRON W/ #4 BARS 16" O.C. BOTH WAYS.
5. FOR SLAB FINISHED GRADES, SEE GRADING PLANS.
6. ALL STEEL & ALUMINUM FINISHES ARE TO BE PAINTED TO MATCH BUILDING COLOR EP-5.
7. ALL PANELS FOR GATES ARE TO BE THRU-BOLTED TO TUBE FRAME W/ 3/8" GALVANIZED BOLTS AND HARDWARE.



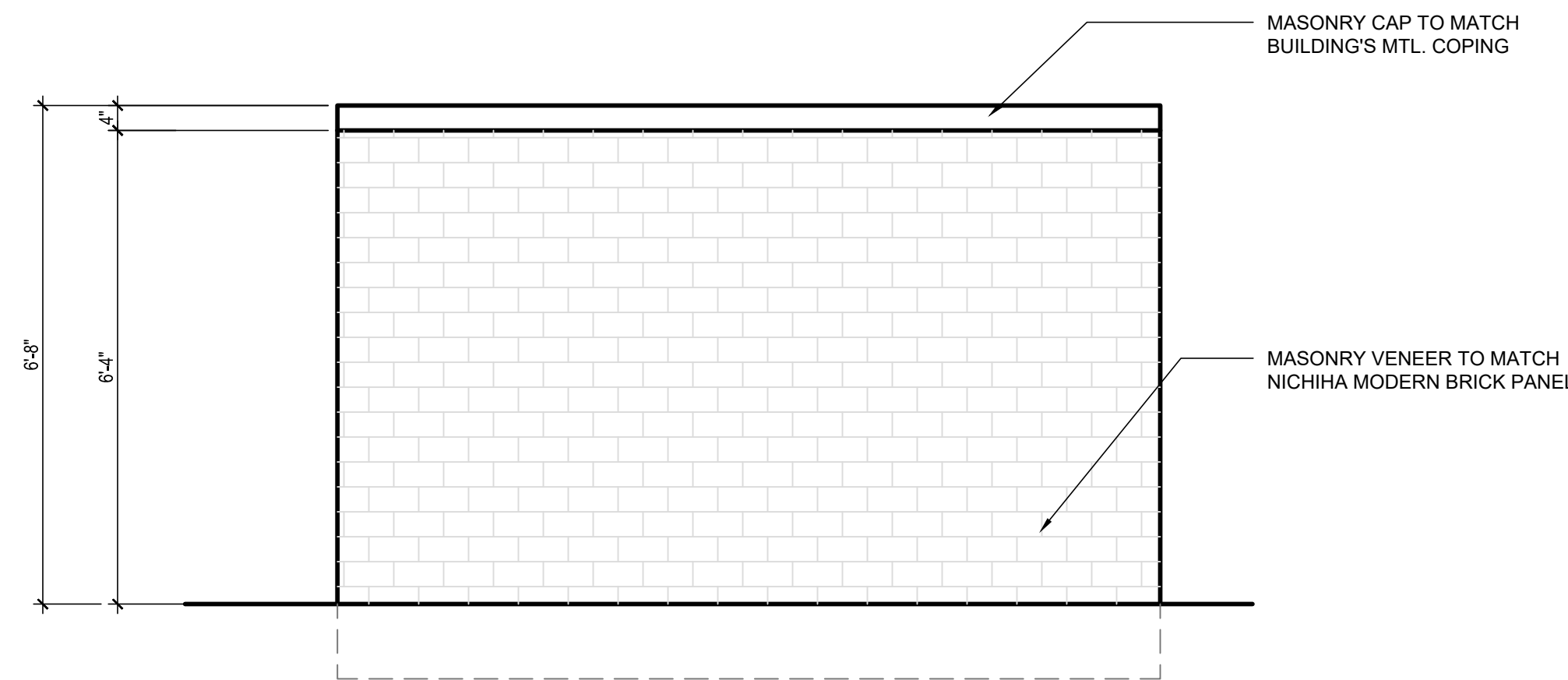
**6 GATE ELEVATION**  
SCALE: 1/2" = 1'-0"



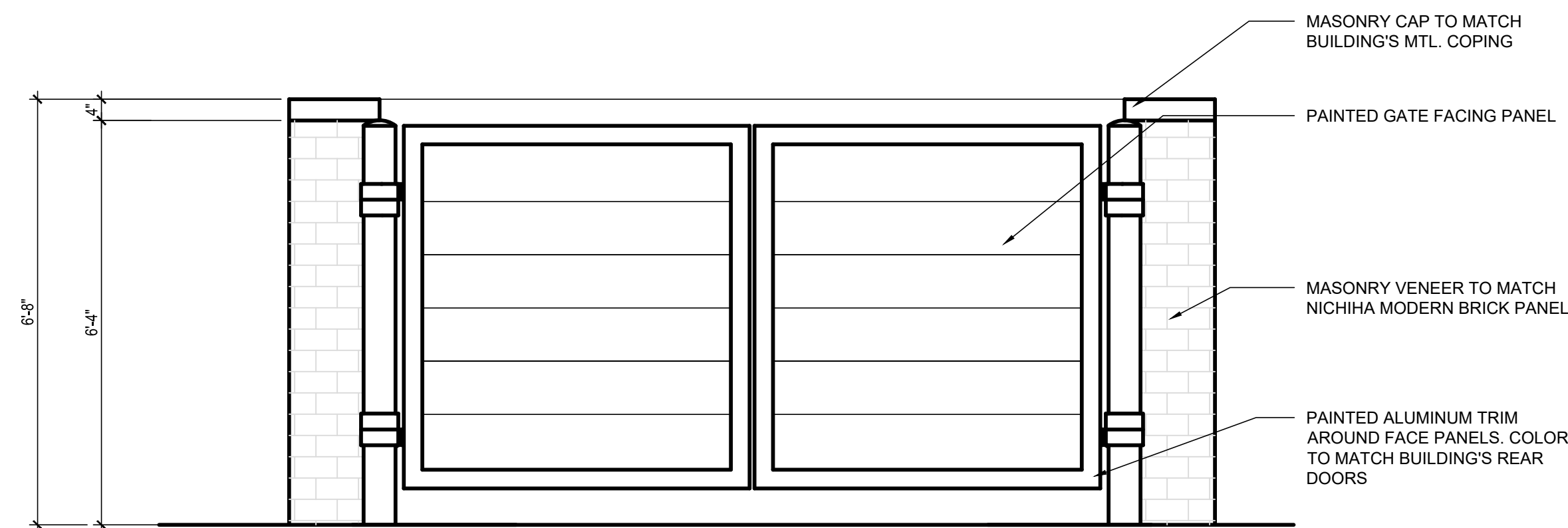
**5 WALL SECTION**  
SCALE: 1/2" = 1'-0"



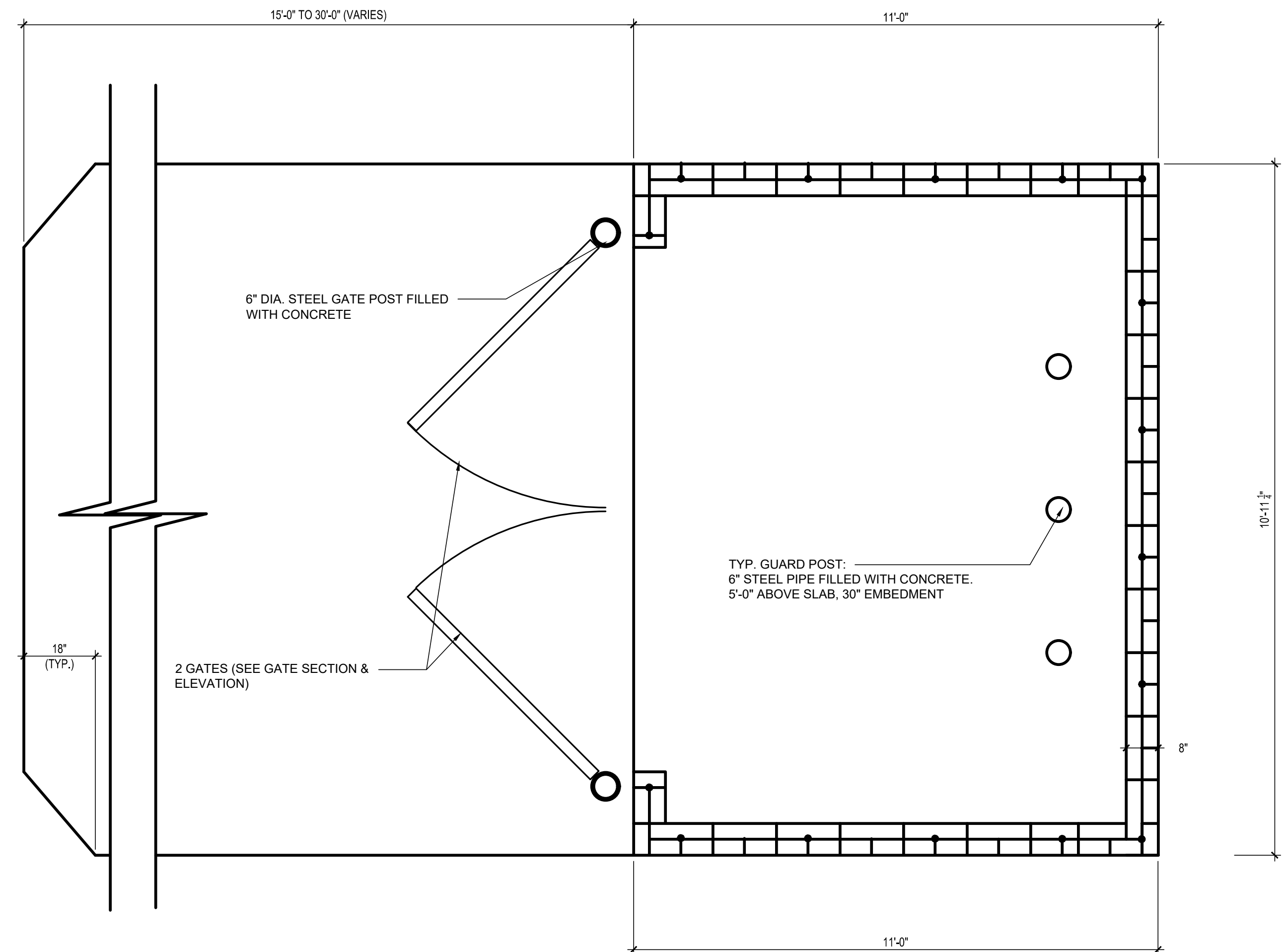
**4 ENLARGED PLAN**  
SCALE: 1/2" = 1'-0"



**3 ENCLOSURE SIDE ELEVATION**  
SCALE: 1/2" = 1'-0"



**2 ENCLOSURE FRONT ELEVATION**  
SCALE: 1/2" = 1'-0"



**1 TRASH ENCLOSURE PLAN**  
SCALE: 1/2" = 1'-0"

CIVIL ENGINEERING  
ERA CONSULTANTS  
STRUCTURAL ENGINEER  
LANDSCAPE DESIGN  
JAY ZUMBAHLN  
MEP ENGINEER  
PHOTOMETRICS  
VILLA LIGHTING  
DEVELOPER  
KARDO GROUP  
ARCHITECT  
**kolbrook design**  
828 DAVIS ST., SUITE 300  
EVANSTON, IL 60201  
OFFICE: 847.482.1982 | FAX: 12.653.0699

PROJECT:  
**DUNKIN' / BASKIN**  
**FRANKLIN, WISCONSIN**  
VACANT LOT - 5100 WEST RAWSON AVENUE  
FRANKLIN, WISCONSIN 53132  
PC #: 364076

DRAWING ISSUE	DATE
PLANNING COMMISSION REVIEW	12.11.2022

DRAWN BY: D. CAMPBELL  
CHECKED BY: S. KOLBER  
SHEET TITLE:

TRASH ENCLOSURE  
DETAILS AND NOTES

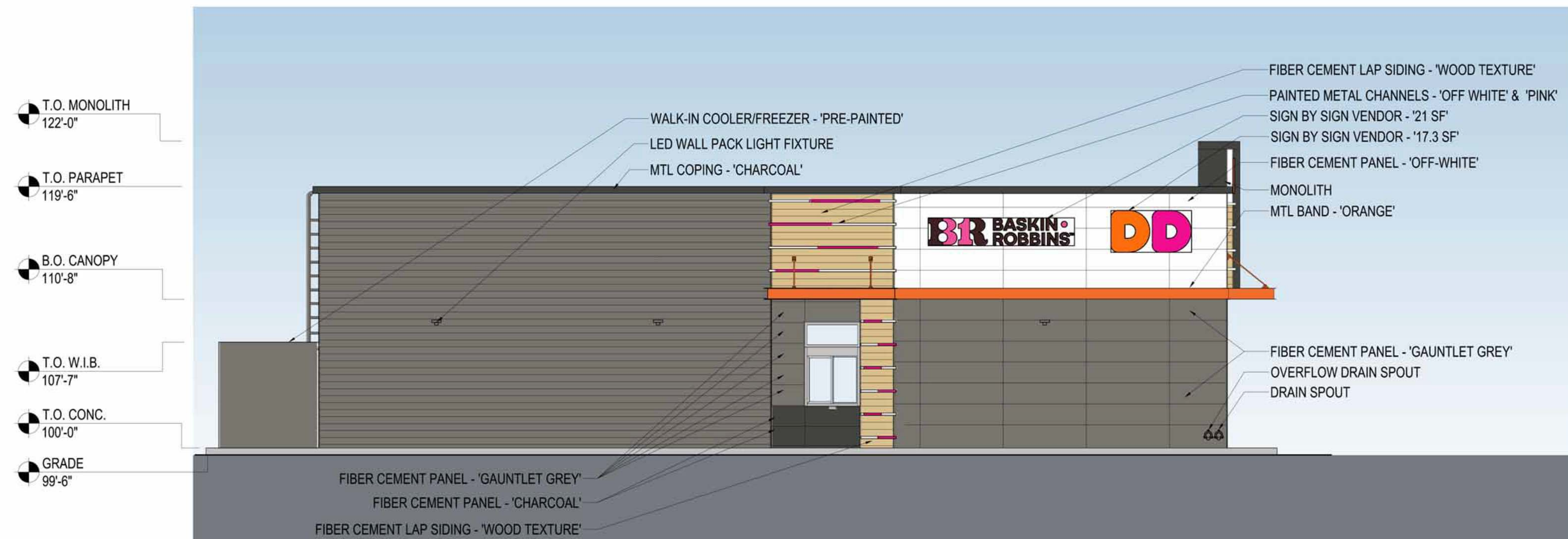
SHEET NO.

**SP2.0**

Kolbrook Job No. 1687.014 Consultant Job No. -



**2 SOUTH ELEVATION**  
SCALE: 3/16" = 1'-0"



**1 WEST ELEVATION**  
SCALE: 3/16" = 1'-0"

CIVIL ENGINEERING	ERA CONSULTANTS
STRUCTURAL ENGINEER	
LANDSCAPE DESIGN	JAY ZUMBACHLEN
MEP ENGINEER	
PHOTOMETRICS	VILLA LIGHTING
DEVELOPER	KARDO GROUP
ARCHITECT	

**kolbrook design**  
828 DAVIS ST. SUITE 300  
EVANSTON, IL 60201  
OFFICE: 847.482.1992 | FAX: 12.453.0699

**DUNKIN' / BASKIN**  
**FRANKLIN, WISCONSIN**

VACANT LOT - 5100 W. RAMISON AVE  
FRANKLIN, WISCONSIN 53132  
PC # 364076

PROJECT:

DRAWING ISSUE	DATE
PLANNING COMMISSION REVIEW	12/11/2022

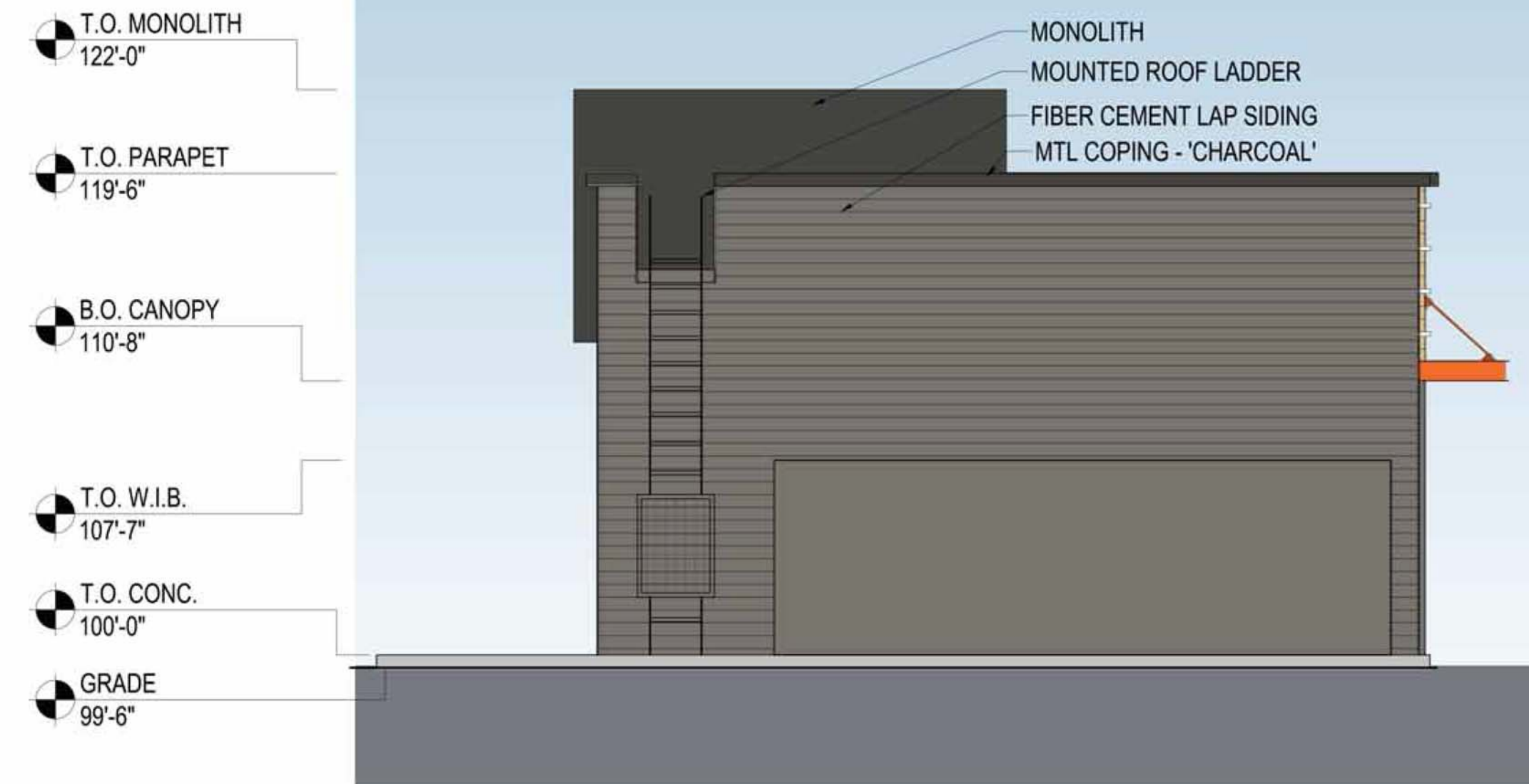
DRAWN BY: D. CAMPBELL  
CHECKED BY: S. KOLBER  
SHEET TITLE:

EXTERIOR ELEVATIONS

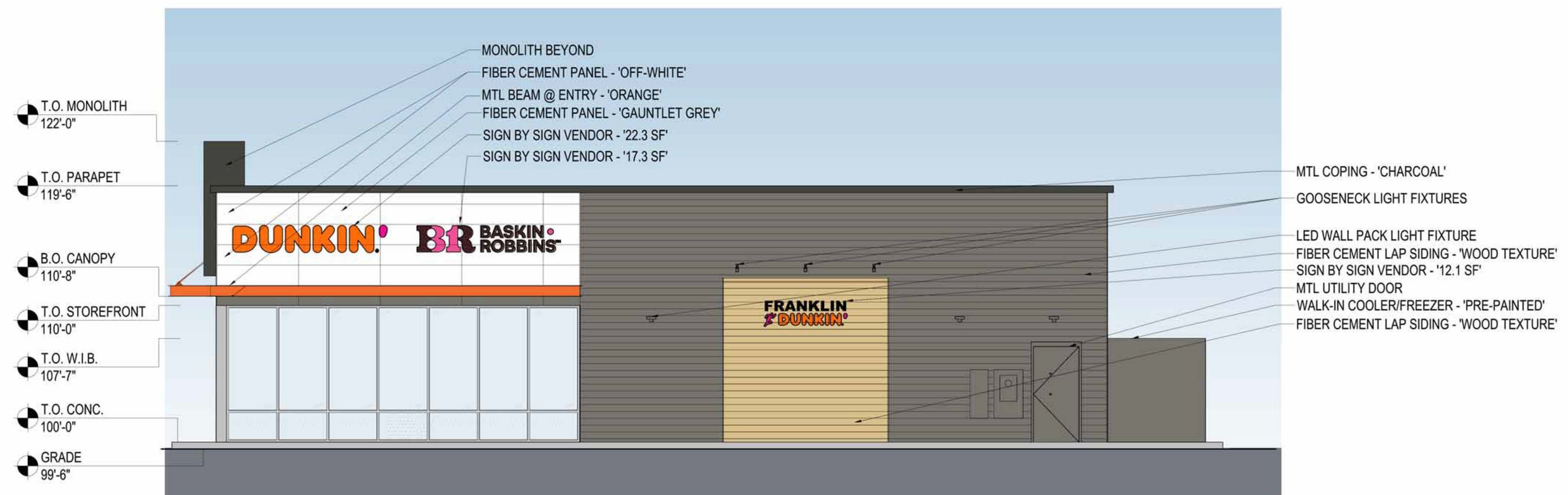
SHEET NO.

**A5.2**

Kolbrook Job No.	1687.014	Consultant Job No.	-
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**2 NORTH ELEVATION**  
SCALE: 3/16" = 1'-0"



**1 EAST ELEVATION**  
SCALE: 1/4" = 1'-0"

CIVIL ENGINEERING	ERA CONSULTANTS
STRUCTURAL ENGINEER	
LANDSCAPE DESIGN	JAY ZUMBAHLEN
MEP ENGINEER	
PHOTOMETRICS	VILLA LIGHTING
DEVELOPER	KARDO GROUP
ARCHITECT	

**kolbrook design**  
828 DAVIS ST. SUITE 300  
EVANSTON, IL 60201  
OFFICE: 847.482.1992 | FAX: 12.453.0699

**DUNKIN' / BASKIN**  
**FRANKLIN, WISCONSIN**

VACANT LOT - 5100 W. RAMISON AVE  
FRANKLIN, WISCONSIN 53132  
PC #: 364076

PROJECT:

DRAWING ISSUE	DATE
PLANNING COMMISSION REVIEW	12.11.2022

DRAWN BY: D. CAMPBELL  
CHECKED BY: S. KOLBER  
SHEET TITLE:

EXTERIOR ELEVATIONS

SHEET NO.

**A5.3**

Kolbrook Job No.	1687.014	Consultant Job No.	-
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December 11, 2022

City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

Re: General Standards Responses  
Dunkin / Baskin Robbins  
Vacant Lot at 5100 W. Rawson  
Franklin, WI 53132

Please find the responses for the General Standards as listed below for the project referenced above.

15-3.0701

A. General Standards. No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. Ordinance and Comprehensive Master Plan Purposes and Intent. The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

Response: We believe that the Dunkin / Baskin will be harmonious with the other service oriented facilities within the general development. The Sendiks, CVS, future car wash and Dunkin Baskin will work well together for the community.

2. No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

Response: The adjacent properties are all of consumer service functions with which the proposed Dunkin / Baskin will fit in well. In our opinion there will be no adverse impact as we feel the Dunkin / Baskin will be an additional draw to the development.

3. No Interference with Surrounding Development. The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

Response: We are confident that the design of the Dunkin /Baskin will not impact the adjacent properties. A very long queue (with room to extend within parking if necessary) will keep traffic far from shared roads. The future car wash to the west and the CVS to the east will not be impacted by the Dunkin / Baskin daily business.

4. Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

Response: All utilities necessary for the successful completion of the Dunkin / Baskin are already on site. The access road leading to Rawson Ave. to the east exists and we are using the existing curb cuts for ingress / egress accordingly. Easy access to the site is of course a positive aspect of this location and the community will have no issues finding and experiencing the Dunkin / Baskin.

5. No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Response: We are extremely confident based on past experience with Dunkin / Baskin that the single lane queue as designed for the drive thru is generous in length and will cause no traffic issues on our site, and out to the existing access road.

6. No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Response: The current site is fairly level as it exists. There will be no loss of any natural, scenic, or historical features.

7. Compliance with Standards. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

Response: We feel confident and can assure that the Special Use we are requesting for the Drive Thru shall conform as required to applicable regulations. We are looking forward to working with staff, Common Council, and the Plan Commission throughout the process to entertain and comply with additional standards that may be imposed.

B. Special Standards for Specified Special Uses. When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in § 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

Response: Understood.

C. Considerations. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:

1. Public Benefit. Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Response: We feel that the addition of a new Dunkin / Baskin at this location will provide great benefit and convenience to the community. The remainder of the development offers services and retail goods that a Dunkin / Baskin will certainly compliment.

2. Alternative Locations. Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

Response: Before engaging in the process of Site Plan and Special Use approvals, the site has been well examined and vetted by Dunkin Corporate (Inspire Brands) for approvals to ensure

that this location is the best fit for the Dunkin / Baskin concern. The franchisee for this location operates many stores in Wisconsin and has just built new stores in Cudahy, WI and Wales, WI and feels that this location in Franklin is a perfect fit.

3. Mitigation of Adverse Impacts. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

Response: We feel that the site design serves the site well to handle drive-traffic and parking as required. The store design itself is the latest offering by Dunkin and has been well vetted nationwide to provide great customer service in a comfortable setting.

4. Establishment of Precedent of Incompatible Uses in the Surrounding Area. Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

Response: We feel strongly that the Dunkin / Baskin fits in well with the current surrounding offerings and future planned projects. The impact of the Dunkin / Baskin will not encourage more aggressive development that is not already present (or planned) on the adjacent sites.



CITY OF FRANKLIN  
REPORT TO THE PLAN COMMISSION

Item C.2.

Meeting of July 20, 2023

Area Exception

**RECOMMENDATION:** City Development Staff recommends approval of this Area Exception request to increase the lot coverage to 17.95%, while the maximum lot coverage permitted as of right is 15%.

---

<b>Project name:</b>	<b>Josko, Area Exception</b>
<b>Property Owner:</b>	Josko, James W. and Susan N.
<b>Applicant:</b>	Josko, James W. and Susan N.
<b>Property Address/TKN:</b>	4351 W. Hunting Park Dr. / 834 0025 006
<b>Aldermanic District:</b>	District 4
<b>Zoning District:</b>	R-3 – Suburban/Estate Single-Family Residence District
<b>Staff Planner:</b>	Régulo Martínez-Montilva, AICP CNUa, Principal Planner

---

**INTRODUCTION:**

Area Exception to allow for a lot coverage of 17.95% (4,576 square feet) for the installation of a swimming pool, exceeding the R-3 maximum lot coverage standard of 15% (3,822 square feet). The area of the subject property is 25,480 square feet. The existing residence and garage cover approximately 4,134.25 sq. ft. and the proposed swimming pool and safety ledge concrete would have an area of 442 sq. ft.

**PROJECT ANALYSIS:**

The process to grant an Area Exception involves review and recommendation of the Plan Commission followed by approval by the Board of Zoning and Building Appeals.

Per Section 15-10.0209, Area Exceptions may be granted to increase the maximum lot coverage by no more than 20%. Section 15-10.0209.G. of the Unified Development Ordinance (UDO) specifically lists Standards to be reviewed to grant or deny an Area Exception, which the Plan Commission and Board of Zoning and Building Appeals will use to consider the request.

Lot coverage is defined as “the area of a zoning lot occupied by the principal building or buildings, accessory structure(s) and accessory building(s)”. For example, structures that count towards lot coverage include: principal buildings or dwellings, garages, sheds, swimming pools and associated paved surfaces within four feet from the pool, decks, any structures with a cover or canopy, etc. This Lot Coverage definition should not be confused with Impervious Surface Ratio (ISR) as driveways and walkways count towards ISR but not for lot coverage.



**Maximum lot coverage calculation:**

- The property area is 25,480 square feet (sq. ft.).
- Per UDO Table 15-3.0203, the maximum lot coverage is 15% in the R3 Suburban/Estate Single-Family Residence District where the subject property is located. Based on the property area, the maximum lot coverage for this property is 3,822 sq. ft.
- The existing lot coverage is 16.2% (4,134.25 sq. ft.), specifically dwelling with attached garage (2,938 sq. ft.) and detached garage (1,196 sq. ft.).
- The proposed swimming pool and concrete safety ledge for which this Area Exception has been requested would be 442 sq. ft., specifically pool (160 sq. ft.) and safety ledge (282 sq. ft.); with a resulting lot coverage of 17.95% (4,576 sq. ft.).
- With approval of an Area Exception, the maximum lot coverage may be increased up to 20% over the maximum permitted lot coverage in this zoning district (15%), resulting in 18% (4,586 sq. ft.). Therefore, this request falls within the allowable increase if the Area Exception is granted.

	Description	Lot coverage	
		Percent of lot area Lot area: 25,480 sq. ft.	Measured in square feet (sq. ft.)
<b>Existing conditions</b>	Existing dwelling with attached garage and detached garage	16.20%	4,134 sq. ft.
<b>Proposal</b>	Existing structures and new swimming pool with safety concrete ledge	17.95%	4,576 sq. ft.
<b>Maximum permitted by right</b>	Maximum lot coverage in the R-3 zoning district without the need of an Area Exception	15.00%	3,822 sq. ft.
<b>Maximum increase with Area Exception</b>	Per UDO Section 15-10.0209, Area Exceptions may be granted to increase the maximum lot coverage by no more than 20%	18.00%	4,586 sq. ft.

The initial design had a lot coverage of 18.22 %, the applicant revised it following staff comments to comply with UDO Section 15-10.0209.

**SITE COMPLIANCE**

A site visit was performed as part of the staff report preparation process. No compliance issues besides lot coverage were discovered during the site visit.

**STAFF RECOMMENDATION**

City Development Staff recommends approval of this Area Exception request to increase the lot coverage to 17.95%, while the maximum lot coverage permitted as of right is 15%.



CITY OF FRANKLIN  
REPORT TO THE PLAN COMMISSION

Item C.2.

Meeting of July 20, 2023

Area Exception

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<b>Project name:</b>	<b>Josko, Area Exception</b>
<b>Property Owner:</b>	Josko, James W. and Susan N.
<b>Applicant:</b>	Josko, James W. and Susan N.
<b>Property Address/TKN:</b>	4351 W. Hunting Park Dr. / 834 0025 006
<b>Aldermanic District:</b>	District 4
<b>Zoning District:</b>	R-3 – Suburban/Estate Single-Family Residence District
<b>Staff Planner:</b>	Régulo Martínez-Montilva, AICP CNUa, Principal Planner

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<b>Proposal</b>	Existing structures and new swimming pool with safety concrete ledge	17.95%	4,576 sq. ft.
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The initial design had a lot coverage of 18.22 %, the applicant revised it following staff comments to comply with UDO Section 15-10.0209.

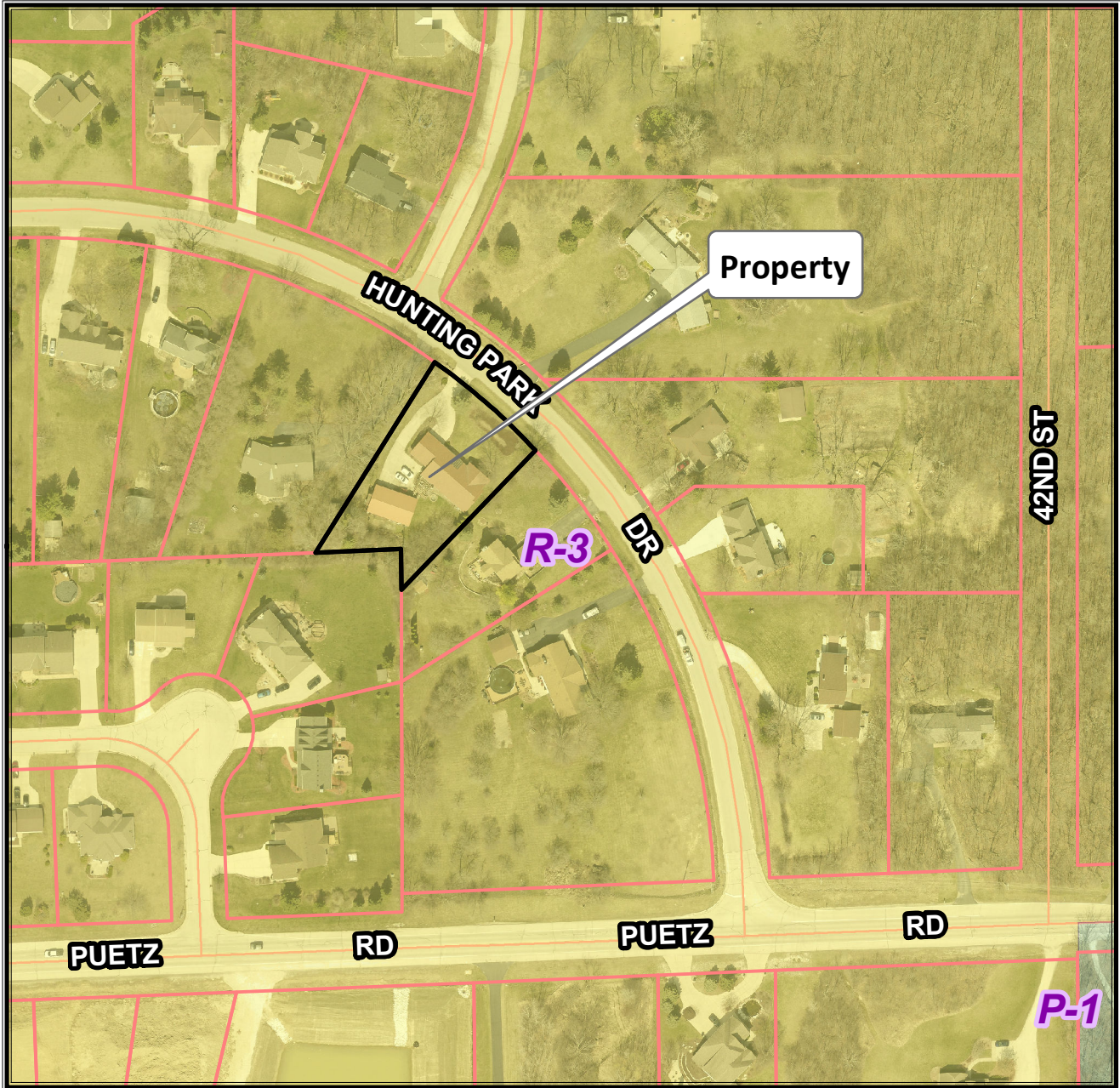
**SITE COMPLIANCE**

A site visit was performed as part of the staff report preparation process. No compliance issues besides lot coverage were discovered during the site visit.

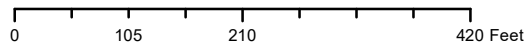
**STAFF RECOMMENDATION**

City Development Staff recommends approval of this Area Exception request to increase the lot coverage to 17.95%, while the maximum lot coverage permitted as of right is 15%.

4351 W. Hunting Park Drive  
834 0025 006



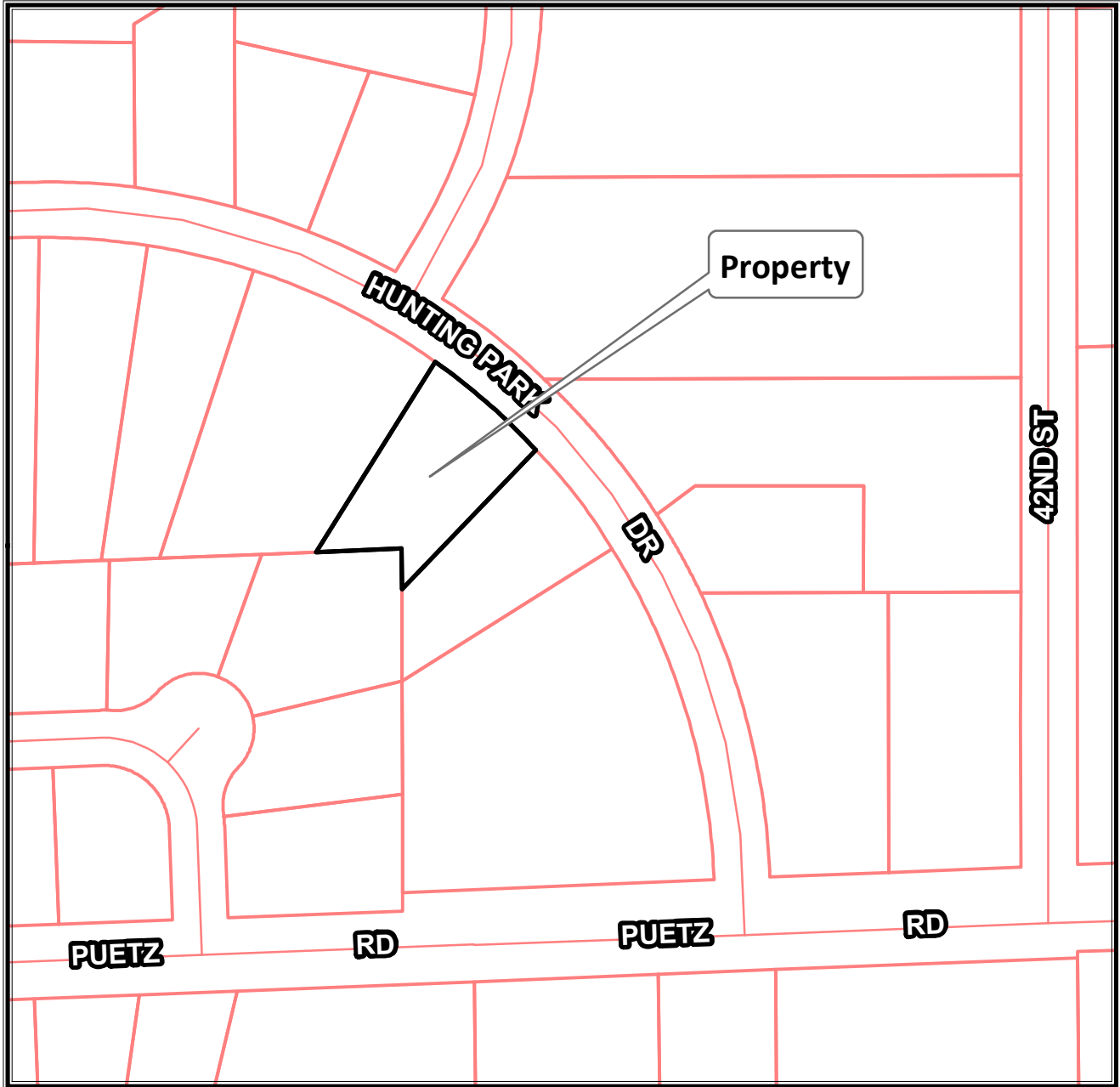
**Planning Department**  
**(414) 425-4024**



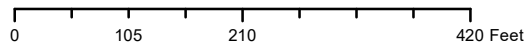
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



4351 W. Hunting Park Drive  
834 0025 006



**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.*



## PROJECT NARRATIVE

James W & Susan N Josko are submitting this Area Exception Application for the purposes of seeking approval to build a Fiberglass Inground Swimming Pool at our Franklin home located at 4351 W Hunting Park Drive for family gatherings, relaxation and exercise.

We are partnering with Brinkmann Fiberglass Pools located in Oconomowoc, WI

Brinkmann Fiberglass Pools specializes in fiberglass pools only. Brinkmann has been installing fiberglass pools for over 20 years, totaling over 500 pools installed. Brinkmann Fiberglass Pools is a Wisconsin family orientated business, and they treat each backyard as if it were their own. Brinkmann crews take pride in their work and how they treat each community they work in.

## Standards in the Review of Area Exceptions

Date: 05/11/2023

Case No. \_\_\_\_\_

Property Owner: James W & Susan N Josko

Property Address: 4351 W Hunting Park Dr. Franklin, WI 53132

Section 15-10.0209G of the City of Franklin Unified Development Ordinance specifically lists Standards to be reviewed by the Board of Zoning and Building Appeals to grant or deny an Area Exception. The Standards are:

1. That the area exception will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The variance is for an in ground pool. It is in a private area in the backyard of the property that is secluded due to wooded areas across the back and left side of the property, by an outbuilding on the right (garage) and the actual home across the front. This has no impact on any other property in the area and is also not visible from adjoining property

2. That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the area exception.

That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the area exception.  
~~The pool has no impact on neighbors or neighborhood and does not create a hazard in any way. The entire area is enclosed by metal fencing with auto close gates that are able to be key locked~~

3. That the area exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The pool has been designed to meet all square footage requirements the city has. All properties adjoining and bordering our property are not affected.

4. That the area exception will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire within the neighborhood.

This is an inground pool for personal use and has no impact on the light or air supply of any properties bordering ours.

5. That the area exception shall be in harmony with the general purpose and intent of this Unified Development Ordinance.

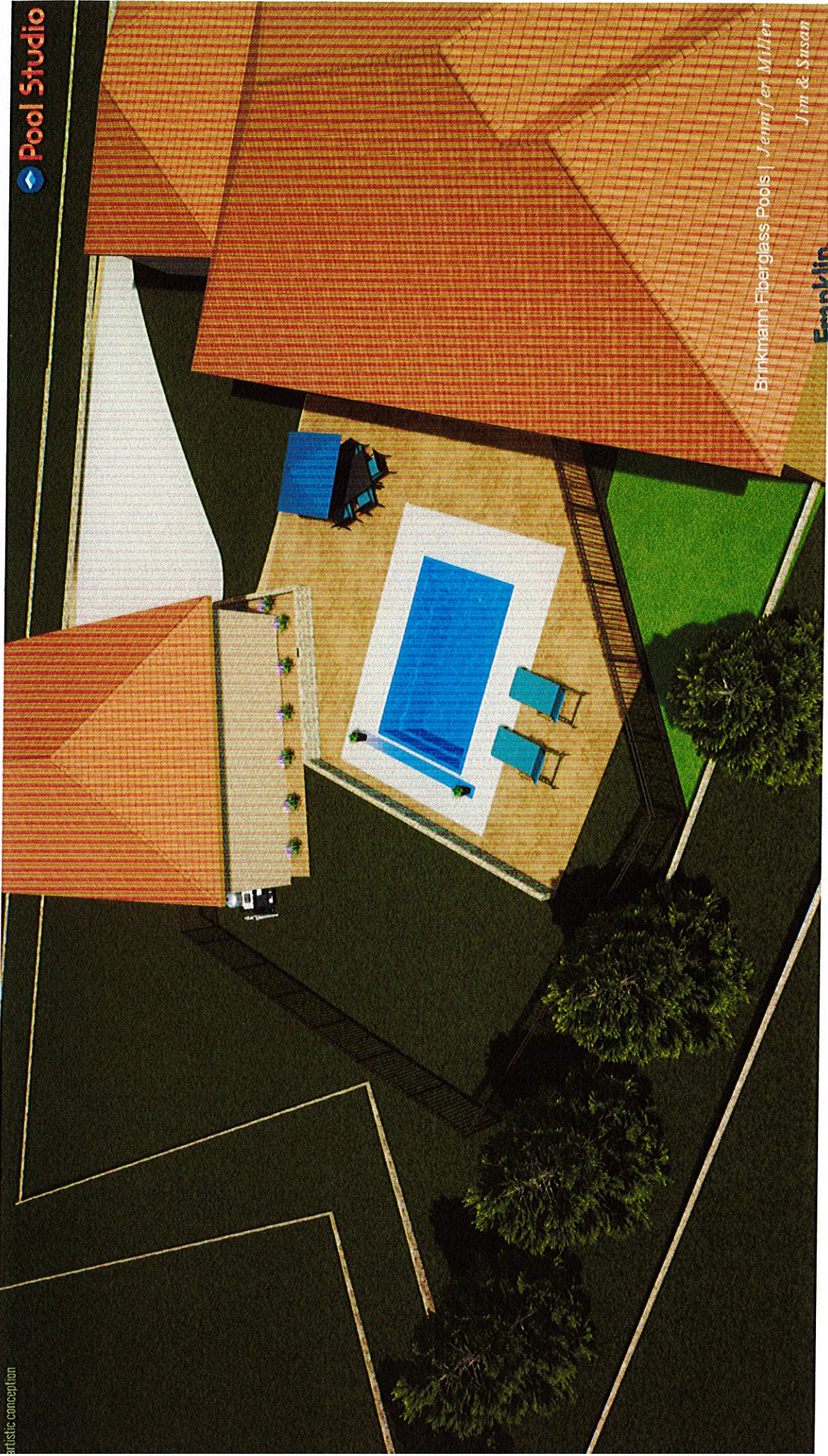
We believe the pool designed by Brinkmann Fiberglass Pool Company enhances our property and meets the general purpose and intent of the Unified Development Ordinance of the City of Franklin. This pool creates a backyard space that we and those that follow us can enjoy.

**Franklin**  
**JUN 22 2023**  
**City Development**



Max. Coverage if exception granted: 4586 sf  
 Less current coverage: 4134.25 sf  
 (Detached Garage: 1196 sf)  
 (Dwelling & Attached Garage: 2938 sf)  
 Less pool: 160 sf  
 Less 4' safety ledge concrete: 282 sf  
 Remaining Coverage Available: 9.75 sf





Artistic conception

 Pool Studio

Brinkmann Fiberglass Pools | Jennifer Miller  
Jim & Susan

**Franklin**

JUN 22 2023

**City Development**

# PLAT OF SURVEY

PROPERTY DESCRIPTION: (Per Document No.:11280627)

Parcel 2 of Certified Survey Map No. 6435, recorded in the Register of Deeds office for Milwaukee County, Wisconsin, on November 18, 1997 on Real 4184, Image 871, as Document No. 7450360, being a re-division of Parcel 1 and 2 of Certified Survey Map No. 4980, being a re-division of Lot 6, Block 4, in Hunting Park, being a subdivision of a part of the Southeast  $\frac{1}{4}$  of Section 14, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

For questions regarding underground utilities please contact:



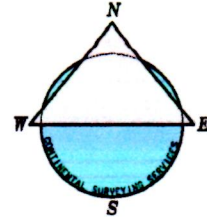
PHONE: Wisconsin 1 Call center 1 (800) 242-8511

**NOTE: Title Policy**

No Title Policy has been provided AND unless an ALTA/NSPS Survey has been ordered this Note shall remain on the face of this map. Without performing an ALTA/NSPS Survey this Plat of Survey does not guarantee the existence, size and location of any easements, encumbrances, restrictions or other facts that could otherwise be disclosed in an ALTA/NSPS Survey.

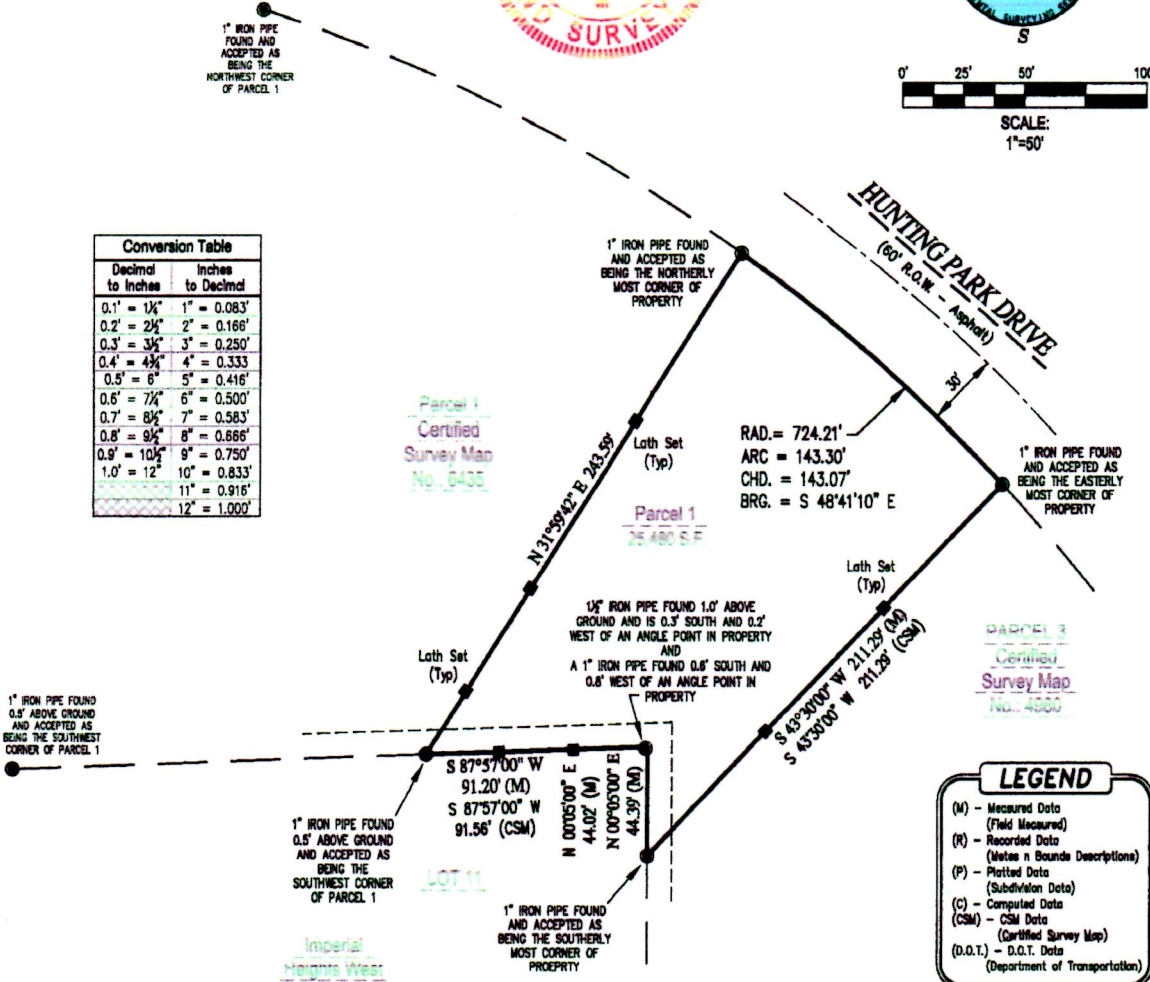
**NOTE: Underground Utilities**

Location of Underground utilities are not part of the agreement made between the Surveyor AND Client named on this map, therefore none are shown.



SCALE:  
1"=50'

Conversion Table	
Decimal to Inches	Inches to Decimal
0.1' = 1 1/8"	1" = 0.0833'
0.2' = 2 1/2"	2" = 0.1667'
0.3' = 3 1/2"	3" = 0.2500'
0.4' = 4 1/2"	4" = 0.3333'
0.5' = 6"	5" = 0.4167'
0.6' = 7 1/2"	6" = 0.5000'
0.7' = 8 1/2"	7" = 0.5833'
0.8' = 9 1/2"	8" = 0.6667'
0.9' = 10 1/2"	9" = 0.7500'
1.0' = 12"	10" = 0.8333'
	11" = 0.9167'
	12" = 1.0000'



**LEGEND**

- (M) - Measured Data (Field Measured)
- (R) - Recorded Data (Notes n Bounds Descriptions)
- (P) - Plotted Data (Subdivision Data)
- (C) - Computed Data (CSM) - CSM Data (Certified Survey Map)
- (D.O.T.) - D.O.T. Data (Department of Transportation)

This map was drafted by: RRR

**LEGAL NOTICE:** UNAUTHORIZED REVISIONS, MODIFICATIONS, ALTERATIONS, AND OR MAKING CHANGES OF ANY KIND AND THEN USE AND OR DISTRIBUTE THIS MAP, CONTINENTAL SURVEYING SERVICES LLC'S NAME, OR THE SURVEYOR'S NAME NAMED ON THIS MAP WITHOUT CONSENT MAY BE A FEDERAL OFFENSE IN VIOLATION OF COPYRIGHT AND OR PLAGIARISM LAWS WHICH MAY RESULT IN LEGAL ACTION.

**CONTINENTAL SURVEYING SERVICES LLC**

Main Office:  
3070 Helsen Drive, Suite "J"  
Richfield Wl. 53076  
Phone: (282) 389-9200  
Website: www.cssurveys.com  
Email: survey@cssurveys.com

Alt. Phone: (282) 336-3600  
Alt. Phone: (282) 628-1409  
Alt. Phone: (414) 428-2090

**CLIENT:**  
James Jasko  
7647 S. Sanctuary Road  
Franklin, WI. 53132

**PROPERTY ADDRESS:**  
4351 W Hunting Park Drive  
Franklin,  
Wisconsin 53132

**PARCEL INFO:**  
TAX KEY NUMBER: 8340025006  
PROJECT NO.: 20220912\_PLS0001  
SERVICE PERFORMED: PLS

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND IN MY PROFESSIONAL OPINION THIS MAP IS A TRUE REPRESENTATION THEREOF AND IS MADE IN ACCORDANCE WITH THE RECORDS OF THE REGISTER OF DEEDS AS NEARLY AS PRACTICAL THIS SURVEY COMPLES WITH WISCONSIN ADMINISTRATIVE CODE AE-7 EXCEPT FOR THOSE ITEMS WAIVED, IF ANY, AND IS BOUND BY WISCONSIN STATE STATUTE 893.37 THAT DEFINES STATUTE OF LIMITATIONS IN REGARDS TO SURVEYS.

*[Signature]*  
Rick R. Hillmann S-3005

Dated this 09 Day of OCTOBER, 2022.



By the Graces of God and the talents given to us, we strive to provide the most Honest and Reliable Land Surveying Services









**CITY OF FRANKLIN**  
**REPORT TO THE PLAN COMMISSION**  
**Meeting of July 20, 2023**  
**Temporary Use**

**Item D.1.**

**RECOMMENDATION:** City Development staff recommends approval of the Temporary Use Application for A Happy Thought Indeed to hold the re:Craft & Relic for the dates requested within the application.

<b>Project Name:</b>	<b>A Happy Thought Indeed – ReCraft and Relic</b>
<b>Application Number:</b>	<b>PPZ23-0043</b>
<b>Property Owner:</b>	Milwaukee County Parks
<b>Applicant:</b>	Susan Smith A Happy Thought Indeed Market Management, LLC
<b>Property Address/Tax Key Number:</b>	<b>6000 W Ryan Road / 883 9999 004</b>
<b>Aldermanic District:</b>	District 4
<b>Agent:</b>	Susan Smith
<b>Zoning District:</b>	P-1 Park District; FW Floodway District and FC Floodplain Conservancy District
<b>Use of Surrounding Properties:</b>	Parkland to North and West; Multifamily to East and South
<b>Application Request:</b>	To allow for a craft sale event on multiple dates
<b>Staff Planner:</b>	Marion Ecks, AICP

The applicant, Susan Smith, is requesting a Temporary Use Permit to host a series of two-day indoor shopping events, re:Craft & Relic, at the Milwaukee County Sports Complex. The Temporary Use is not specifically listed within Section 15-3.0804 Detailed Standards for Temporary Uses as an allowed temporary use; therefore, it requires Plan Commission review and approval.

The proposed dates for the events are November 11 -12, 2023; January 27 - 28, 2024; and April 27 - 28, 2024. The event is open to the public from 9:00 a.m. to 4:00 p.m. on Saturday and 10:00 a.m. to 4:00 p.m. on Sunday. The event planners will be on site beginning Friday for setup until vendor teardown which concludes at 9:00 p.m. Sunday. The applicant anticipates that approximately 150 vendor of goods and up to 20 food vendors will participate in the proposed events. The Franklin Health Department requires any food vendors to be properly licensed prior to the event. The Milwaukee County Sports Complex has a large parking lot with overflow parking areas and often hosts large events. No changes to the site are proposed for the event.

**Staff Recommendation**

A motion to approve the Temporary Use Application for A Happy Thought Indeed to hold the re:Craft & Relic event at the Milwaukee County Sports Complex for the dates requested within the application.

RESOLUTION NO. 2023-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS  
FOR THE APPROVAL OF A TEMPORARY USE FOR A RE:CRAFT  
AND RELIC MARKET TICKETED, CURATED SHOPPING EVENT  
FOR PROPERTY LOCATED AT 6000 WEST RYAN ROAD  
(MILWAUKEE COUNTY SPORTS COMPLEX)  
(SUSAN M. SMITH, A HAPPY THOUGHT INDEED  
MARKET MANAGEMENT LLC, APPLICANT)

---

WHEREAS, Susan M. Smith, A Happy Thought Indeed Market Management LLC having petitioned the City of Franklin for the approval of a Temporary Use to allow for an indoor re:craft and Relic ticketed, curated shopping event with over 150 vendors, featuring vintage, handmade and upcycled goods for sale (a juried event, with primary emphasis being placed on the quality and diversity of the products and the aesthetic of the booth displays), and 15 to 20 vendors for food sales (mainly prepackaged products, with 3-4 vendors selling non-prepackaged food), at the Milwaukee County Sports Complex located at 6000 West Ryan Road, for three periods, Fall Market held November 11-12, 2023, Winter Market held January 27-28, 2024 and Spring Market held April 27-28, 2024, from 7:00 a.m. to 5:00 p.m. on Saturdays, and from 8:00 a.m. to 9:00 p.m. on Sundays [event staff on-site for each of the three events on Friday, from 7:00 a.m. to 7:00 p.m. (vendor setup from 1:00 p.m. to 7:00 p.m.), (vendor teardown on Sunday, from 4:00 p.m. to 9:00 p.m.)], on property zoned P-1 Park District, FC Floodplain Conservancy District and FW Floodway District; and

WHEREAS, the Plan Commission having found that the proposed Temporary Use, subject to conditions, meets the standards set forth under §15-3.0804 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the petition of Susan M. Smith, A Happy Thought Indeed Market Management LLC, for the approval of a Temporary Use to allow for a re:craft & Relic market curated shopping event, for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. The approval granted hereunder shall allow for such use for three periods, Fall Market held November 11-12, 2023, Winter Market held January 27-28, 2024 and Spring Market held April 27-28, 2024, from 7:00 a.m. to 5:00 p.m. on Saturdays, and from 8:00 a.m. to 9:00 p.m. on Sundays [event staff on-site for each of the three events on Friday, from 7:00 a.m. to 7:00 p.m. (vendor setup from 1:00 p.m. to 7:00 p.m.), (vendor teardown on Sunday, from 4:00 p.m. to 9:00 p.m.)], and all approvals granted

SUSAN M. SMITH, A HAPPY THOUGHT INDEED MARKET MANAGEMENT LLC-  
TEMPORARY USE  
RESOLUTION NO. 2023-\_\_\_\_\_

Page 2

hereunder expiring, respectively and individually for each approved event, at 4:00 p.m. on November 12, 2023, January 28, 2024 and April 28, 2024.

2. Event organizer must provide information on food vendors to the Franklin Health Department (FHD) including proof of licensing, vendor information sheet and FHD will require inspection fees from vendors if applicable.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Chairman

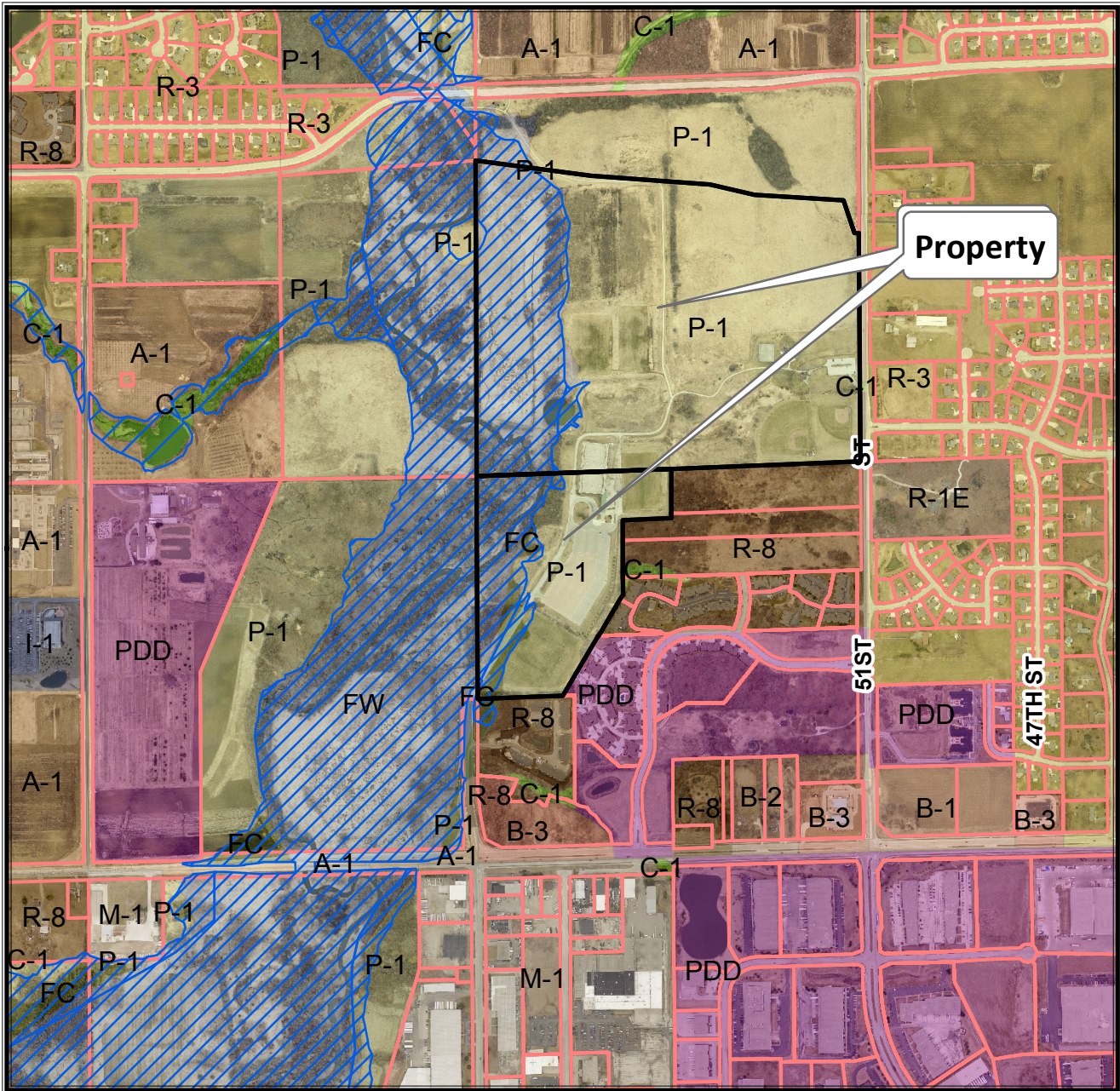
ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

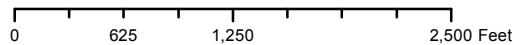
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_



6000 W. Ryan Road  
TKN: 852 9999 001 & 882 9987 001



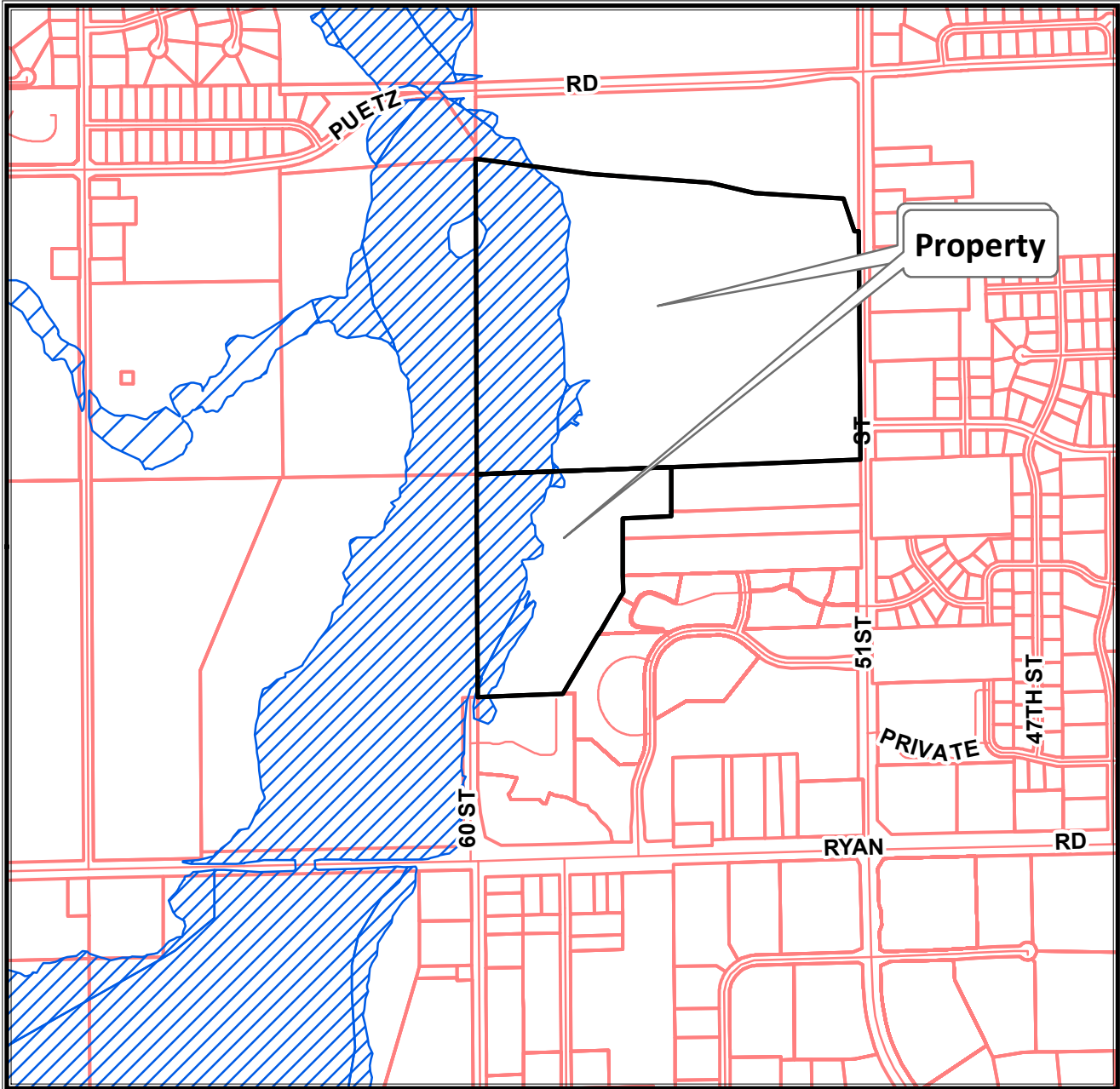
**Planning Department**  
**(414) 425-4024**



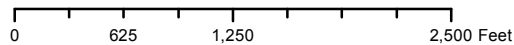
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



6000 W. Ryan Road  
TKN: 852 9999 001 & 882 9987 001



**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.*

## Project Narrative

re:Craft and Relic is a two-day, indoor, ticketed shopping event held three times a year at the Milwaukee County Sports Complex in Franklin, WI. It is one of the largest indoor events of its kind in the region, featuring vintage, handmade, and upcycled goods. It is a juried event, with primary emphasis being placed on a) the quality & diversity of the products and b) the aesthetic of the booth displays.

re:Craft & Relic is owned by A Happy Thought Indeed Market Management, a company that primarily runs re:Craft & Relic events but has also run the Stonewood Village Maker's Market in Brookfield and the MKE Local Market.

The first re:Craft & Relic market was in November of 2015. We have since had 17 events total at the Milwaukee County Sports Complex, all the events take place inside the Sports Complex. The event averages around 150 vendors and over 4,000 paid customers.

We have had great communication with the Park Rangers and building staff regarding parking and now have a full parking attendant team during the busiest hours of the event. There will be no changes to the configuration of parking for this event but are working with the Park Rangers to make sure "no parking" signs are where they need to be and marking a sufficient amount of parking spaces as reserved for handicap parking needs.

The dates for our upcoming shows are:

November 11<sup>th</sup>&12<sup>th</sup>, 2023

January 27<sup>th</sup> & 28<sup>th</sup>, 2024

April 27<sup>th</sup> & 28<sup>th</sup>, 2024

For all three shows we are on-site for the following times:

Friday - 7am to 7pm (vendor setup is from 1pm -7pm)

Saturday- 7am to 5pm

Sunday - 8am to 9pm (vendor teardown is from 4pm to 9pm)

Shopping hours are:

9am-4pm on Saturday, 10am-4pm on Sunday

re:Craft & Relic typically has 15-20 vendors at the events that sell food. The majority of these vendors sell prepackaged products. At each event, we typically have 3-4 vendors selling non-prepackaged food.

Our website has more information about our events - [www.recraftandrelic.com](http://www.recraftandrelic.com)

Thank you for considering our event!

- Susan Marie Smith
- Owner of A Happy Thought Indeed Market Management, LLC