

**City of Franklin
Plan Commission Meeting
August 20, 2020
Minutes**

Approved
September 3, 2020

A. Call to Order and Roll Call

Mayor Steve Olson called the August 20, 2020 regular Plan Commission meeting to order at 7:14 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor Steve Olson, Commissioners Patrick Leon, Adam Burchardt, Kevin Haley and Patricia Hogan, Alderman Mark Dandrea and City Engineer Glen Morrow. Also present were Alderman Mayer (remote), Planning Manager Heath Eddy, Associate Planner Regulo Martinez-Montilva and City Attorney Jesse Wesolowski.

B. Approval of Minutes

1. Regular Meeting of August 6, 2020.

Alderman Dandrea moved and Commissioner Leon seconded approval of the August 6, 2020 regular meeting minutes. On voice vote, all voted 'aye'. Motion carried (6-0-0).

C. Public Hearing Business Matters

1. PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) MILKY WAY DRIVE-IN MOVIE THEATER UPON AND ADJOINING THE MILWAUKEE MILKMAN'S STADIUM USE IN THE ROCK SPORTS COMPLEX.

Special Use application by Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC, to operate a drive-in theater consisting of a 22-foot wide LED screen mounted to the back of the video board at the Stadium (S1) of Ball Park Commons, the use of 244 parking spaces north of the Stadium, and queuing space located to the north and west of the future golf driving range (drive-in theaters require a Special Use per Section 15-3.0703.J. of the Unified Development Ordinance) [On May 19, 2020, the Common Council granted a license and an Extraordinary Entertainment and Special Event permit to the Rock Sports Complex, LLC for the operation of the

Planning Manager Heath Eddy presented the request by Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC, to operate a drive-in theater consisting of a 22-foot wide LED screen mounted to the back of the video board at the Stadium (S1) of Ball Park Commons, the use of 244 parking spaces north of the Stadium, and queuing space located to the north and west of the future golf driving range (drive-in theaters require a Special Use per Section 15-3.0703.J. of the Unified Development Ordinance) [On May 19, 2020, the Common Council granted a license and an Extraordinary Entertainment and Special Event permit to the Rock Sports Complex, LLC for the operation of the Milky Way Drive-in Theater, subject to compliance with State and City requirements as well as the timely submission of an application for Special Use], with a proposed operations schedule in the spring, summer and fall seasons as weather permits, upon property zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), located at 7035 South Ballpark Drive (just north of the existing baseball stadium, and just south of the existing ski lodge); Tax Key No. 744-1003-000.

The Official Notice of Public hearing was read in to the record by Planning Manger Heath Eddy and the Public Hearing was opened at 7:20 p.m. and closed at 7:32 p.m.

Milky Way Drive-in Theater, subject to compliance with State and City requirements as well as the timely submission of an application for Special Use], with a proposed operations schedule in the spring, summer and fall seasons as weather permits, upon property zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), located at 7035 South Ballpark Drive (just north of the existing baseball stadium, and just south of the existing ski lodge); Tax Key No. 744-1003-000.

Alderman Dandrea moved and City Engineer Morrow seconded a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a Special Use for the operation of a drive-in theater upon property located at 7035 South Ballpark Drive, a letter from the Federal Aviation Administration shall be required for searchlight permits. On voice vote, there were 5 'ayes' and 1 'nay'. Motion carried (5-1-0).

D. Business Matters

1. **FHCC, LLC OUTLOT TO BUILDABLE LOT DESIGNATION CHANGE.** Certified Survey Map and Miscellaneous application by Michael H. Dilworth, owner of FHCC, LLC, to change the designation of Outlot 1 of Certified Survey Map No. 6596 to Lot 1, a buildable lot (to construct a single-family residence) [Section 15-11.0103 OUTLOT of the Unified Development Ordinance states that an Outlot designation is unbuildable][the applicant alleges that the existing outlot designation was based on a 1998 wetland delineation by Hey & Associates (a 2018 assured wetland delineation indicates that wetlands are confined to an existing drainage easement)], vacant property is generally located on the north side of West Rawson Avenue at approximately Fieldstone Court, and is zoned R-3 Suburban/Estate Single-Family Residence District; Tax Key No. 748-9997-007.

Planning Manager Heath Eddy presented the request by Michael H. Dilworth, owner of FHCC, LLC, to change the designation of Outlot 1 of Certified Survey Map No. 6596 to Lot 1, a buildable lot (to construct a single-family residence) [Section 15-11.0103 OUTLOT of the Unified Development Ordinance states that an Outlot designation is unbuildable][the applicant alleges that the existing outlot designation was based on a 1998 wetland delineation by Hey & Associates (a 2018 assured wetland delineation indicates that wetlands are confined to an existing drainage easement)], vacant property is generally located on the north side of West Rawson Avenue at approximately Fieldstone Court, and is zoned R-3 Suburban/Estate Single-Family Residence District; Tax Key No. 748-9997-007.

CERTIFIED SURVEY MAP AND MISCELLANEOUS

Alderman Dandrea moved and Commissioner Hogan seconded a motion to recommend denial due to potential encroachments into protected natural resource feature areas on the property. On voice vote, all voted 'aye'. Motion carried (6-0-0).

2. **NISENBAUM HOMES & REALTY, INC. TWO-FAMILY RESIDENTIAL STRUCTURE PROJECT TIME EXTENSION.** Amendment to Special Use by Gregory D. Nisenbaum, President of Nisenbaum Homes &

Planning Manager Heath Eddy presented the request by Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc., to allow for a one year extension of time to complete the project (construction of a two-family residential side by side ranch townhome with 1,371 square feet of living space and basement in each ranch unit and a proposed shared driveway entrance off of West Cortez

Realty, Inc., to allow for a one year extension of time to complete the project (construction of a two- family residential side by side ranch townhome with 1,371 square feet of living space and basement in each ranch unit and a proposed shared driveway entrance off of West Cortez Circle) [the Special Use Amendment Resolution No. 2019-7526 was previously approved on August 6, 2019, and therefore, the time for obtaining a building permit expires on August 6, 2020], upon property zoned R-8 Multiple-Family Residence District, located at 10504 West Cortez Circle (northeast corner of the intersection of South Lovers Lane Road and West Cortez Circle); Tax Key Nos. 747-9979-001 and 747-9979-002.

E. Adjournment

Circle) [the Special Use Amendment Resolution No. 2019-7526 was previously approved on August 6, 2019, and therefore, the time for obtaining a building permit expires on August 6, 2020], upon property zoned R-8 Multiple-Family Residence District, located at 10504 West Cortez Circle (northeast corner of the intersection of South Lovers Lane Road and West Cortez Circle); Tax Key Nos. 747-9979-001 and 747-9979-002.

Alderman Dandrea moved and Commissioner Hailey seconded a motion to recommend approval of a resolution to amend Resolution no. 2019-7526, a resolution imposing conditions and restrictions for the approval of a special use for a two-family residential side by side ranch townhome use upon property located at 10504 West Cortez Circle, to extend the time for obtaining of the issuance of a building permit. On voice vote, all voted 'aye'. Motion carried (6-0-0).

Commissioner Hogan moved and Commissioner Leon seconded a motion to adjourn the Plan Commission meeting of August 20, 2020 at 8:33 p.m. On voice vote, all voted 'aye'; motion carried. (6-0-0).