

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, MAY 19, 2022, 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 May 5, 2022.

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

1. **ADMINISTRATIVE REVIEW FOR SIGN PERMITTING IN THE CITY OF FRANKLIN BUSINESS PARK (PLANNED DEVELOPMENT DISTRICT NO. 18).** Planned Development District No. 18 Ordinance Text Amendment application by the City of Franklin/Department of City Development, to streamline the sign permitting process in the Franklin Business Park (Planned Development District No. 18) by allowing for administrative review of sign permits by Department of City Development staff exclusively, without the prerequisite of an additional review and approval by the Community Development Authority (CDA).
2. **ANASTASIA SKIN ATELIER, LLC BEAUTY SALON.** Special Use application by Anastasia E. Garman, owner, d/b/a Anastasia Skin Atelier, LLC, to operate a one employee beauty salon, with hours of operation generally from 12:00 p.m. to 8:00 p.m., Monday through Saturday, in Suite 240 of the multi-tenant building located at 11113 West Forest Home Avenue, property zoned M-1 Limited Industrial District; Tax Key No. 704-9978-002. **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. **HOME DEPOT (STORE 4907) OUTDOOR SALES.** Temporary Use application by Home Depot USA, Inc., for outdoor seasonal trees, shrubs and landscape bagged goods sales, for property zoned Planned Development District No. 14 (Jewel-Osco/Home Depot) and FW Floodway District, located at 6489 South 27th Street; Tax Key No. 714-9996-015.

Franklin Plan Commission Agenda

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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: June 9, 2022

**City of Franklin
Plan Commission Meeting
May 5, 2022
Minutes**

unapproved

A. Call to Order and Roll Call

Mayor Steve Olson called the May 5, 2022, regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor Steve Olson, Commissioners Patrick Leon and Patricia Hogan, Alderwoman Shari Hanneman and Assistant City Engineer Tyler Beinlich. Excused was Adam Burckhardt. Absent was Commissioner Kevin Haley. Also present were City Attorney Jesse Wesolowski, Planning Manager Heath Eddy, Principal Planner Régulo Martínez-Montilva and Associate Planner Marion Ecks.

B. Approval of Minutes

1. Regular Meeting of April 21, 2022.

Commissioner Leon moved and Alderwoman Hanneman seconded a motion to approve the April 21, 2022, regular meeting minutes. On voice vote, all voted ‘aye’; motion carried (4-0-2).

C. Public Hearing Business Matters

**1. BEAR DEVELOPMENT, LLC
RISE COMMERCIAL DISTRICT
WAREHOUSE/OFFICE MULTI-
TENANT INDUSTRIAL
DEVELOPMENT AND
ASSOCIATED PARKING WITHIN
RYAN MEADOWS SUBDIVISION.**

Natural Resource Features Special Exception application by Stephen R. Mills, President of Bear Development, LLC (Loomis & Ryan, Inc. and Gurjit Singh and Gurmit Kaur, property owners) and Site Plan application by Jim R. Sapp, President of RISE Commercial District (Loomis & Ryan, Inc., property owner), as follows:

Natural Resource Features Special Exception: for the purpose of impacting approximately 14,939 square feet of wetland buffer (11,558 square feet of temporary impacts (grading and site disturbance) and 3,381 square feet of permanent impacts (paving and partial locations of five of the proposed buildings) and approximately 13,416

Planning Manager Heath Eddy and Principal Planner Régulo Martínez-Montilva presented the request by Stephen R. Mills, President of Bear Development, LLC (Loomis & Ryan, Inc. and Gurjit Singh and Gurmit Kaur, property owners) and Site Plan application by Jim R. Sapp, President of RISE Commercial District (Loomis & Ryan, Inc., property owner), as follows:

Natural Resource Features Special Exception: for the purpose of impacting approximately 14,939 square feet of wetland buffer (11,558 square feet of temporary impacts (grading and site disturbance) and 3,381 square feet of permanent impacts (paving and partial locations of five of the proposed buildings) and approximately 13,416 square feet of wetland setback (228 square feet of temporary impacts (grading and site disturbance) and 13,188 square feet of permanent impacts (paving and partial locations of five of the proposed buildings), with proposed impacts to mature woodland [the applicant has proposed mitigation], properties generally located at the end of South Monarch Drive in the Ryan Meadows subdivision (south of West Loomis Road, west of South 112th Street, north of West Oakwood Road and east of South 124th Street), zoned M-1 Limited Industrial District, R-2 Estate Single-Family Residence District and C-1 Conservancy District; Tax Key Nos. 891-1084-000 and 938-9994-004;

square feet of wetland setback (228 square feet of temporary impacts (grading and site disturbance) and 13,188 square feet of permanent impacts (paving and partial locations of five of the proposed buildings), with proposed impacts to mature woodland [the applicant has proposed mitigation], properties generally located at the end of South Monarch Drive in the Ryan Meadows subdivision (south of West Loomis Road, west of South 112th Street, north of West Oakwood Road and east of South 124th Street), zoned M-1 Limited Industrial District, R-2 Estate Single-Family Residence District and C-1 Conservancy District; Tax Key Nos. 891-1084-000 and 938-9994-004;

Site Plan: to allow for a new warehouse/office facility (RISE Commercial District) to be located in the Ryan Meadows subdivision, southeast of the dead end of newly created South Monarch Drive, said facility providing co-warehousing services for up to 120 businesses, including business storage, warehouse space, private office space, contractor storage and storage with electricity [the project consists of 18 buildings with a total building footprint of 3.14 acres; the site would have 117 parking stalls, 5.70 acres of pavement and access to South Monarch Drive; other improvements including 3 new stormwater management areas, landscaping, fencing, a monument sign and outdoor lighting (23.08 acre site area)], property generally located south of West Loomis Road, west of South 112th Street, north of West Oakwood Road and east of South 124th Street, zoned M-1 Limited Industrial District, current Tax Key No. 891-1084-000 (definitive Tax Key No. will be determined with the recording of the recently approved Certified Survey Map (Resolution No. 2022-7825)). Requested Waivers (as provided for in the below Sections) of the Unified Development Ordinance:

a. Section 15-5.0207.B: Openings for vehicular ingress and egress shall not exceed 24 feet at the street right-of-way line and 30 feet at the roadway

Site Plan: to allow for a new warehouse/office facility (RISE Commercial District) to be located in the Ryan Meadows subdivision, southeast of the dead end of newly created South Monarch Drive, said facility providing co-warehousing services for up to 120 businesses, including business storage, warehouse space, private office space, contractor storage and storage with electricity [the project consists of 18 buildings with a total building footprint of 3.14 acres; the site would have 117 parking stalls, 5.70 acres of pavement and access to South Monarch Drive; other improvements including 3 new stormwater management areas, landscaping, fencing, a monument sign and outdoor lighting (23.08 acre site area)], property generally located south of West Loomis Road, west of South 112th Street, north of West Oakwood Road and east of South 124th Street, zoned M-1 Limited Industrial District, current Tax Key No. 891-1084-000 (definitive Tax Key No. will be determined with the recording of the recently approved Certified Survey Map (Resolution No. 2022-7825)). Requested Waivers (as provided for in the below Sections) of the Unified Development Ordinance:

a. Section 15-5.0207.B: Openings for vehicular ingress and egress shall not exceed 24 feet at the street right-of-way line and 30 feet at the roadway.

b. Section 15-5.0202.E.1: Concrete curb and gutter shall be installed surrounding all new driveway, parking lot and landscape islands.

The Official Notice of Public hearing for a Natural Resource Special Exception was read in to the record by Planning Manager Heath Eddy and the Public Hearing was opened at 7:20 p.m. and closed at 7:25 p.m..

Natural Resource Special Exception

Alderwoman Hanneman moved and Commissioner Leon seconded a motion to recommend approval of the Stephen R. Mills, president of Bear Development, LLC Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision Recommended by the Plan Commission and Common Council consideration of the Environmental Commission recommendations, conditioned and contingent upon the adoption of an amendment to the boundaries of Tax Incremental District No. 6 and the execution of, and obtaining the recording of the Certified Survey Map for the subject property by the city. On voice vote, all voted 'aye'; motion carried. (4-0-2).

Waivers

a) Section 15-5.0207.B: Openings for vehicular ingress and egress shall not exceed 24 feet at the street right-of-way line and 30 feet at the roadway

Commissioner Leon moved and Commissioner Hogan

exceed 24 feet at the street right-of-way line and 30 feet at the roadway.

b. Section 15-5.0202.E.1: Concrete curb and gutter shall be installed surrounding all new driveway, parking lot and landscape islands.

seconded a motion to waive the required standards under Section 15-5.0207B.: openings for vehicular ingress and egress shall not exceed 24 feet at the street right-of-way line and 30 feet at the roadway. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

b) Section 15-5.0202.E.1: Concrete curb and gutter shall be installed surrounding all new driveway, parking lot and landscape islands.

Alderwoman Hanneman moved and Commissioner Leon seconded a motion to waive the required standards under Section 15-5.0202E.1.: concrete curb and gutter shall be installed surrounding all new driveway, parking lot and landscape island, with the exception of the areas outlined by Planning staff. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

Site Plan

Commissioner Hogan moved and Commissioner Leon seconded a motion to adopt a Resolution approving a Site Plan for the development of a warehouse/office facility providing co-warehousing services for up to 120 businesses, consisting of 18 buildings with associated parking, stormwater management areas, landscaping, fencing, a monument sign and outdoor lighting (generally located within Ryan Meadows subdivision, southeast of the dead end of South Monarch Drive), conditioned and contingent upon the adoption of an amendment to the boundaries of Tax Incremental District No. 6 and the execution of, and obtaining the recording of the Certified Survey Map for the subject property by the city. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

2. KARLEY J. BLAKE AND JACOB W. MUTTER FUTURE SINGLE-FAMILY RESIDENCE DEVELOPMENT. Rezoning and Natural Resource Features Special Exception applications by Karley J. Blake and Jacob W. Mutter (Crescent Construction Inc., property owner): Rezoning: to rezone a 3.45 acre parcel from R-8 Multiple-Family Residence District to R-6 Suburban Single-Family Residence District; **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS REZONING APPLICATION;** Natural Resource Features Special Exception: for the purpose of permanent impacts to approximately 1,730 square

Associate Planner Marion Ecks presented the request by Karley J. Blake and Jacob W. Mutter (Crescent Construction Inc., property owner): Rezoning: to rezone a 3.45 acre parcel from R-8 Multiple-Family Residence District to R-6 Suburban Single-Family Residence District; Natural Resource Features Special Exception: for the purpose of permanent impacts to approximately 1,730 square feet of wetland setbacks for grading, installation of a driveway and installation of green infrastructure stormwater areas as well as impacts to 8,410 square feet of mature woodland not exceeding the standards of allowable disturbance of the Unified Development Ordinance.

The Official Notice of Public hearing for a Rezone was read in to the record by Planning Manager Heath Eddy and the Public Hearing was opened at 7:36 p.m. and closed at 7:43 p.m..

feet of wetland setbacks for grading, installation of a driveway and installation of green infrastructure stormwater areas as well as impacts to 8,410 square feet of mature woodland not exceeding the standards of allowable disturbance of the Unified Development Ordinance; **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS NATURAL RESOURCE FEATURES SPECIAL EXCEPTION**

APPLICATION; property zoned R-8 Multiple-Family Residence District, specifically located at the abrupt, west dead end of West Lake Pointe Drive (on the east property line of the parcel, abutting the northwest portion of Lake Pointe Estates subdivision); Tax Key No. 839-9996-007.

3. TIMOTHY S. TRECEK AND KARYN K. TRECEK SINGLE-FAMILY RESIDENCE INGROUND POOL, PERGOLA AND PAVED AREAS INSTALLATION

[recommendation to Board of Zoning and Building Appeals]. Application by Timothy S. Trecek and Karyn K. Trecek for an Area Exception from Table 15-3.0204 of the Unified Development Ordinance to allow for the installation of an inground pool, pergola and paved areas (17.68% lot coverage (4,923 square feet)), exceeding the 15% (4,177 square feet) maximum lot coverage standard in a R-3E Suburban/Estate Single-Family Residence District, by approximately 2.68%, for property located at 9023 West Warwick Way, property zoned R-3E Suburban/Estate Single-Family Residence District; Tax Key No. 754-0084-000

Rezone

Alderwoman Hanneman moved and Commissioner Leon seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance (zoning map) to rezone a certain parcel of land from R-8 Multiple-Family Residence District to R-6 Suburban Single-Family Residence District (specifically located at the abrupt, west dead end of West Lake Pointe Drive) (approximately 3.45 acres). On voice vote, all voted ‘aye’; motion carried. (4-0-2).

The Official Notice of Public hearing for a Natural Resource Special Exception was read in to the record by Planning Manager Heath Eddy and the Public Hearing was opened at 7:54 p.m. and closed at 8:14 p.m..

Natural Resource Special Exception

Alderwoman Hanneman moved and Commissioner Hogan seconded a motion to recommend approval of the Karley J. Blake and Jacob W. Mutter Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission and Common Council consideration of the Environmental Commission recommendations, with the exception of the requirement for financial surety (Condition 4). On voice vote, all voted ‘aye’; motion carried (4-0-2).

Planning Manager Heath Eddy presented the request by Timothy S. Trecek and Karyn K. Trecek for an Area Exception from Table 15-3.0204 of the Unified Development Ordinance to allow for the installation of an inground pool, pergola and paved areas (17.68% lot coverage (4,923 square feet)), exceeding the 15% (4,177 square feet) maximum lot coverage standard in a R-3E Suburban/Estate Single-Family Residence District, by approximately 2.68%, for property located at 9023 West Warwick Way, property zoned R-3E Suburban/Estate Single-Family Residence District; Tax Key No. 754-0084-000

The Official Notice of Public hearing for an Area Exception was read in to the record by Planning Manager Heath Eddy and the Public Hearing was opened at 8:31 p.m. and closed at 8:32 p.m..

Commissioner Hogan moved and Commissioner Leon seconded a motion to recommend approval of an application for an Area Exception to allow for a maximum lot coverage of 17.97% (5,006 square feet) [application requests an Area Exception from table 15-3.0204 of the Unified Development Ordinance to exceed the R-3E Suburban/Estate Single-Family Residence District maximum lot coverage standard of 15%

(4,177 square feet) by approximately 2.97%, to allow for the installation of an inground pool, pergola and paved areas, for property located at 9023 West Warwick Way. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

4. ANDREAS BOURAXIS SINGLE-FAMILY RESIDENCE CONSTRUCTION [recommendation to Board of Zoning and Building Appeals]. Application by Andreas Bouraxis for an Area Exception from Table 15-3.0204 of the Unified Development Ordinance to allow for construction of a single-family home in the Oakes Estates subdivision (17.6% lot coverage (5,718.8 square feet)), exceeding the 15% (4,862.7 square feet) maximum lot coverage standard in a R-3E Suburban/Estate Single-Family Residence District, by approximately 2.6%, for property located at 9044 West Warwick Way, property zoned R-3E Suburban/Estate Single-Family Residence District; Tax Key No. 754-0074-000.

Planning Manager Heath Eddy presented the request by Andreas Bouraxis for an Area Exception from Table 15-3.0204 of the Unified Development Ordinance to allow for construction of a single-family home in the Oakes Estates subdivision (17.6% lot coverage (5,718.8 square feet)), exceeding the 15% (4,862.7 square feet) maximum lot coverage standard in a R-3E Suburban/Estate Single-Family Residence District, by approximately 2.6%, for property located at 9044 West Warwick Way, property zoned R-3E Suburban/Estate Single-Family Residence District; Tax Key No. 754-0074-000.

The Official Notice of Public hearing for an Area Exception was read in to the record by Planning Manager Heath Eddy and the Public Hearing was opened at 8:36 p.m. and closed at 8:37 p.m..

Alderman Hanneman moved and Commissioner Leon seconded a motion to recommend approval of an application for an Area Exception to allow for a maximum lot coverage of 17.6% (5,718.8 square feet) [application requests an Area Exception from table 15-3.0204 of the Unified Development Ordinance to exceed the R-3E Suburban/Estate Single-Family Residence District maximum lot coverage standard of 15% (4,862.7 square feet) by approximately 2.6%, to allow for construction of a single-family home in the Oakes Estates subdivision, property located at 9044 West Warwick Way. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

D. Business Matters

1. THE ROCK SPORTS COMPLEX AREA CHALLENGE TOWER INSTALLATION WITHIN PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS). Site Plan Amendment application by Michael R. Schmitz, owner of Rock Snow Park, LLC, applicant (BPC County Land, LLC, property owner), to allow for the installation of a proposed 50 foot high Challenge Tower (compact aerial courses or high rope courses, comprised of numerous swinging, climbing and balancing challenges) with 3 levels of

Planning Manager Heath Eddy presented the request by Michael R. Schmitz, owner of Rock Snow Park, LLC, applicant (BPC County Land, LLC, property owner), to allow for the installation of a proposed 50 foot high Challenge Tower (compact aerial courses or high rope courses, comprised of numerous swinging, climbing and balancing challenges) with 3 levels of obstacles and 50 elements, including a kids course, an observation deck at the top, with a 50 foot by 50 foot octagonal footprint, also to be located east of the existing Ski Chalet in The Rock Sports Complex, property located at approximately 7011 South Ballpark Drive, zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons); Tax Key No. 744-1003-000 [the Site Plan Amendment is to change the location of the previously approved, but not yet constructed Challenge Tower, the Challenge Tower Site Plan being approved on

obstacles and 50 elements, including a kids course, an observation deck at the top, with a 50 foot by 50 foot octagonal footprint, also to be located east of the existing Ski Chalet in The Rock Sports Complex, property located at approximately 7011 South Ballpark Drive, zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons); Tax Key No. 744-1003-000 [the Site Plan Amendment is to change the location of the previously approved, but not yet constructed Challenge Tower, the Challenge Tower Site Plan being approved on April 23, 2020, by Plan Commission Resolution No. 2020-014; a Special Use permit was also approved for the Challenge Tower on May 5, 2020.

April 23, 2020, by Plan Commission Resolution No. 2020-014; a Special Use permit was also approved for the Challenge Tower on May 5, 2020.

Commissioner Leon moved and Alderwoman Hanneman seconded a motion to adopt a Resolution amending the Site Plan for property located at approximately 7011 South Ballpark Drive to allow for installation of a proposed 50 foot high challenge tower (tax key no. 744-1003-000). On voice vote, all voted 'aye'; motion carried. (4-0-2).

Adjournment

Commissioner Hogan moved and Commissioner Leon seconded to adjourn the Plan Commission meeting of May 5, 2022 at 8:39 p.m.. On voice vote, all voted 'aye'; motion carried. (4-0-2).



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Item C.1.

Meeting of May 19, 2022

Major Amendment to Planned Development District No. 18

RECOMMENDATION: City Development Staff recommends approval of this Planned Development District amendment to allow for administrative review of sign permitting in the Franklin Business Park

Project Name:	Administrative review for sign permitting in the Franklin Business Park
Location:	Franklin Business Park (Planned Development District No. 18)
Applicant:	City of Franklin, City Development Department
Zoning:	Planned Development District No. 18
2025 Comprehensive Plan:	Commercial
Action Requested:	Recommendation to the Common Council for approval of this Major Amendment to Planned Development District No. 18.
Planner:	Régulo Martínez-Montilva, Principal Planner

In order to streamline the sign permitting process in the Franklin Business Park, City Development Department staff is proposing an ordinance to allow for administrative review of sign permits by this department, without the prerequisite of an additional review and approval by the Community Development Authority (CDA).

The current review and approval process for the installation or alteration of signs in the Franklin Business Park is as follows:

- Review by City Development staff of a Sign Review application, and approval by the CDA in a regular meeting.
- Review of a Sign Permit by the City Development Department and the Inspection Services Department, and issuance by the City Development Department.
- Separate approval by the Franklin Business Park Review Board.

Note that City Development Department staff currently reviews each sign twice, during the “Sign Review” and the Sign Permit. If this ordinance is approved, the Sign Review application will no longer be necessary and the review time frame for sign permitting in the Franklin Business Park would be significantly reduced. For example, the Sign Review process may take 30-60 days in addition to the regular Sing Permit process that typically takes 2-3 weeks. The separate approval by the Franklin Business Park Review Board will remain.

RECOMMENDATION

A motion to determine the proposed amendment to Planned Development District No. 18 to be a major amendment.

A motion to recommend approval of this Planned Development District Amendment.

ORDINANCE NO. 2022-_____

AN ORDINANCE TO AMEND PLANNED DEVELOPMENT DISTRICT NO. 18
AS IT PERTAINS TO THE ADMINISTRATION OF SIGN PERMITS

WHEREAS, §15-3.0423 of the Unified Development Ordinance provides for and regulates Planned Development District No. 18 (Franklin Business Park), same having been created by Ordinance No. 93-1279 and later amended by Ordinance Nos. 1997-1437, 2000-1627, 2003-1743, 2005-1851, 2012-2094, 2015-2196 and 2020-2442; and

WHEREAS, said Planned Development District having previously been part of the Zoning Ordinance No. 221, as Section 13.21, same having later been incorporated into the City of Franklin Unified Development Ordinance as Section 15-3.0423, as it is currently codified; and

WHEREAS, Subsection (2) of Planned Development District No. 18 provides that the administration of applicable laws associated with Planned Development District No. 18, including the review and approval of land use and building plans for structures and improvements, including signs, shall be carried out by the Community Development Authority of the City of Franklin, Wisconsin ("CDA"); and

WHEREAS, the Municipal Code Section 210-3 requires a sign permit for the installation or alteration of signs in the City of Franklin, and Ordinance No. 93-1279 requires an additional approval by the CDA as a prerequisite to sign permits in the Franklin Business Park; and

WHEREAS, the Common Council having reviewed the sign approvals administered by the CDA pursuant to Planned Development District No. 18 and the administrative process established by the Municipal Code whereby sign permits are issued as an administrative function of the Building Inspector or the Department of City Development for all signs within the City and having determined that the efficient administration of the Franklin Business Park would be further served by the issuance of sign permits by the Department of City Development in the Franklin Business Park; and

WHEREAS, the subject petition was before the Community Development Authority on May 19, 2022, the Authority having recommended approval thereof to the Common Council; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 19th day of May, 2022, and the Plan Commission having

reviewed the proposed amendment to Planned Development District No. 18 after hearing the public and having made its recommendations to the Common Council.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: § 15-3.0423(2), entitled "Administration", of the Unified Development Ordinance of the City of Franklin, be and the same is hereby amended to read as follows:

The administration of applicable laws associated with Planned Development District No. 18, including the review and approval of land use and of site and building plans, shall be carried out by the Community Development Authority of the City of Franklin, Wisconsin ("CDA"); excepting that the Common Council shall administer the review and approval process (following Plan Commission review as is required for such matters not affecting lands within this District, and following such review and recommendation as the CDA may make thereon), upon any rezoning, land division, land combination and other application as required by law; excepting that the review and approval of a zoning compliance permit for any use by any person or entity other than that as originally approved by the CDA in conjunction with its approval of any new construction, shall be carried out by the City of Franklin Planning Manager or the Planning Manager's designee within the Department of Development, pursuant to §15-9.0102 of the Unified Development Ordinance; and excepting that the review and approval of sign permits, shall be carried out by the City of Franklin Department of City Development, pursuant to Municipal Code §210-3.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2022, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2022.

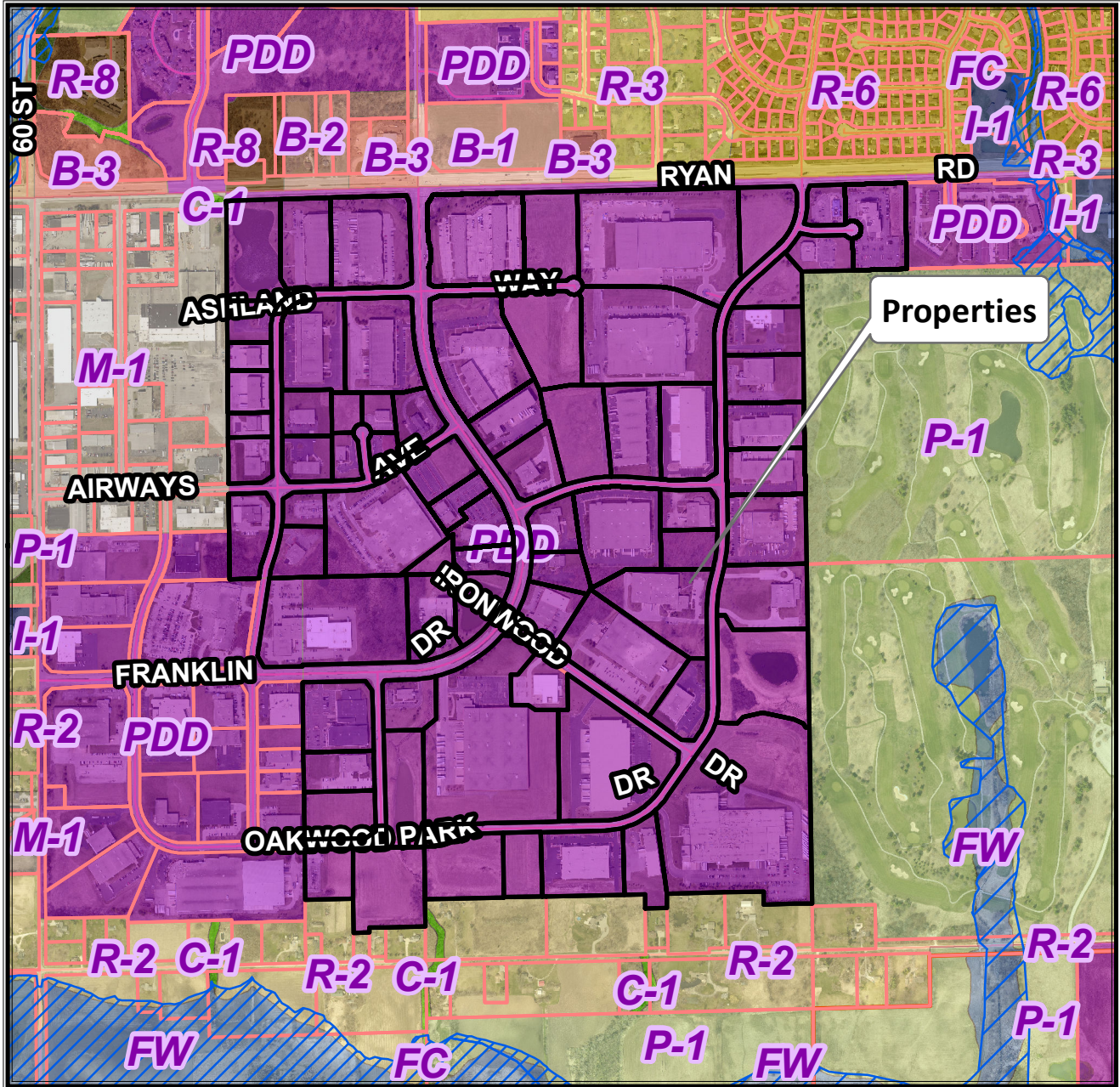
APPROVED:

Stephen R. Olson, Mayor

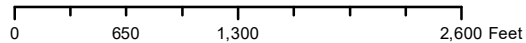
ATTEST:

Sandra L. Wesolowski, City Clerk

AYES __ NOES __ ABSENT __

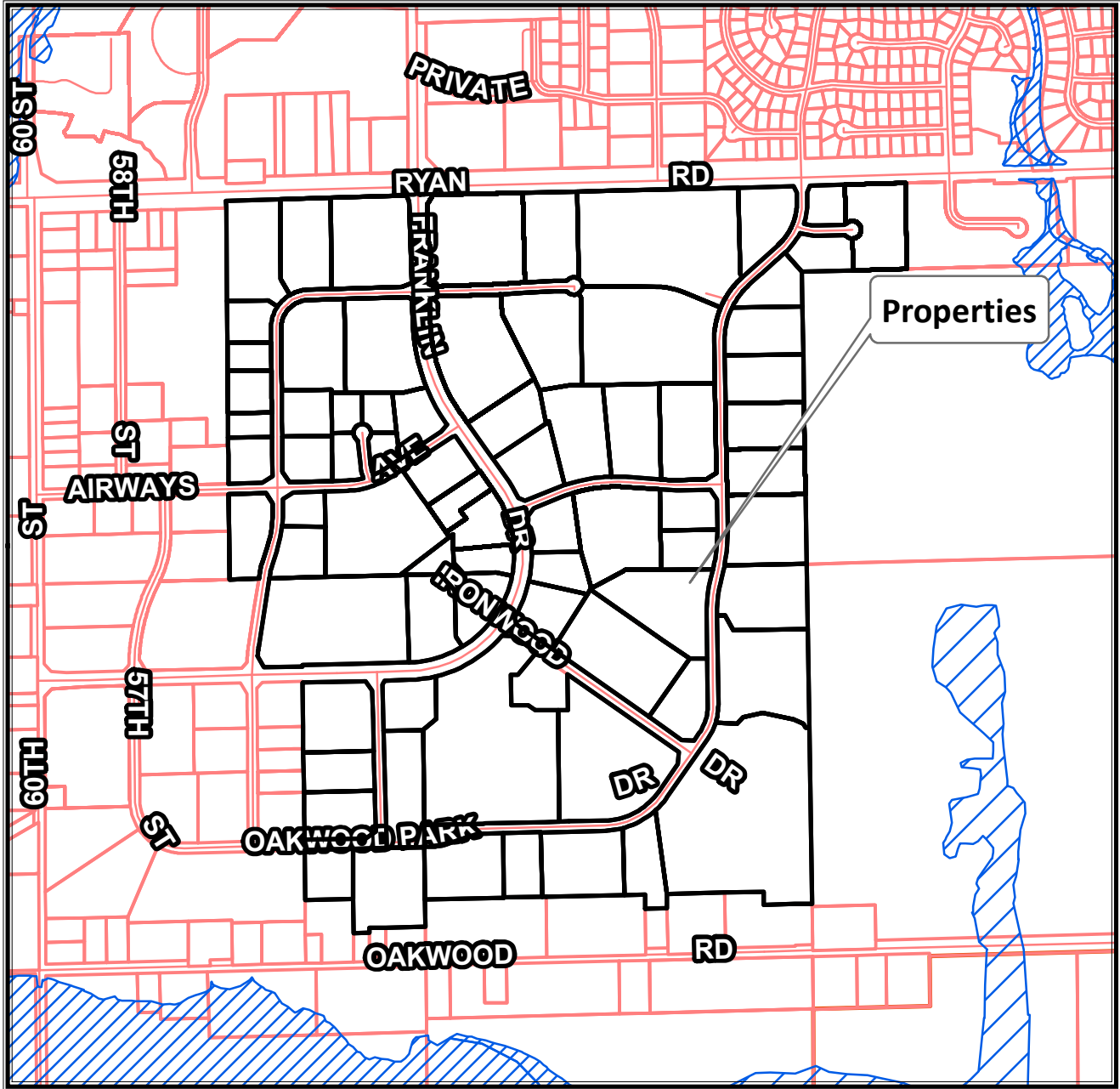


Planning Department
(414) 425-4024

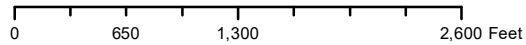


2021 Aerial Photo

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.



Planning Department
(414) 425-4024



2021 Aerial Photo

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.

REPORT TO THE PLAN COMMISSION

Meeting of May 19, 2022
Special Use

RECOMMENDATION: City Development Staff recommends approval of the proposed Special Use for a beauty shop business use upon property located at 11113 W. Forest Home Avenue, subject to the conditions of approval in the attached draft resolution.

Project Name:	Anastasia Skin Atelier Special Use
Project Address:	11113 West Forest Home Avenue, Suite 240
Applicant:	Joel Cook
Owners (property):	11113 West Forest Home Avenue, LLC
Current Zoning:	M-1 Limited Industrial District & C-1 Conservancy District
2025 Comprehensive Master Plan	Industrial
Use of Surrounding Properties:	WE Energies substation and Ewald automobile dealership to the north, gasoline service station to the south, Ewald Truck Center and Hiller Ford automobile dealership to the east and single-family residential to the west.
Applicant Action Requested:	Recommendation of approval for the proposed Special Use for Anastasia Skin Atelier.

On April 7, 2022, Joel Cook of Ogden Construction submitted a Special Use application on behalf of Anastasia Skin Atelier, requesting approval to operate a beauty shop business use within the building located at 11113 West Forest Home Avenue.

PROJECT DESCRIPTION AND ANALYSIS:

The property is zoned M-1 Limited Industrial zoning district; the proposed use corresponds to Standard Industrial Classification (SIC) Title No. 7231 Beauty Shops, which is allowed within the M-1 Limited Industrial District as a Special Use. A prior special use approval for a beauty shop at this location expired in 2019.

As the applicant is not proposing exterior modifications to the property, a Site Plan amendment is not required at this time.

The hours of operation will be Monday-Saturday from 12:00 P.M. to 8: 00 P.M. This business will have one client chair. For Beauty Shop uses, UDO Table 15-5.0203 requires 3 parking spaces for each client chair, plus one space per employee. The building has 83 spots available.

This Special Use permit would be contingent upon obtaining all other necessary licenses and permits, such as occupancy or building permits. Signage will require appropriate permitting from the Department of City Development. No license is required from the Health department. If piercing or injecting anything under the skin (tattoo, permanent makeup, etc.) then licensing through the State of Wisconsin is necessary.

Anastasia Skin Atelier has submitted a complete application for a special use permit, including responses to Section §15-3.0701 of the Unified Development Ordinance sets out the General Standards for Special Uses. UDO Section §15-3.0703 Detailed Standards for Special Uses in Nonresidential Districts does not apply to this project, as the proposed special use is not one of the specified special uses in this section. The applicant has submitted responses to each of those standards, asserting that there will be no undue adverse impact or interference with surrounding development as a result of this special use.

The intent of the M-1 district is to *provide for manufacturing, industrial, warehousing, and uses of a limited nature and size in locations where the relative proximity to other uses requires more restrictive regulation*. The proposed use is consistent with the district intent.

STAFF RECOMMENDATION:

The Department of City Development staff recommends approval of this application for Special Use.

RESOLUTION NO. 2022-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE
APPROVAL OF A SPECIAL USE FOR A BEAUTY SALON USE UPON
PROPERTY LOCATED AT 11113 WEST FOREST HOME AVENUE, SUITE 240
(ANASTASIA E. GARMAN, OWNER, D/B/A ANASTASIA
SKIN ATELIER, LLC, APPLICANT)

WHEREAS, Anastasia E. Garman, owner, d/b/a Anastasia Skin Atelier, LLC, having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District under Standard Industrial Classification Title No. 7231 “Beauty Shops”, to allow for a one employee beauty salon, with hours of operation generally from 12:00 p.m. to 8:00 p.m., Monday through Saturday, upon property located at 11113 West Forest Home Avenue, Suite 240, bearing Tax Key No. 704-9978-002, more particularly described as follows:

Parcel 1 of Certified Survey Map No. 3988, recorded on March 11, 1981, Reel 1362, Images 185 to 187, as Document No. 5462366, being a part of the Northeast 1/4 of Section 6, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of 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 19th day of May, 2022, 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 it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it 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, meets 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 Anastasia E. Garman, owner, d/b/a Anastasia Skin Atelier, LLC, for the approval of a Special Use for the property particularly

ANASTASIA E. GARMAN, OWNER, D/B/A ANASTASIA SKIN ATELIER, LLC –
SPECIAL USE
RESOLUTION NO. 2022-_____
Page 2

described in the preamble to this 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 Anastasia E. Garman, owner, d/b/a Anastasia Skin Atelier, LLC, successors and assigns, as a beauty salon use, which shall be developed in substantial compliance with, and operated and maintained by Anastasia E. Garman, owner, d/b/a Anastasia Skin Atelier, LLC, pursuant to those plans City file-stamped May 9, 2022 and annexed hereto and incorporated herein as Exhibit A.
2. Anastasia E. Garman, owner, d/b/a Anastasia Skin Atelier, LLC, 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 Anastasia E. Garman, owner, d/b/a Anastasia Skin Atelier, LLC beauty salon, 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 Anastasia E. Garman, owner, d/b/a Anastasia Skin Atelier, LLC and the beauty salon use for the property located at 11113 West Forest Home Avenue, Suite 240: (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 Anastasia E. Garman, owner, d/b/a Anastasia Skin Atelier, LLC, 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 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 _____, 2022.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2022.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

City of Franklin

Department of City Development

Date: April 26, 2022
To: Joel Cook, Ogden Construction
From: Department of City Development – Associate Planner Ecks
RE: Special Use – Anastasia Skin Atelier – 11113 W Forest Home Ave. STE 240 - Staff Comments

Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Special Use for Anastasia Skin Atelier – 11113 W Forest Home Ave. STE 240 - Staff Comments date stamped April 7, 2022.

Department of City Development Comments

Beauty Shops (SIC 7231) require Special Use approval in M-1 zoning. A prior special use approval for a beauty shop at this location expired in 2019.

Project Summary

1. How many client chairs does Anastasia Skin Atelier have? **One**
2. Does Anastasia Skin Atelier provide any additional services other than skincare and salon services (e.g. microblading, makeup, etc.)? **No**
3. Please provide information about the days of operation – what days of the week will the business be open? **Monday thru Saturday 12pm to 8pm**

Parking

4. Please provide details about parking for this business. For Beauty Shop uses, UDO Table 15-5.0203 requires 3 parking spaces for each client chair, plus one space per employee. **The building has 83 spots available to the tenants which should be plenty**

Signage

5. Please note that any changes to signage will require issuance of a Sign Permit. **Noted**

Health Department Comments

6. No license required from the Health department. If piercing or injecting anything under the skin (tattoo, permanent makeup, etc.) then licensing through the State of Wisconsin is necessary. **Noted**

Inspection Services Department Comments

7. Project will require separate Building, HVAC, Plumbing and Electrical Permits. There is no work related to this project. The tenant is taking the space as is so Permits should not be required.

May 4, 2022

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

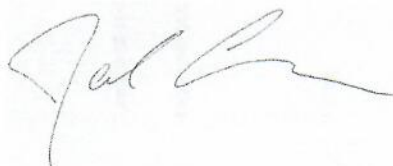
RE: 11113 W. Forest Home Avenue-Suite 240
Special Use Summary

I am asking for a special use permit to allow a beauty shop at my multi-tenant building. Per the M-1 Zoning, a beauty shop is listed as special use.

The salon hours for Anastasia Skin Atelier, LLC are from 12:00pm to 8:00pm, Monday through Saturday with one employee and one customer at a time. They will have no adverse effect on the neighborhood. They will occupy a 2,136 sq.ft existing space with no building modifications and will provide a much needed service to the residents of Franklin.

I appreciate your consideration of this proposal.

Sincerely,
OGDEN CONSTRUCTION GROUP, LLC



Joel Cook
President

DIVISION 15-3.0700 SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701 GENERAL STANDARDS FOR SPECIAL USES

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: The proposed use will be in harmony with the neighborhood and this type of use has been approved two times previously.

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: A beauty salon will not adversely diminish the community of the neighboring properties. The owner of the Mobile next door is in support of the proposal.

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: This proposal is a tenant in an existing building, therefore will not dominate anything in the vicinity.

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: The building already exists therefore will not put stress on public facilities.

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: The proposed tenant is only one employee and one customer at a time therefore will not cause traffic congestion.

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: There will be no destruction of significant features as the building already exists.

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: The proposed use will comply with all provisions and ordinances.

- 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 Section 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: We will comply with all special standards.

- 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: The proposed use would provide skin care for the immediate community which a need in the neighborhood.

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: No other site is appropriate.

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 there are no adverse effects.

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: There have been two beauty salons with approved special uses in this building in the last six years.

OGDEN CONSTRUCTION REMODEL

C-1

Phone: 262-786-6776 Fax: 262-786-7036
 2601 S. Sunny Slope Rd. • New Berlin, WI 53151

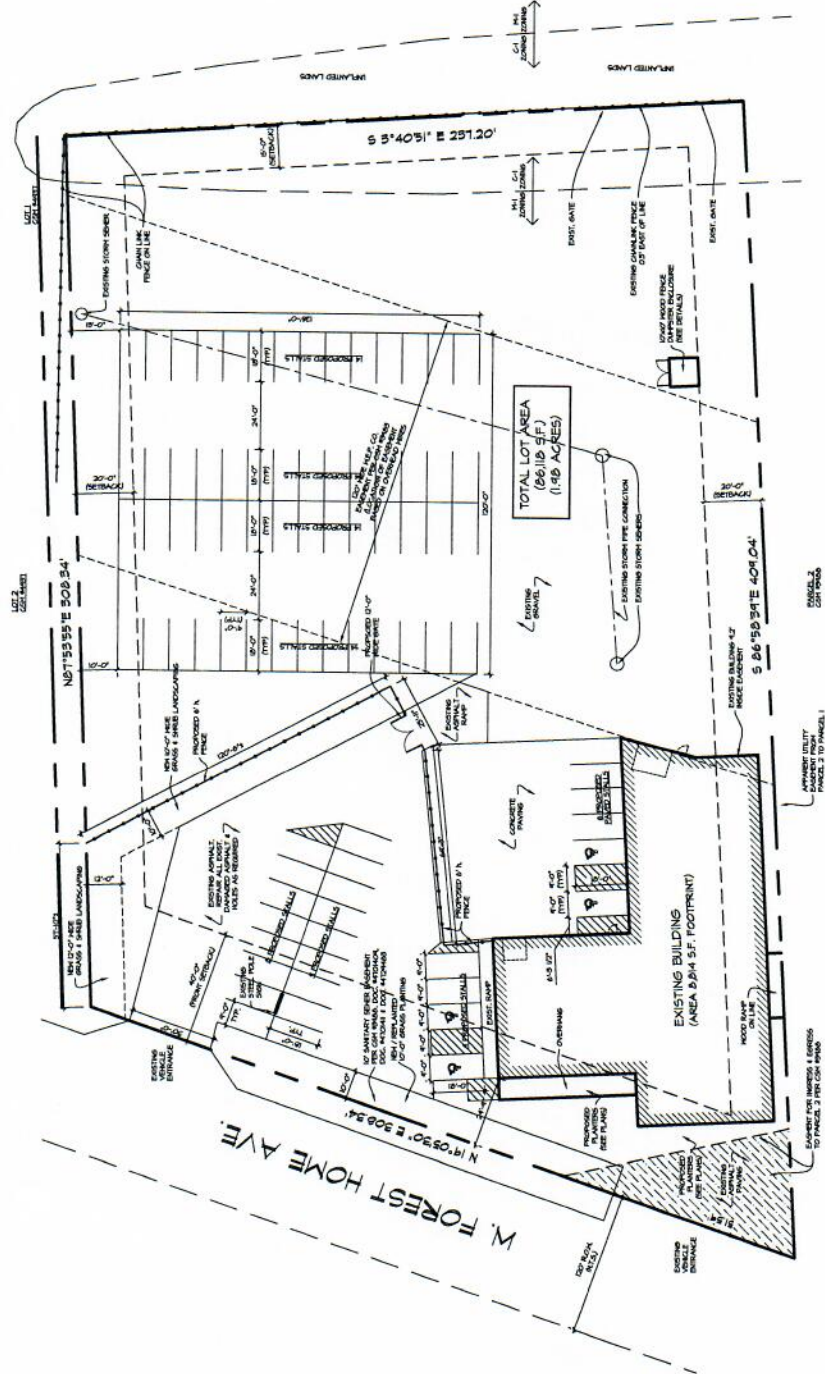
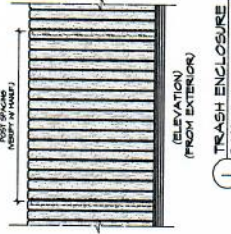


Excellence in Architecture
 LLC

PREVIOUSLY APPROVED DATA: 2/16/15

SITE DATA:	
ZONING	M-1, C-1
LOT AREA	AC 110.57
DEVELOP. LOT FLOOR AREA	7,300 S.F.
PROPOSED UNDER FLOOR AREA	6,561 S.F.
CONTRACTED 2017	5,775 S.F.
REQUIRED PARKING	GENERAL OFFICES (0.1725 S.F.) = 31.4 CONTRACTOR SHOP (7725 S.F.) = 3.7 PLUS 5 (1 PER 1000 S.F. PLUS 1 PER COMPANY CAR) RECY. AND STALLS
PROPOSED PARKING	AS FURNISHED STALLS

BUILDING INFO	
PROJECT	OGDEN CONSTRUCTION GROUP
OWNER	1113 W. FOREST HOME AVENUE, LLC
ADDRESS	FRANKLIN, WI 53132
ISSUE NO.	10-0
SITE DATA:	
ZONING	M-1, C-1
LOT AREA	AC 110.57
DEVELOP. LOT FLOOR AREA	7,300 S.F.
PROPOSED UNDER FLOOR AREA	6,561 S.F.
CONTRACTED 2017	5,775 S.F.
REQUIRED PARKING	GENERAL OFFICES (0.1725 S.F.) = 31.4 CONTRACTOR SHOP (7725 S.F.) = 3.7 PLUS 5 (1 PER 1000 S.F. PLUS 1 PER COMPANY CAR) RECY. AND STALLS
PROPOSED PARKING	AS FURNISHED STALLS



SITE DEVELOPMENT PLAN
 1" = 20'-0"

City of Franklin

Department of City Development

Date: April 26, 2022
To: Joel Cook, Ogden Construction
From: Department of City Development – Associate Planner Ecks
RE: Special Use – Anastasia Skin Atelier – 11113 W Forest Home Ave. STE 240 - Staff Comments

Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Special Use for Anastasia Skin Atelier – 11113 W Forest Home Ave. STE 240 - Staff Comments date stamped April 7, 2022.

Department of City Development Comments

Beauty Shops (SIC 7231) require Special Use approval in M-1 zoning. A prior special use approval for a beauty shop at this location expired in 2019.

Project Summary

1. How many client chairs does Anastasia Skin Atelier have? **One**
2. Does Anastasia Skin Atelier provide any additional services other than skincare and salon services (e.g. microblading, makeup, etc.)? **No**
3. Please provide information about the days of operation – what days of the week will the business be open? **Monday thru Saturday 12pm to 8pm**

Parking

4. Please provide details about parking for this business. For Beauty Shop uses, UDO Table 15-5.0203 requires 3 parking spaces for each client chair, plus one space per employee. **The building has 83 spots available to the tenants which should be plenty**

Signage

5. Please note that any changes to signage will require issuance of a Sign Permit. **Noted**

Health Department Comments

6. No license required from the Health department. If piercing or injecting anything under the skin (tattoo, permanent makeup, etc.) then licensing through the State of Wisconsin is necessary. **Noted**

Inspection Services Department Comments

7. Project will require separate Building, HVAC, Plumbing and Electrical Permits. There is no work related to this project. The tenant is taking the space as is so Permits should not be required



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Item D.1.

Meeting of May 19, 2022

Temporary Use

RECOMMENDATION: Department of City Development staff recommends approval of this after-the-fact Temporary Use from April 1 to July 1, 2022.

Project Name:	2022 Home Depot Seasonal Sales Area
Project Address:	6489 S 27th St
Applicant:	Home Depot USA, Inc.
Property Owner:	Home Depot USA, Inc.
Current Zoning:	PDD 14 – Planned Development District & FW – Floodway District
2025 Comprehensive Plan:	Commercial
Use of Surrounding Properties:	Residential trailer park (north), floodplain (west), restaurants and retail (east) and retail (south)
Applicant’s Action Requested:	Approval of Temporary Use from April 1 to July 1, 2022
Planner:	Régulo Martínez-Montilva, AICP, Principal Planner

Introduction:

After-the-fact request for a Temporary Use to allow for the fenced Garden Center on Home Depot’s parking lot. The fence will be approximately 6 feet in height, encircling an area of approximately 6,400 sq. ft., 40 feet by 160 feet. This temporary use is being requested from April 1st, through July 1st, 2022.

The applicant submitted this application after-the-fact on April 1, and submitted the double-fee payment on April 27.

Background and analysis:

The Plan Commission granted previous temporary use approvals for this seasonal sales area in 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2021.

The applicant has once again submitted an application for a temporary use in Planned Development District (PDD) No. 14 to allow for outdoor seasonal sales of plant goods, and landscape commodity bagged goods. All of the plant goods and commodity bagged goods will be placed within a fenced corral measuring 160 feet long by 40 feet wide for a total area of 6,400 square feet. The height of the chain-link fence will be six (6) feet which is in conformance with Section 15-3.0803 (C) (2) of the Unified Development Ordinance.

PDD No. 14 (Ordinance No. 99-1553) allows for a seasonal display area for outdoor live plant with location to be approved on an annual basis by the Plan Commission. Staff finds the location

of the proposed outdoor seasonal sales area, as shown on the site plan, is consistent with the Ordinance No. 99-1553.

Ordinance No. 2005-1858 provides for the administrative issuance of Temporary Use Permits by the Zoning Administrator and designees of the City Planning Department and to further specify the types of and conditions upon temporary uses, which may be permitted. Section 15-3.0804 (A)(4) states that, “Each individual outdoor sales event (up to 4 per year, per property) shall be no longer than 14 consecutive days; provided, however, that the total days of such temporary uses during a calendar year shall not exceed 30 calendar days. Owners must obtain a Temporary Use Permit for each such temporary outdoor sale before the use is permitted”. Therefore, Plan Commission approval is required for this request exceeding 30 calendar days.

According to Section 15-3.0804(L) of the City of Franklin Unified Development Ordinance, “Each Temporary Use Permit shall specify the date upon which such use may commence and the date upon which such use shall expire; in no event, except as otherwise specifically and expressly set forth in this Section, shall any temporary use exceed 90 days in duration during any calendar year.” The proposed outdoor seasonal tree and shrub sales event will start on April 1, 2022 and end on July 1, 2022, with a duration of 90 days.

Department comments

Fire Department

- Shall not block fire lane or inhibit fire department access.
Note: the comment above is listed as a condition of approval.

Police Department

- The PD has no comment regarding this request.

Engineering Department

- No comments.

Inspection Services Department

- Inspection Services has no comments on the proposal at this time.

Staff recommendation:

City Development Staff recommends approval of the Temporary Use to allow The Home Depot to have outdoor seasonal sales of plant goods and commodity bagged goods from April 1, 2022 through July 1, 2022, upon property located at 6489 South 27th Street, subject to the conditions of approval in the attached resolution.

RESOLUTION NO. 2022-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A TEMPORARY USE FOR OUTDOOR SEASONAL TREE
AND SHRUB SALES FOR PROPERTY LOCATED AT 6489 SOUTH 27TH STREET
(HOME DEPOT U.S.A., INC., APPLICANT)

WHEREAS, Home Depot U.S.A., Inc. (Home Depot 4907) having petitioned the City of Franklin for the approval of a Temporary Use to allow for seasonal sales (April 1, 2022 through July 1, 2022) in The Home Depot store parking lot, with a 6 foot high black wire fence around a 40 foot wide x 160 foot deep area of plant goods and commodity bagged goods, upon property located at 6489 South 27th Street; 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 Home Depot U.S.A., Inc. (Home Depot 4907) for the approval of a Temporary Use 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 commence upon April 1, 2022 and terminate and expire on July 1, 2022.
2. All outdoor seasonal tree, shrub and commodity bagged goods sales shall take place within the 40,000 square foot area shown on “Exhibit A” of Ordinance No. 99-1553.
3. The approval granted hereunder is subject to verification by City Development Department staff that all the outdoor sales and display on The Home Depot’s property are in conformance with Ordinance No. 99-1553.
4. Fire Lane access must be maintained.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2022.

HOME DEPOT U.S.A., INC. – TEMPORARY USE
RESOLUTION NO. 2022-_____

Page 2

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2022.

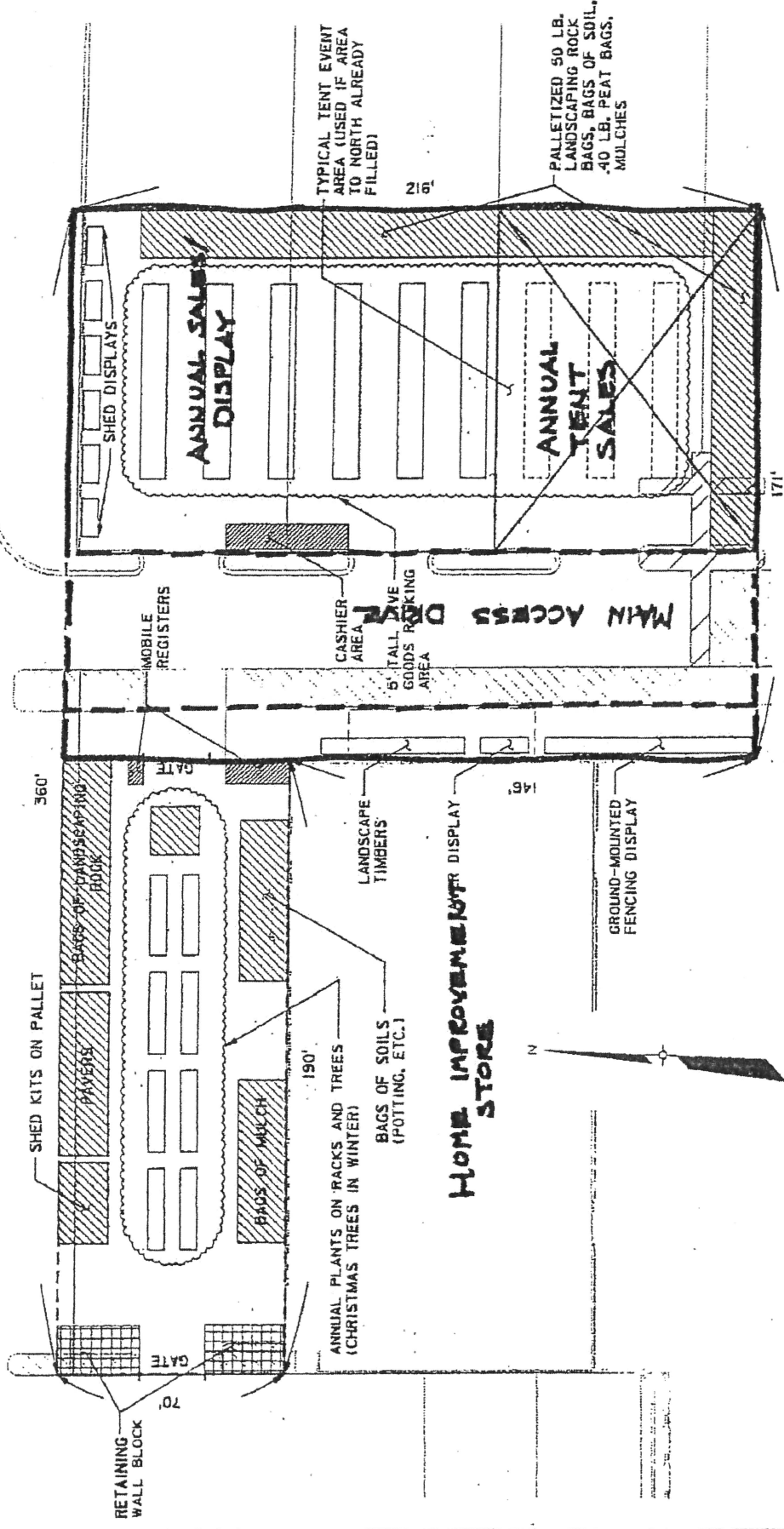
APPROVED:

Stephen R. Olson, Chairman

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

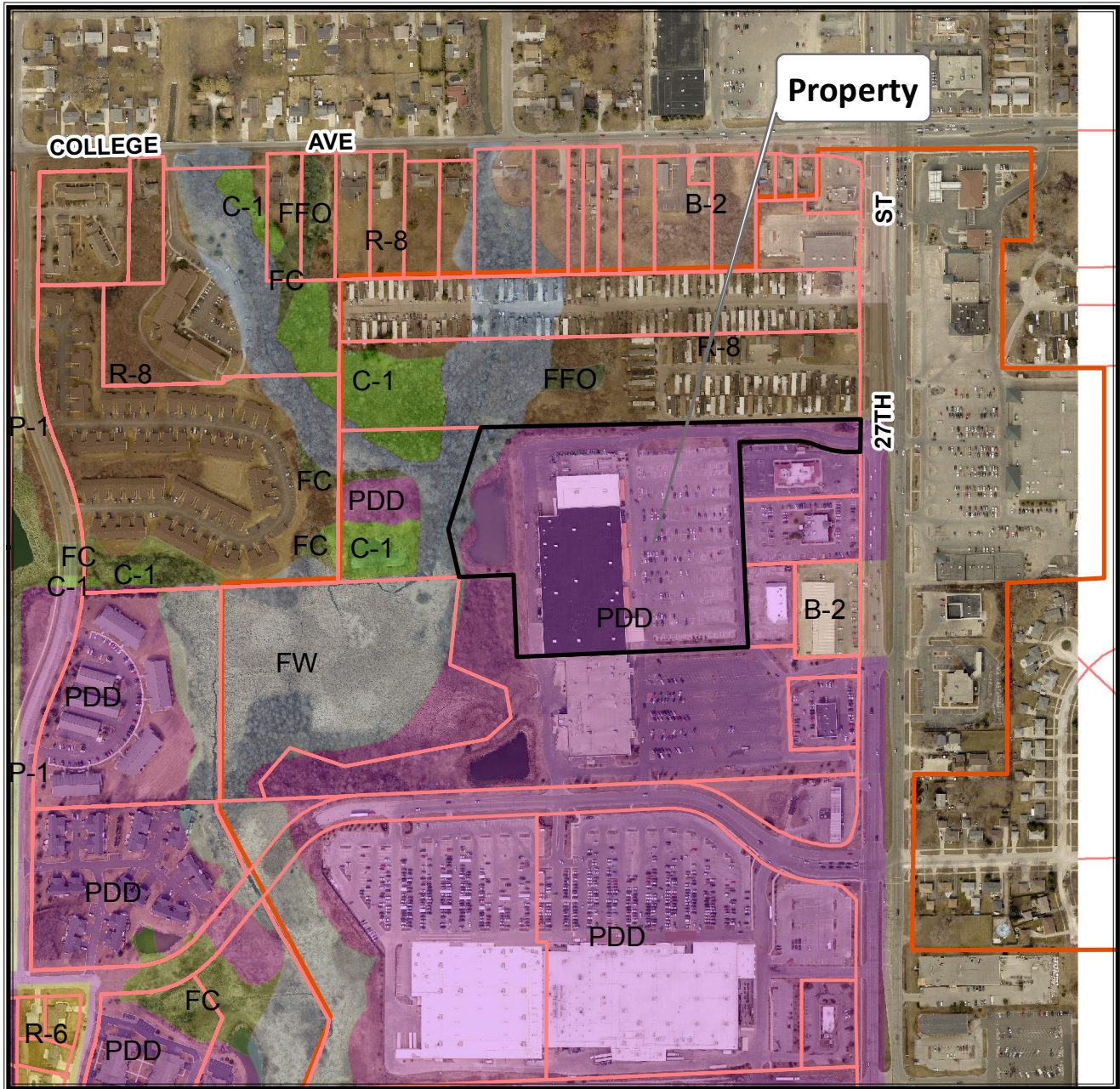


OUTDOOR DISPLAY AREA
 THE HOME DEPOT
 FRANKLIN, WISCONSIN
 SEPTEMBER 1998

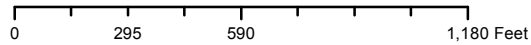
RUST
 Rust Environment & Infrastructure Inc.
 10167B

ORD1999-1553,
 Exhibit A

6489 S. 27 Street



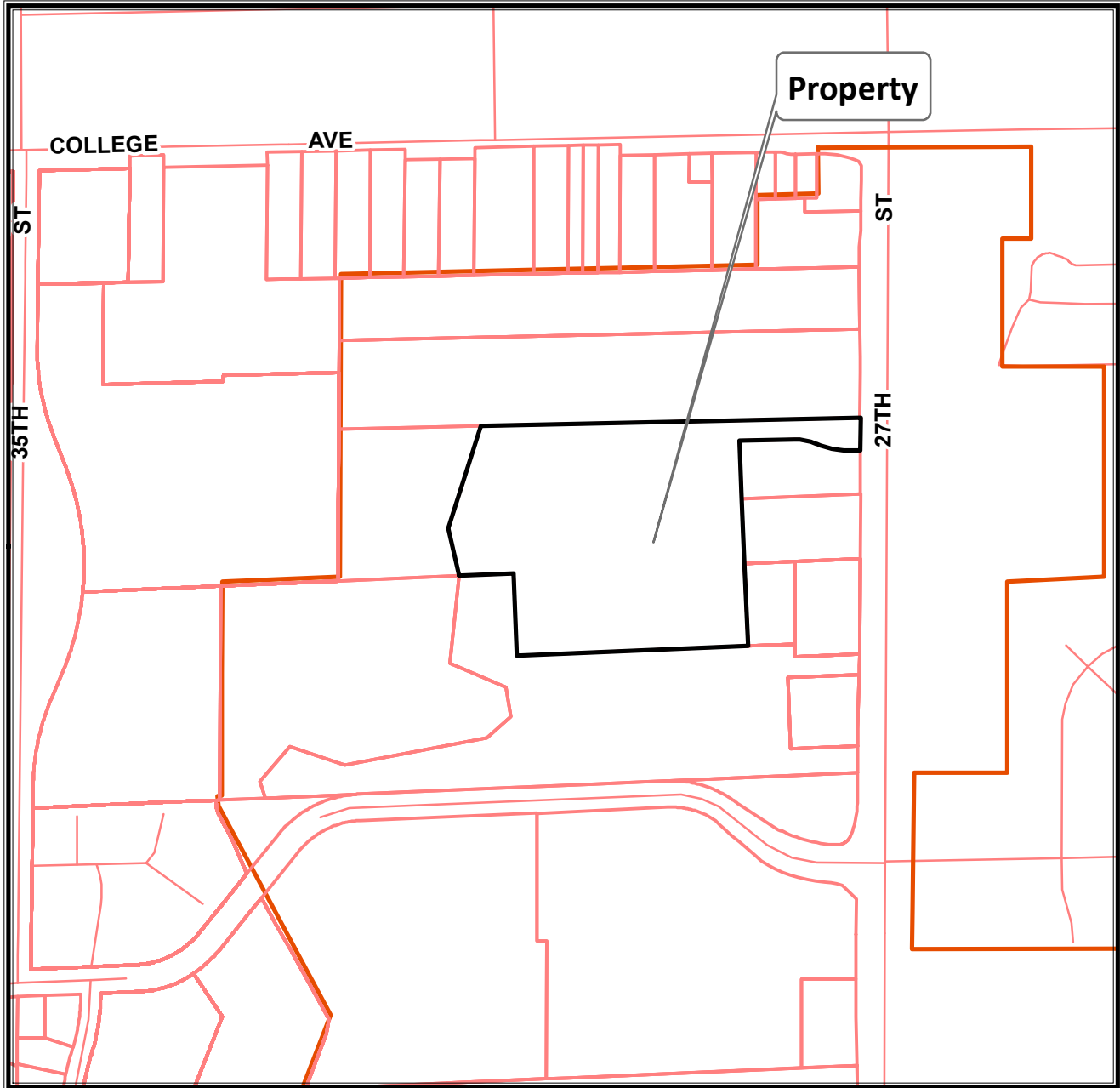
Planning Department
(414) 425-4024



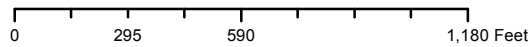
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



6489 S. 27 Street



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.



Planning Department
 9229 West Loomis Road
 Franklin, Wisconsin 53132
 (414) 425-4024
franklinwi.gov



APPLICATION DATE: _____
 STAMP DATE: city use only
Franklin
APR 01 2022
City Development

PLAN COMMISSION REVIEW APPLICATION

PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]		APPLICANT IS REPRESENTED BY [CONTACT PERSON]	
NAME:		NAME:	Brian L. Davis, Store Manager
COMPANY:	Home Depot U.S.A., Inc.	COMPANY:	Home Depot U.S.A., Inc.
MAILING ADDRESS:	2455 Paces Ferry Road	MAILING ADDRESS:	6489 South 27th Street
CITY/STATE:	Atlanta, GA 30339	CITY/STATE:	Franklin, WI 53132
PHONE:	770-433-8211	PHONE:	414-304-1024
EMAIL ADDRESS:	Suzanne_Russo@homedepot.com	EMAIL ADDRESS:	Brian_L_Davis@homedepot.com

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS:	6489 South 27th Street	TAX KEY NUMBER:	
PROPERTY OWNER:	Home Depot U.S.A., Inc.	PHONE:	
MAILING ADDRESS:	same as above	EMAIL ADDRESS:	
CITY/STATE:		DATE OF COMPLETION:	office use only

APPLICATION TYPE

Please check the application type that you are applying for

- Building Move Sign Review Site Plan / Site Plan Amendment Temporary Use

Most requests require Plan Commission review and approval.

Applicant is responsible for providing Plan Commission resubmittal materials up to 12 copies pending staff request and comments.

SIGNATURES

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

- I, the applicant, certify that I have read the following page detailing the requirements for plan commission approval and submittals and understand that incomplete applications and submittals cannot be reviewed.

PROPERTY OWNER SIGNATURE:	<i>Suzanne Russo</i>	APPLICANT SIGNATURE:	<i>Brian L. Davis</i>
NAME & TITLE:	Suzanne Russo-Asst. General Counsel	NAME & TITLE:	Brian L. Davis - Store Manager
DATE:	3/17/2022	DATE:	
PROPERTY OWNER SIGNATURE:		APPLICANT REPRESENTATIVE SIGNATURE:	
NAME & TITLE:		NAME & TITLE:	
DATE:		DATE:	



6489 S 27th St. • Franklin, WI 53132
(414)304-1024 • Fax: (414)304-3416

March 31st 2022

RE: Temporary Use Permit

City of Franklin,

The location of our project for the temporary use permit will be located on the north side of our parking lot adjacent to the Garden Center that is attached to the building. The proposed location is shown on the overhead map by use of a blacked-out square, which is attached to this project narrative.

We will be fencing in an area approximately 40 feet by 160 feet. The fenced area will contain mulch, soil, straws, trees, and shrubs. There will be no structures built and no cash registers operated in the proposed location. The hours of operation will be Monday- Saturday 6:00 am to 10:00 pm, and Sunday 8:00 am – 8:00 pm.

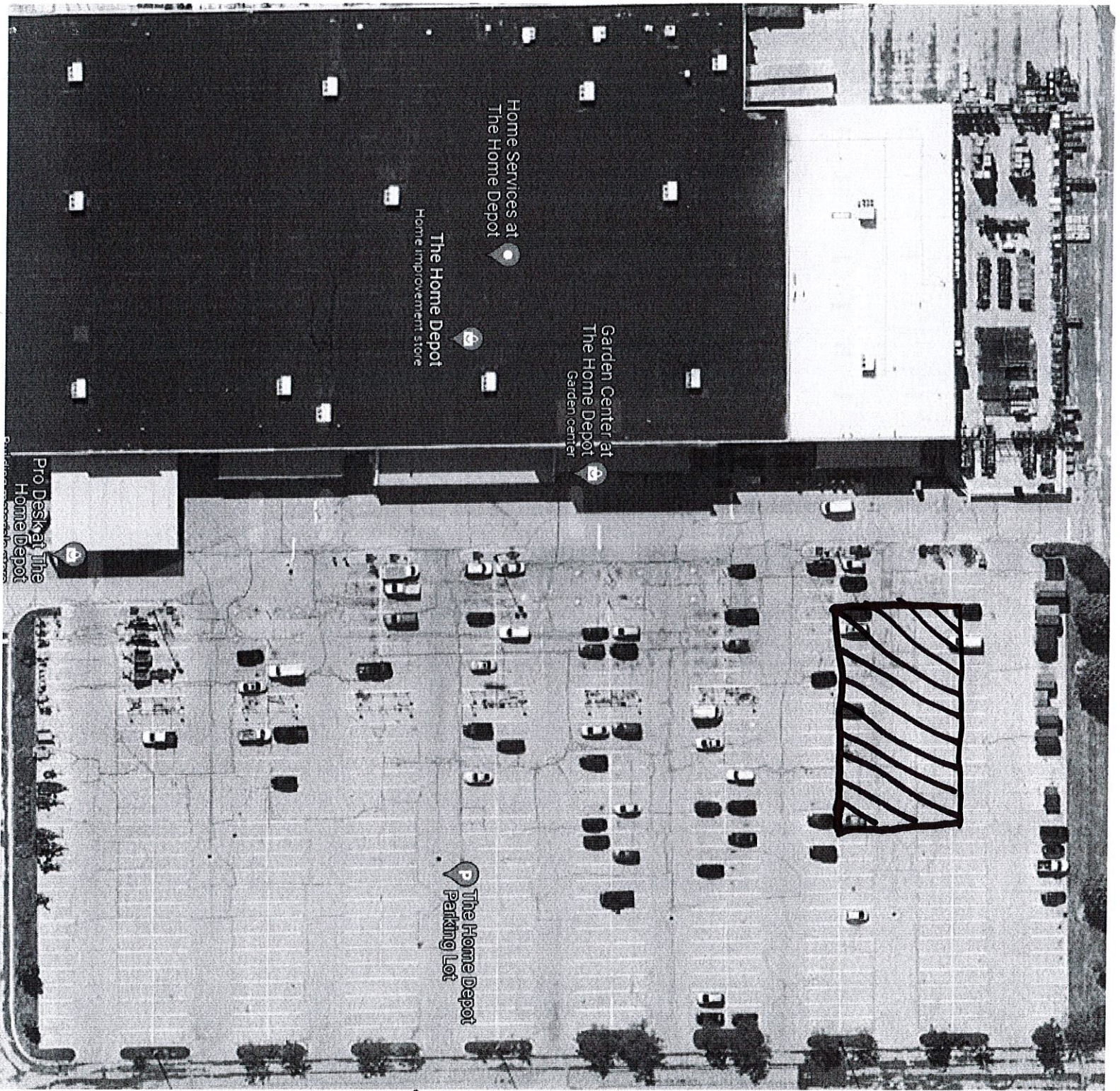
Duration of use will be from April 1st to July 1st.

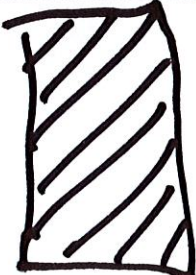
Thank you,

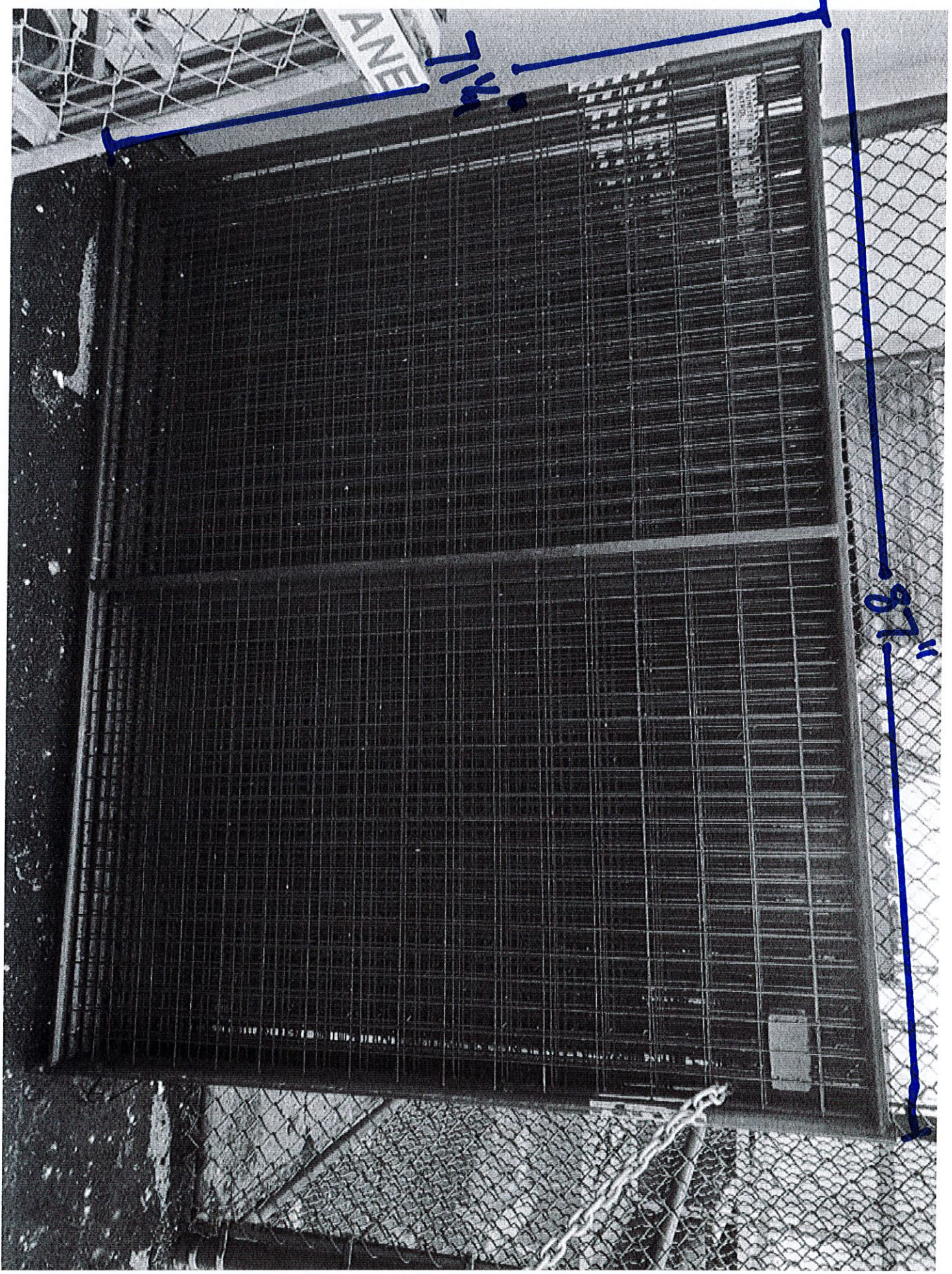
A handwritten signature in black ink, appearing to read "Brian Davis". The signature is stylized and cursive, with a large loop at the end.

Brian Davis





Site Plan = 



7 1/4'

87"