



FRANKLIN CITY HALL CHAMBERS
9229 W. LOOMIS ROAD
FRANKLIN, WISCONSIN

PLAN COMMISSION MEETING AGENDA
Thursday, August 17, 2023 at 7:00 P.M.

- A. **Call to Order and Roll Call**
- B. **Approval of Minutes**
 - 1. Approval of regular meeting of August 3, 2023.
- C. **Public Hearing Business Matters**
(Action may be taken on all matters following the respective Public Hearing thereon)
 - 1. **Bion Strength and Conditioning LLC Special Use.** Request to allow for a sports training facility in a multi-tenant building. 6814 S. 112th Street, Tax Key Number: 748 0063 000, Aldermanic District 4
- D. **Business Matters**
 - None
- E. **Adjournment**

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>. Any question regarding items on this agenda may be directed to the Department of City Development's office at 414-425-4024, Monday through Friday, 8:30 AM – 5:00 PM.

Notice is given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

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: September 7, 2023.

City of Franklin
Plan Commission Meeting
August 3, 2023
Minutes

unapproved

A. Call to Order and Roll Call

Mayor John Nelson called the August 3, 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, Alderwoman Courtney Day, City Engineer Glen Morrow and Commissioners Kevin Haley and Patricia Hogan. Also present were Director of Administration Kelly Hersh, Planning Manager Laurie Miller, Associate Planner Marion Ecks and City Attorney Jesse Wesolowski. Absent was Commissioner Patrick Léon.

B. Approval of Minutes – Regular Meeting of July 20, 2023

Commissioner Haley moved and Alderwoman Day seconded a motion to approve the July 20, 2023 meeting minutes. On voice vote, all voted 'aye'; motion carried (4-0-1).

C. Public Hearing Business Matters

1. **None.**

D. Business Matters

1. **Unified Development Ordinance (UDO) Rewrite Task Force** workshop session to define Article 7: Natural Resource Standards.

Applicant: City of Franklin
Subject property: Citywide

Consultants: Houseal Lavigne Associates and Birchline Planning, LLC

At the request of a citizen, the Commission took up a motion to suspend the rule to allow for citizen comment on the item. Kevin Haley made the motion and Patty Hogan seconded. On voice vote, all voted 'aye'; motion carried (4-0-0).

One citizen, Dana Gindt, provided public comments. Discussion started with what date will the noise ordinance be reviewed, followed with comments regarding confusion by chapter headers and titles not going in order. Ms. Gindt stated that there has not been a public meeting regarding protections for wildlife and to further discuss the impact of fireworks as pollutants. Mayor Nelson would like to see community input with systemized discussion and capture feedback.

Associate Planner Marion Ecks gave a presentation of the current UDO natural resource standards, followed with a presentation by JB Hinds of Birchline Planning, LLC.

Discussion/Guidance

The Commission discussed the proposed revised ordinance and provided the following comments:

City Engineer Morrow expressed reorganization is good but level of protection of natural resources "seems excessive." Also mentioned if we could take a closer look and carve out a few things from the Ordinance such as steep slopes as an example, which does not appear to be a problem in Franklin.

Mayor Nelson responded that we are "choking" ourselves with projects; the City of Franklin has a lot of wetland issues that have become a problem; he agrees with City Engineer Morrow's regarding his comments on protection without too much impediments to development and does not recommend anything more restrictive. He also went on to say now is the chance to streamline the process and reiterated his thoughts regarding not being more restrictive.

Commissioner Haley commented on steep slopes. Why are we protecting them? What we are protecting is SEWRPC designated primary environmental corridor, secondary corridors and isolated natural environmental areas. The current Ordinance is inconsistent and it's okay to defer to SEWRPC. We are inconsistent with the language and need to protect all primary, secondary and isolated natural areas as defined by SEWRPC.

City Engineer Morrow added Environmental Commission meets only once a month and their review can cause delays. This puts developers sometimes at a month delay in the project. Reviews can possibly be mitigated at staff level and continue to go to Common Council for approval.

Commissioner Hogan is in favor of the mitigation guidebook and would like to see the City move forward with it.

Commissioner Haley discussed wetland mitigation banks which are all located outside of Franklin. The issue is what needs to be mitigated, where and how. The amount of time and expertise is prohibitive. Do we create mitigation banks here in Franklin? There seems to be an interest in doing this and Milwaukee County is going to be establishing this process, along with other communities having an interest. Developers have a significant impact and don't want the lifetime commitment to maintaining and preserving mitigation areas on development lands. Mitigations can be purchased, but they need to remain in Franklin and that will be a financial incentive to create these banks. The DNR requires developers mitigate at the State level.

Consultant JB clarified that wetland protections are in the draft Ordinance; however, Franklin will not get involved directly in DNR permits. The idea for mitigation is to have applicants do something, but not to create new wetlands or to banks wetlands. Creating new wetland banks for Southeast WI is not on the horizon unfortunately. It's in the new draft UDO to exempt artificial wetlands, and to define what are degraded wetlands. If Franklin has a wetland delineation and it's identified as a degraded wetland, Franklin will not require anything additional unless it's within a SEWRPC area. The guide proposes flexible options for mitigation.

Commissioner Haley emphasized the goal is to preserve & protect natural resources as many of these as possible and not to allow them to be decimated by the act of development.

City Engineer Morrow asked for more detail on the Supreme Court decision on wetlands and what that means in Wisconsin and when we can expect to hear.

Associate Planner Ecks explained the US Supreme Court decision and our obligation to ensure that the Army Corps of Engineers has a determination about whether or not it's a federal body of water has not changed, but what has changed is the test the Corps uses to determine whether or not something is a Federal body of water has changed.

Consultant JB confirmed Associate Planner Ecks' explanation. Franklin is adopting the State's definition of degraded wetland which gives us more flexibility to respond to these types of regulatory changes.

Commissioner Haley commented he is pleased with how shoreland and wetland was written, however feels this was borrowed from other text. Move definitions should be put to the front. Departments should be defined more clearly on whether or not it is an internal department or Department of Natural Resources (DNR). Commissioner Haley will share changes with staff.

Commissioner Haley inquired what are the next steps. Are we doing public input?

Mayor Nelson expressed reaction to the draft and what staff's vision is on how to involve the public. Mayor Nelson suggest when there's a final draft we take input on reaction to the draft.

Planning Manager Miller recommended a public discussion chapter by chapter or an open house with dialogue.

Commissioner Haley emphasized providing a track changes version to the public to show what is proposed now. Will the public see the revision process/redline?

Planning Manager Miller responded with adding all comments from Plan Commission and Common Council into the draft.

Consultant Shell pointed out both redlined versions show existing changes from the existing UDO and revisions made on the first-round review with Plan Commission to date and clean versions showing how the draft might read currently. Suggested making both versions available for future review dates.

Commissioner Haley commented this is difficult to explain to the public. How can we make it simpler?

Planning Manager Miller agreed on how difficult it is to show redline. It would be more helpful in final draft form and hopes our new format is easier to see connections.

Mayor Nelson reiterated staff and Commissioners work together on changes, keep moving forward with the rewrite and work with staff on when we will have something ready for community feedback. Mayor Nelson agreed to an open house or holding a meeting at City Hall for an opportunity to discuss with the public. This is fluid work in progress.

Commissioner Hogan suggested to hold an open house at another facility or public location.

Planning Manager also suggested hosting with other events as well for greater involvement with the community.

E. Adjournment

Commissioner Hogan moved and Commissioner Haley seconded to adjourn the meeting at 8:14 p.m.. On voice vote, all voted 'aye'; motion carried (4-0-1).



REPORT TO THE PLAN COMMISSION

Meeting of August 17, 2023

Special Use

RECOMMENDATION: City Development Staff recommends approval of this Special Use application subject to the conditions set forth in this staff report and the attached resolution.

Project name:	Bion Strength and Conditioning – Special Use
Property Owner:	Specter Holdings LLC
Applicant:	Stevan Dukic. Bion Strength and Conditioning LLC
Property Address/TKN:	6814 S. 112 th Street / 748 0063 000
Aldermanic District:	District 6
Zoning District:	M-1 Limited Industrial
Staff Planner:	Régulo Martínez-Montilva, AICP, CNUa, Principal Planner

Project Description/Analysis

Please note:

- Recommendations are *underlined, in italics* and are included in the draft resolution.
- Suggestions are only underlined and are not included in the draft resolution.

Special Use request to allow for a sports training facility in a multi-tenant building located in the M-1 Limited Industrial zoning district. Sports training facilities are classified as “Physical Fitness Facilities” under Standard Industrial Classification (SIC) Title No. 7991, which requires a special use permit in the M-1 zoning district.

The proposed use would be located on the east end of the building. According to the project narrative, the applicant is not proposing any exterior improvements at this time.

Sports training facilities may be allowed by Special Use permit in the M-1 district and are classified under the Standard Industrial Classification (SIC) No. 7991:

7991 Physical Fitness Facilities

Establishments primarily engaged in operating reducing and other health clubs, spas, and similar facilities featuring exercise and other active physical fitness conditioning, whether or not on a membership basis. Also included in this industry are establishments providing aerobic dance and exercise classes.

The applicant has submitted a substantially complete application for a special use permit, allowing for Section § 15-3.0701 of the Unified Development Ordinance sets out the General Standards for Special Uses. City Development staff does not anticipate adverse impacts to adjacent properties because the training activities would be conducted inside the building.

UDO Section § 15-3.0703 Detailed Standards for Special Uses in Nonresidential Districts does NOT apply to this project, as the proposed special use not one of the specified special uses in this section.

Site compliance

Pursuant to the Unified Development Ordinance (UDO) Section 15-3.0701A.7, a special use shall conform to the applicable regulations of the zoning district in which is located, the M-1 Limited Industrial district in this case. Staff visited the site on July 21 and noticed the following noncompliance issues:

- a) The site doesn't appear to comply with the required 10-foot parking setback from the south property line, UDO Section 15-5.0202C4.
- b) Parking stalls are not marked by painted lines, UDO 15-5.0202F.
- c) The existing driveway appears to exceed the maximum width of 24 feet at the property line and 30 feet at the edge of the street, UDO 15-5.0207B. Note that the Plan Commission may approve greater distances with a Site Plan application.

City Development staff recommends that the property owner or applicant shall submit a Site Plan application attesting compliance with parking setbacks (UDO Section 15-5.0202C4), parking surfacing (UDO 15-5.0202F) and driveway width (UDO 15-5.0207B) within 3 months from the date of approval of this Special Use permit and site improvements shall be installed within 1 year from the date of approval of this Special Use permit, otherwise this Special Use shall be revoked.

According to the applicant's calculations, the existing Landscape Surface Ration (LSR) is 0.43 (11,325 sq. ft. / 26,242 sq. ft.) which is in compliance with the minimum LSR of 0.4.

Parking

The site currently has two separate units: 6812 and 6814 South 112th Street. The parking requirement for each unit are presented below:

- **Unit 6812.** Per city records, the last permit issued in 2022 is for warehouse use. Per UDO Table 15-5.0203, the parking ratio for this use is 0.5 parking stalls per 1,000 sq. ft of floor area. This unit is approx.. 3,900 sq. ft; therefore, the required parking is 2 stalls.
- **Unit 6814.** Per this application, the expected parking demand is 6 parking stalls (applicant, one trainer/employee and 1-4 customers). Note that the parking ratio for health clubs is 4 stalls per 1,000 sq. ft. of floor area. This unit is approx. 2,000 sq. ft.; therefore, the required parking is 8 stalls. Per UDO 15-5.0203A, the approval authority (the Common Council for special uses), may approve reductions of up to 25% below the standard parking ratio.

City Development staff recommends approval of the reduction of minimum required parking from 8 stalls to 6 stalls for Unit 6814. The total required parking for the entire site is 8 stalls (Units 6812 and 6814).

City Development staff recommends that the property owner or applicant shall submit a Site Plan application attesting compliance with the required quantity of 8 parking stalls and parking design standards of UDO Section 15-5.0202 within 3 months from the date of approval of this Special Use permit and site improvements shall be installed within 1 year from the date of approval of this Special Use permit, otherwise this Special Use shall be revoked.

Landscaping

Pursuant to UDO Table 15-5.0302, the required quantity of plantings (trees and shrubs) is based on the quantity of provided parking. See table below:

Commercial, Office, Institutional and Similar Uses		
Type	Planting Size	Minimum Quantity
Canopy/Shade Tree	2.5 inch caliper	1 per 5 provided parking spaces
Evergreens	4 feet tall	1 per 5 provided parking spaces
Decorative Trees	1.5 inch caliper	1 per 5 provided parking spaces
Shrubs	3 feet tall	1 per 5 provided parking spaces

Manufacturing (Industrial)		
Type	Planting Size	Minimum Quantity
Canopy/Shade Tree	2.5 inch caliper	1 per 10 provided parking spaces
Evergreens	4 feet tall	1 per 10 provided parking spaces
Decorative Trees	1.5 inch caliper	1 per 10 provided parking spaces
Shrubs	3 feet tall	1 per 10 provided parking spaces

Even though, this site is located in an industrial zoning district, the proposed use is commercial, so the commercial use table applies.

City Development staff recommends that the property owner or applicant shall submit a Landscape Plan as part of a Site Plan application attesting compliance with the minimum required quantity of plant units within 1 year from the date of approval of this Special Use permit, otherwise the Special Use shall be revoked. City Development staff recommends that the majority of the required plantings should be installed in the 20-foot planting screen along the east property line. See appendix #1.

Staff Recommendation:

City Development Staff recommends **approval of this Special Use** application subject to the following conditions:

1. City Development staff recommends that the property owner or applicant shall submit a Site Plan application attesting compliance with parking setbacks (UDO Section 15-5.0202C4), parking surfacing (UDO 15-5.0202F) and driveway width (UDO 15-5.0207B) within 3 months from the date of approval of this Special Use permit and site improvements shall be installed within 1 year from the date of approval of this Special Use permit, otherwise this Special Use shall be revoked. Alternatively, the applicant may request a variance to allow for a reduction of the parking setback, subject to approval by the Board of Zoning and Building Appeals.
2. City Development staff recommends that the property owner or applicant shall submit a Site Plan application attesting compliance with the required quantity of 8 parking stalls and parking design standards of UDO Section 15-5.0202 within 3 months from the date of approval of this Special Use permit and site improvements shall be installed within 1 year from the date of approval of this Special Use permit, otherwise this Special Use shall be revoked.
3. City Development staff recommends that the property owner or applicant shall submit a Landscape Plan as part of a Site Plan application attesting compliance with the minimum required quantity of plant units within 1 year from the date of approval of this Special Use permit, otherwise the Special Use shall be revoked. City Development staff recommends that the majority of the required plantings should be installed in the 20-foot planting screen along the east property line.

Appendix #1. Plat of survey dated August 10, 1989.

PLAT OF SURVEY

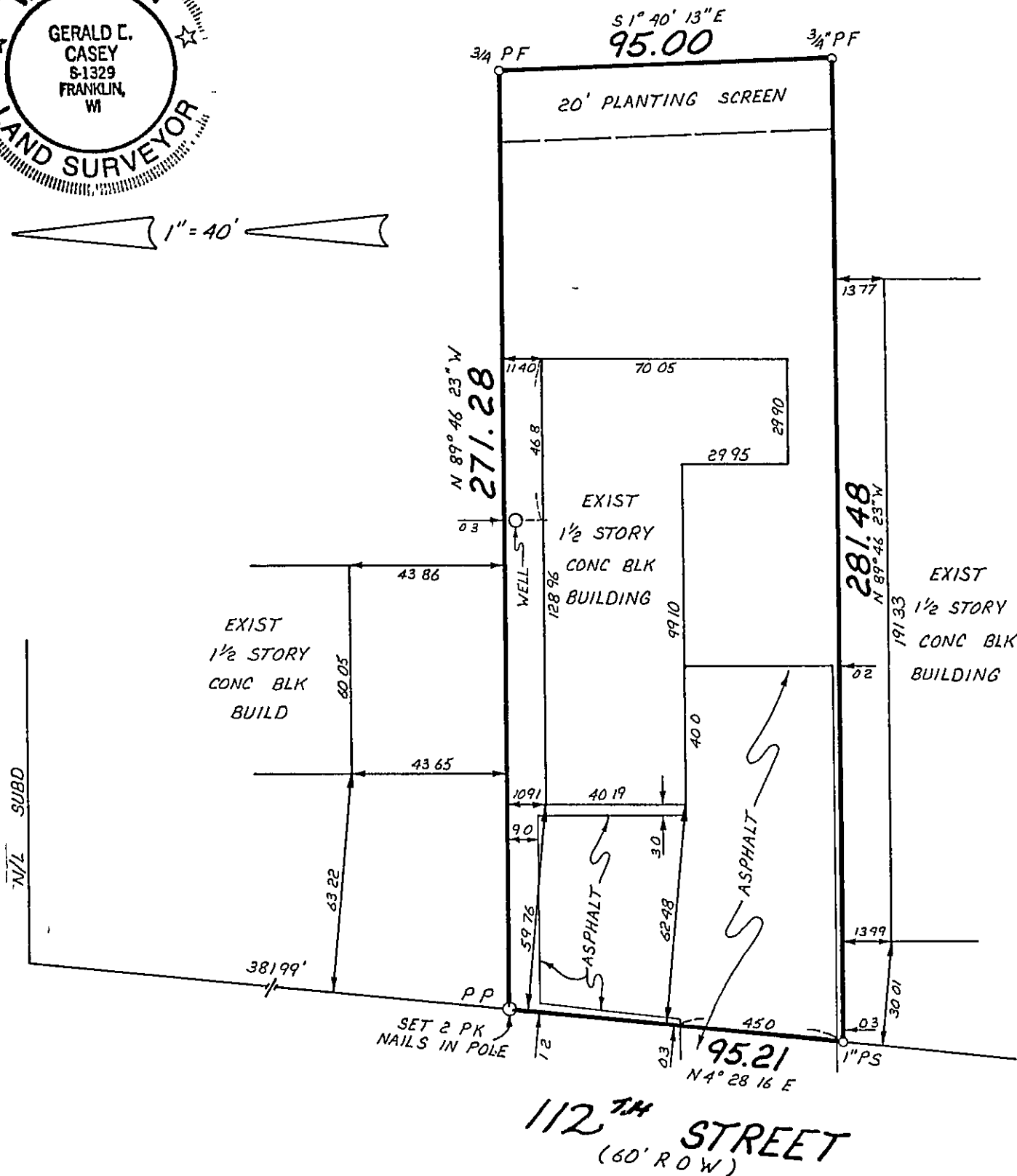
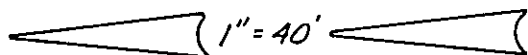
LOCATION. 6812 South 112th Street, Franklin, Wisconsin

LEGAL DESCRIPTION Lot 4 in Block 2 in NORTH CAPE INDUSTRIAL PARK, being a Subdivision of a part of the Southeast 1/4 of Section 6, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin

August 10, 1989

Survey No 75381

Drwg Revised 8/18/89 (Located well, changed street name)



5-21-6-1-0004

METROPOLITAN SURVEY SERVICE, INC
REGISTERED LAND SURVEYORS
9415 W FOREST HOME AVE SUITE 107 HALES CORNERS WI 53130
529-5380

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY ITS EXTERIOR BOUNDARIES THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON BOUNDARY FENCES APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS IF ANY

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY AND ALSO THOSE WHO PURCHASE MORTGAGE OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF

SIGNED [Signature]
Gerald E Casey
Registered Land Surveyor S 1329

City of Franklin
Department of City Development

Date: July 21, 2023

To: Stevan Dukic. Bion Strength and Conditioning LLC

From: Department of City Development
Régulo Martínez-Montilva, AICP, CNUa, Principal Planner

RE: Application for Special Use – Bion Strength and Conditioning
6814 S. 112th Street

Below are staff comments regarding your Special Use application submitted on June 19, 2023:

Department of City Development comments and issues

1. Please provide existing Landscape Surface Ratio (LSR) calculations. Note that the minimum required LSR in the M-1 zoning district is 0.4 per UDO Table 15-3.03. See definitions below:
 - a) *LANDSCAPE SURFACE AREA: Surface area of land not covered by any building or impervious surface, and that is maintained as a natural area and left undisturbed or to support plant life.*
 - b) *LANDSCAPE SURFACE RATIO (LSR): The ratio derived by dividing the area of landscaped surface by the base site area.*

2. Pursuant to the Unified Development Ordinance (UDO) Section 15-3.0701A.7, a special use shall conform to the applicable regulations of the zoning district in which is located, the M-1 Limited Industrial district in this case. Staff visited the site on July 21 and noticed the following noncompliance issues:
 - a) The site doesn't appear to comply with the required 10-foot parking setback from the south property line, UDO Section 15-5.0202C4.
 - b) Parking stalls are not marked by painted lines, UDO 15-5.0202F.
 - c) The existing driveway appears to exceed the maximum width of 24 feet at the property line and 30 feet at the edge of the street, UDO 15-5.0207B. Note that the Plan Commission may approve greater distances with a Site Plan application.

- See recommended conditions of approval.

3. See parking requirements below for the entire site (units 6812 and 6814):
 - a) Unit 6812. Per city records, the last permit issued in 2022 is for warehouse use. Per UDO Table 15-5.0203, the parking ratio for this use is 0.5 parking stalls per 1,000 sq. ft of floor area. This unit is approx.. 3,900 sq. ft; therefore, the required parking is 2 stalls.

- b) Unit 6814. Per your application, the expected parking demand is 6 parking stalls (yourself, one trainer/employee and 1-4 customers). Note that the parking ratio for health clubs is 4 stalls per 1,000 sq. ft. of floor area. This unit is approx. 2,000 sq. ft.; therefore, the required parking is 8 stalls. Per UDO 15-5.0203A, the approval authority (the Common Council for special uses), may approve reductions of up to 25% below the standard parking ratio. Your request is subject to review and approval.

If your request is approved, the total required parking for the entire site would be 8 stalls. The required parking stalls shall be marked by painted lines as noted in comment #2 and shall comply with the design standards of UDO Section 15-5.0202. See recommended conditions of approval.

4. Pursuant to UDO Table 15-5.0302, the required quantity of plantings (trees and shrubs) is based on the quantity of provided parking. See table below:

Commercial, Office, Institutional and Similar Uses		
Type	Planting Size	Minimum Quantity
Canopy/Shade Tree	2.5 inch caliper	1 per 5 provided parking spaces
Evergreens	4 feet tall	1 per 5 provided parking spaces
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Shrubs	3 feet tall	1 per 5 provided parking spaces

Manufacturing (Industrial)		
Type	Planting Size	Minimum Quantity
Canopy/Shade Tree	2.5 inch caliper	1 per 10 provided parking spaces
Evergreens	4 feet tall	1 per 10 provided parking spaces
Decorative Trees	1.5 inch caliper	1 per 10 provided parking spaces
Shrubs	3 feet tall	1 per 10 provided parking spaces

Even though, this site is located in an industrial zoning district, the proposed use is commercial, so the commercial use table applies. See recommended conditions of approval.

Engineering Department comments

5. No comments.

Fire Department comments

6. FD has no comments/concerns.

Inspection Services Department comments

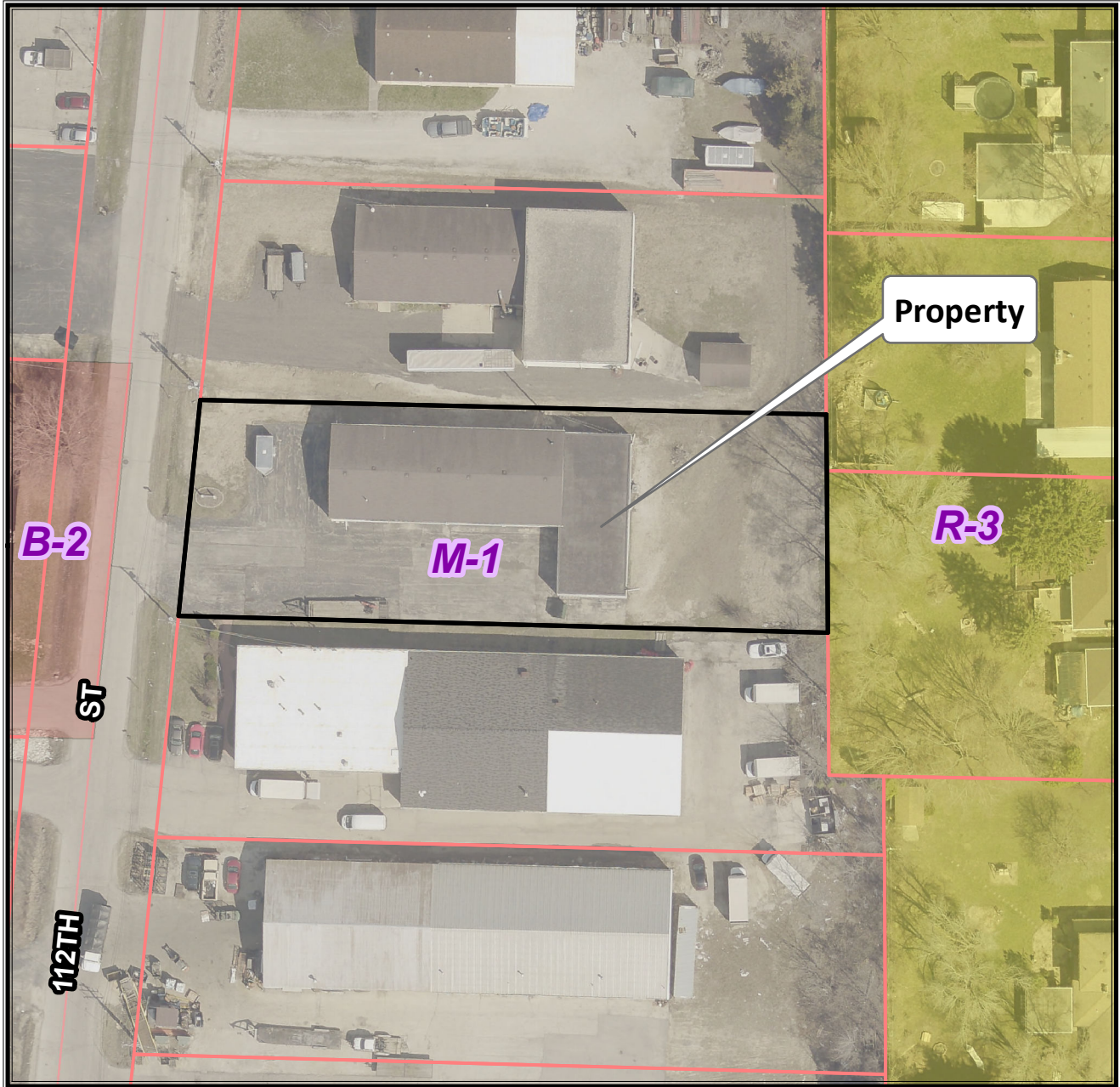
7. Inspection Services has no comments on the proposal at this time.

Recommended conditions of approval

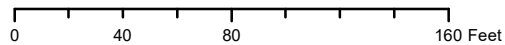
If your Special Use permit request is approved, staff recommends the following conditions of approval:

1. City Development staff recommends that the property owner or applicant shall submit a Site Plan application attesting compliance with the parking setbacks (UDO Section 15-5.0202C4), parking surfacing (UDO 15-5.0202F) and driveway width (UDO 15-5.0207B) within 3 months from the date of approval of this Special Use permit and site improvements shall be installed within 1 year from the date of approval of this Special Use permit, otherwise this Special Use shall be revoked.
2. City Development staff recommends that the property owner or applicant shall submit a Site Plan application attesting compliance with the required quantity of 8 parking stalls and parking design standards of UDO Section 15-5.0202 within 3 months from the date of approval of this Special Use permit and site improvements shall be installed within 1 year from the date of approval of this Special Use permit, otherwise this Special Use shall be revoked.
3. City Development staff recommends that the property owner or applicant shall submit a Landscape Plan as part of a Site Plan application attesting compliance with the minimum required quantity of plant units within 1 year from the date of approval of this Special Use permit, otherwise the Special Use shall be revoked. City Development staff recommends that the majority of the required plantings should be installed in the east end of the site which is labeled as a 20-foot planting screen (see attached plat of survey).

6814 S. 112th Street
TKN 748 0063 000



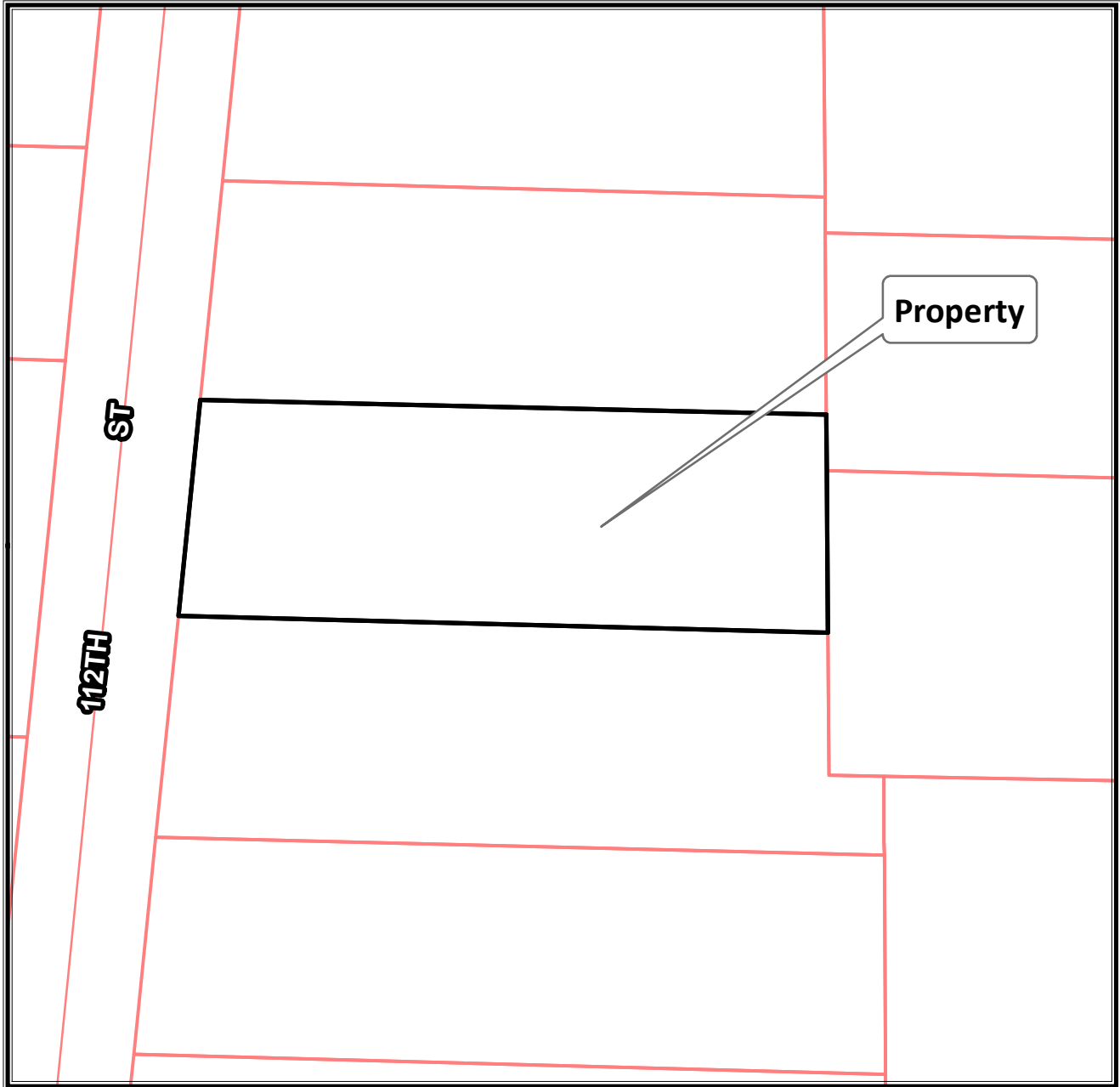
Planning Department
(414) 425-4024



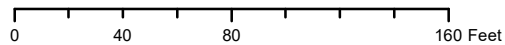
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



6814 S. 112th Street
TKN 748 0063 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.



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[draft 08-07-23]

RESOLUTION NO. 2023-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE FOR A SPORTS TRAINING FACILITY
USE UPON PROPERTY LOCATED
AT 6814 S. 112TH STREET,
(BION STRENGTH AND CONDITIONING LLC, APPLICANT)

WHEREAS, Bion Strength and Conditioning 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. 7991 “Physical Fitness Facilities”, to operate an indoor sports training facility with proposed hours of operation Monday through Sunday, from 6:00 a.m. to 9:00 p.m., located at 6814 S. 112th Street, bearing Tax Key No. 748-0063-000, more particularly described as follows:

Lot 4 in Block 2 in NORTH CAPE INDUSTRIAL PARK, being a Subdivision of a part of the Southeast 1/4 of Section 6, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

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 17th day of August, 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 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 Bion Strength and Conditioning LLC, for the approval of a Special 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. That this Special Use is approved only for the use of the subject property by Bion Strength and Conditioning LLC, successors and assigns, as a sports training facility use, which shall be developed in substantial compliance with, and operated and maintained by Bion Strength and Conditioning LLC, pursuant to the application materials City file-stamped June 19, 2023 and annexed hereto and incorporated herein as Exhibit A.
2. Bion Strength and Conditioning 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 Bion Strength and Conditioning LLC sports training facility, 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 Bion Strength and Conditioning LLC and the sports training facility use for the property located at 6814 S. 112th Street: (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.
4. City Development staff recommends that the property owner or applicant shall submit a Site Plan application attesting compliance with parking setbacks (UDO Section 15-5.0202C4), parking surfacing (UDO 15-5.0202F) and driveway width (UDO 15-5.0207B) within 3 months from the date of approval of this Special Use permit and site improvements shall be installed within 1 year from the date of approval of this Special Use permit, otherwise this Special Use shall be revoked. Alternatively, the applicant may request a variance to allow for a reduction of the parking setback, subject to approval by the Board of Zoning and Building Appeals.
5. City Development staff recommends that the property owner or applicant shall submit a Site Plan application attesting compliance with the required quantity of 8 parking stalls and parking design standards of UDO Section 15-5.0202 within 3 months from the date of approval of this Special Use permit and site improvements shall be installed within 1 year from the date of approval of this Special Use permit, otherwise this Special Use shall be revoked.
6. City Development staff recommends that the property owner or applicant shall submit a Landscape Plan as part of a Site Plan application attesting compliance with the minimum required quantity of plant units within 1 year from the date of approval of this Special Use permit, otherwise the Special Use shall be revoked. City Development staff recommends that the majority of the required plantings should be installed in the 20-foot planting screen along the east property line.

7. All signage shall comply with the requirements of Chapter 210 of the Municipal Code and must receive a Sign Permit from the City Development Department prior to installation.

BE IT FURTHER RESOLVED, that in the event Bion Strength and Conditioning 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 _____, 2023.

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

BION STRENGTH AND CONDITIONING LLC – SPECIAL USE
RESOLUTION NO. 2023-_____

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APPROVED:

John R. Nelson, Mayor

ATTEST:

Karen L. Kastenson, City Clerk

AYES _____ NOES _____ ABSENT _____

Exhibit A

Proposed (Special) Use of 6814 S. 112th Street

I, Stevan Dukic, have been a personal trainer/coach since graduating from Carroll University in 2014. In 2018, I started Bion Strength and Conditioning LLC to focus my efforts on the world of sports performance. I played for the Carroll University Men's Soccer program and learned the value of what the weight room could provide and therefore chose to pursue teaching others of its importance. I continue my education through personal research and reading, along with online and in-person seminars to keep honing my skills to help provide the best quality of service I can.

My proposed use of this space would be to keep the intended space as is, but to just fill the warehouse with training equipment, some already owned and some to still be purchased upon approval of the usage of space and occupancy. I specialize in baseball and soccer, however, I help coach athletes of all sports one on one and in small groups (3-4 people at a time). The intended space has a large parking area, as well as a fully functional bathroom for client usage. The intended usage of the space would not interfere with the surrounding area as all activity will be provided within the facility as to not to disturb any neighbors.

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 general and specific purposes for which this ordinance was enacted

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 proposed use will not have any adverse effects upon the local community or neighborhood

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: The proposed use will not interfere with the use and development of neighboring property

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 proposed use will serve adequate essential public facilities and services

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 use will not cause any undue 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: The proposed use will not lead to the destruction of any significant 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: The proposed special use shall conform to the applicable regulations of the district in which it is located

- 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: The proposed special use shall comply with all special standards in the particular zoning district

- 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 will have a positive impact on the community by providing a Health/wellness service to improve people's quality of life

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: Alternative locations have been investigated, however, the proposed property for special use consideration has been the most appropriate option.

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: All possible steps have been taken to minimize any adverse effects of the proposed property

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: The Intended special use should not encourage any Incompatible uses in the surrounding area

Accelerating s

6812 S 112th Street | Franklin
Floor Plan

