

**City of Franklin
Plan Commission Meeting
December 5, 2019
Minutes**

Approved
January 9, 2020

A. Call to Order and Roll Call

Mayor Steve Olson called the December 5, 2019 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 Patricia Hogan and Kevin Haley, Alderman Mark Dandrea and City Engineer Glen Morrow. Excused were Commissioner David Fowler and Commissioner Adam Burckhardt. Also present were Planning Manager Joel Dietl, Associate Planner Regulo Martinez-Montilva, City Attorney Jesse Wesolowski, Alderwoman Kristen Wilhelm and Alderman John Nelson.

B. Approval of Minutes

- 1. Regular Meeting of November 21, 2019.

City Engineer Morrow moved and Alderman Dandrea seconded approval of the November 21, 2019, minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (4-0-2).

C. Public Hearing Business Matters

1. VESTA INTERMEDIATE FUNDING INC. (OWNED BY THE LUBRIZOL CORPORATION, A BERKSHIRE HATHAWAY COMPANY) ENCROACHMENT OF A DEHUMIDIFIER EQUIPMENT PLATFORM INTO MINIMUM REQUIRED REAR YARD [recommendation to Board of Zoning and Building Appeals]. Application by Vesta Intermediate Funding Inc. (owned by The Lubrizol Corporation, a Berkshire Hathaway Company) for an Area Exception from §12.10(10)(b) of Planned Development District No. 7 (Franklin Industrial Park Phase II) Ordinance No. 85-864, to allow for the encroachment of a dehumidifier equipment platform into the minimum required rear yard. Pursuant to §12.10(10)(b), the minimum building rear setback is 25 feet, while the requested rear setback is approximately 16 feet and 8 inches, for placement of

Planning Manager Joel Dietl presented the request by Vesta Intermediate Funding Inc. (owned by The Lubrizol Corporation, a Berkshire Hathaway Company) for an Area Exception from §12.10(10)(b) of Planned Development District No. 7 (Franklin Industrial Park Phase II) Ordinance No. 85-864, to allow for the encroachment of a dehumidifier equipment platform into the minimum required rear yard. Pursuant to §12.10(10)(b), the minimum building rear setback is 25 feet, while the requested rear setback is approximately 16 feet and 8 inches, for placement of the support posts of the equipment platform of a dehumidification unit required for the manufacturing facility (the proposed platform is 8 feet 4 inches wide and 22 feet long), in the rear yard of the facility, property located at 9900 South 57th Street, zoned Planned Development District No. 7 (Franklin Industrial Park); Tax Key No. 899-0006-002.

The Official Notice of Public Hearing was read into the record by Associate Planner Regulo Martinez-Montilva and the Public Hearing was opened at 7:06 pm and closed at 7:08 pm.

Alderman Dandrea moved and Commissioner Hogan seconded a motion to recommend approval of an application

the support posts of the equipment platform of a dehumidification unit required for the manufacturing facility (the proposed platform is 8 feet 4 inches wide and 22 feet long), in the rear yard of the facility, property located at 9900 South 57th Street, zoned Planned Development District No. 7 (Franklin Industrial Park); Tax Key No. 899-0006-002.

for an Area Exception to allow for the encroachment of a dehumidifier equipment platform into the minimum required rear yard and to not require additional landscape screening [application requests an Area Exception from §12.10(10)(b) of Planned Development District No. 7 (Franklin Industrial Park phase II) Ordinance No. 85-864 (pursuant to §12.10(10)(b), the minimum building rear setback is 25 feet, while the requested rear setback is approximately 16 feet and 8 inches, for placement of the support posts of the equipment platform of a dehumidification unit required for the manufacturing facility) (the proposed platform is 8 feet 4 inches wide and 22 feet long), in the rear yard of the facility], for property located at 9900 South 57th Street. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

2. MATT TALBOT RECOVERY SERVICES, INC. RESIDENTIAL HOME CONSTRUCTION. Rezoning application by Matt Talbot Recovery Services, Inc., to amend the City’s Zoning Map for a portion of a property located at 9132 South 92nd Street from C-1 Conservancy District to R-3 Suburban/Estate Single-Family Residence District, to comply with condition number 8 of Resolution 2019-7498, which conditionally approved a 2 lot Certified Survey Map (“The applicant shall apply for a Rezoning from the City to remove the existing C-1 Conservancy District” (approximately 1.94 acres)); Tax Key No. 886-9987-000. [The area to be rezoned is subject to a conservation easement per the conditionally approved Certified Survey Map, therefore, it is intended for protection of the existing wetlands. The applicant is not proposing to develop this area within conservation easements.]

Planning Manager Joel Dietl presented the request by Matt Talbot Recovery Services, Inc., to amend the City’s Zoning Map for a portion of a property located at 9132 South 92nd Street from C-1 Conservancy District to R-3 Suburban/Estate Single-Family Residence District, to comply with condition number 8 of Resolution 2019-7498, which conditionally approved a 2 lot Certified Survey Map (“The applicant shall apply for a Rezoning from the City to remove the existing C-1 Conservancy District” (approximately 1.94 acres)); Tax Key No. 886-9987-000. [The area to be rezoned is subject to a conservation easement per the conditionally approved Certified Survey Map, therefore, it is intended for protection of the existing wetlands. The applicant is not proposing to develop this area within conservation easements.]

The Official Notice of Public Hearing was read into the record by Associate Planner Regulo Martinez-Montilva and the Public Hearing was opened at 7:14 pm and closed at 7:22 pm.

Commissioner Haley moved and Alderman Dandrea seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance (zoning map) to rezone a portion of a certain parcel of land from C-1 Conservancy District to R-3 Suburban/Estate Single-Family Residence District (9132 south 92nd Street) (approximately 1.94 acres). On voice vote, all voted ‘aye’; motion carried. (4-0-2).

3. BEAR DEVELOPMENT RECONFIGURATION OF TWO LOTS FOR POTENTIAL FUTURE INDUSTRIAL DEVELOPMENT. Rezoning, Certified Survey Map and Land Division Variance applications by

Planning Manager Joel Dietl presented the request by Bear Development, LLC (Franklin Mills, LLC and Daniel L. Mathson and Virginia K. Mathson, property owners), to change the zoning of the proposed Lot 1 from R-2 Estate Single-Family Residence District to M-2 General Industrial District [the applicant is not proposing to rezone the

Bear Development, LLC (Franklin Mills, LLC and Daniel L. Mathson and Virginia K. Mathson, property owners), to:

Rezoning: change the zoning of the proposed Lot 1 from R-2 Estate Single-Family Residence District to M-2 General Industrial District [the applicant is not proposing to rezone the proposed Lot 2 (it will remain as currently zoned, R-8 Multiple-Family Residence District, R-2 Estate Single-Family Residence District and C-1 Conservancy District)] [rezoning of entire property bearing Tax Key No. 939-9995-000 and a portion (13 acres) of the property bearing Tax Key No. 939-9994-000 (10082 South 124th Street)];

Certified Survey Map: reconfigure two subject lots: the southernmost lot abutting South North Cape Road (10082 South 124th Street) is approximately 41.24 acres and is owned by Daniel L. and Virginia K. Mathson (Tax Key No. 939-9994-000) and the lot to the north (property generally located south of Loomis Court and east of South North Cape Road, is approximately 20.58 acres of land located on the west side of State Highway 45, approximately 815 feet south of Loomis Court (20.01 acres of land within the City of Franklin and 0.58 acres in the City of Muskego)) and is owned by Franklin Mills, LLC (Tax Key No. 939-9995-000) [the Certified Survey Map creates two new lots with Lot 1 having an area of approximately 33.051 acres (to be owned by Franklin Mills LLC) and Lot 2 approximately 28.408 acres (to remain owned by Daniel L. and Virginia K. Mathson);

proposed Lot 2 (it will remain as currently zoned, R-8 Multiple-Family Residence District, R-2 Estate Single-Family Residence District and C-1 Conservancy District)] [rezoning of entire property bearing Tax Key No. 939-9995-000 and a portion (13 acres) of the property bearing Tax Key No. 939-9994-000 (10082 South 124th Street)].

The Official Notice of Public Hearing was read into the record by Associate Planner Regulo Martinez-Montilva and the Public Hearing was opened at 7:26 pm and closed at 7:29 pm.

Alderman Dandrea moved and Commissioner Hogan seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance (zoning map) to rezone lot 1 of Certified Survey Map no. ____ from R-2 Estate Single-Family Residence District to M-2 General Industrial District (located at 10082 South 124th Street and property generally located south of Loomis Court and east of South North Cape Road) (approximately 33.05 acres). On voice vote, all voted ‘aye’; motion carried. (4-0-2).

Planning Manager Joel Dietl presented the request by Bear Development, LLC (Franklin Mills, LLC and Daniel L. Mathson and Virginia K. Mathson, property owners), to reconfigure two subject lots: the southernmost lot abutting South North Cape Road (10082 South 124th Street) is approximately 41.24 acres and is owned by Daniel L. and Virginia K. Mathson (Tax Key No. 939-9994-000) and the lot to the north (property generally located south of Loomis Court and east of South North Cape Road, is approximately 20.58 acres of land located on the west side of State Highway 45, approximately 815 feet south of Loomis Court (20.01 acres of land within the City of Franklin and 0.58 acres in the City of Muskego)) and is owned by Franklin Mills, LLC (Tax Key No. 939-9995-000) [the Certified Survey Map creates two new lots with Lot 1 having an area of approximately 33.051 acres (to be owned by Franklin Mills LLC) and Lot 2 approximately 28.408 acres (to remain owned by Daniel L. and Virginia K. Mathson).

City Engineer Morrow moved and Alderman Dandrea seconded a motion to revise Condition #6 as proposed by City Attorney Wesolowski, City Engineer Morrow, and Alderman Dandrea with corrections as determined appropriate by the City Development Department staff, to wit: “Notwithstanding any approval of the rezoning and certified survey map with regard to the entire parcel, Lot 2 is currently under split zoning which has not been permitted by the Unified Development Ordinance since 1998 but it was permitted under the 1968 zoning code. In the event of the loss or destruction of 50% or

more of the existing single family residence structure upon the area zoned Multiple-Family Residence District R-8, the existing single-family residence structure shall not be allowed to be constructed/reconstructed without rezoning Lot 2 to a single zoning district”. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

City Engineer Morrow moved and Alderman Dandrea seconded a motion to amend Condition #7 “To add the following note on the face of the Certified Survey Map: ‘For those wetlands deemed artificial by the Wisconsin Department of Natural Resources/US Army Corps of Engineers or outside their jurisdictions, the requirement of a conservation easement is void.’” On voice vote, all voted ‘aye’; motion carried. (4-0-2).

Alderman Dandrea moved and City Engineer Morrow seconded a motion to remove Condition #8. On voice vote, 3 voted ‘aye’; one voted ‘nay’, Mayor Olson voted ‘aye’. Motion carried (4-1-2).

Commissioner Hogan moved and Alderman Dandrea seconded a motion to amend Condition #9 to change the width of the landscape bufferyard easement from 30 feet to 25 feet. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

Alderman Dandrea moved and Commissioner Haley seconded a motion to recommend approval of a Resolution conditionally approving a 2 lot Certified Survey Map incorporating the action taken on conditions number 6, 7, 8 and 9. On voice vote, all voted ‘aye’; motion carried. (4-0-2).

Land Division Variance: (in conjunction with the proposed Certified Survey Map) to allow Franklin Mills, LLC to purchase approximately 13 acres of land from Daniel L. and Virginia K. Mathson to combine to their existing parcel, as the proposed Lot 1 does not abut 60-feet of frontage along a public right-of-way as required by Section 15-5.0101B.1. of the Unified Development Ordinance [this property does have access through a 60-foot wide ingress/egress easement on the property to the west, which was designated on Certified Survey Map No. 11704 and, in part, for the specific benefit of this parcel]; properties located at 10082 South 124th Street (Tax Key No. 939-9994-000, zoned R-8 Multiple-Family Residence District, R-2 Estate

Planning Manager Joel Dietl presented the request by Bear Development, LLC (Franklin Mills, LLC and Daniel L. Mathson and Virginia K. Mathson, property owners), to allow Franklin Mills, LLC to purchase approximately 13 acres of land from Daniel L. and Virginia K. Mathson to combine to their existing parcel, as the proposed Lot 1 does not abut 60-feet of frontage along a public right-of-way as required by Section 15-5.0101B.1. of the Unified Development Ordinance [this property does have access through a 60-foot wide ingress/egress easement on the property to the west, which was designated on Certified Survey Map No. 11704 and, in part, for the specific benefit of this parcel]; properties located at 10082 South 124th Street (Tax Key No. 939-9994-000, zoned R-8 Multiple-Family Residence District, R-2 Estate Single-Family Residence District and C-1 Conservancy District) and property generally located south of Loomis Court and east of South North Cape Road (Tax Key No. 939-9995-000, zoned R-2 Estate Single-Family Residence District).

Single-Family Residence District and C-1 Conservancy District) and property generally located south of Loomis Court and east of South North Cape Road (Tax Key No. 939-9995-000, zoned R-2 Estate Single-Family Residence District).

Alderman Dandrea moved and City Engineer Morrow seconded a motion to recommend approval of a Resolution conditionally approving a Land Division Variance for a 2 lot Certified Survey Map, being part of the fractional northwest quarter of the southwest quarter and the west half of the northeast quarter of the southwest quarter of Section 30, Township 5 North, Range 21East, City of Franklin, Milwaukee County, Wisconsin (at 10082 South 124th Street and property generally located south of Loomis Court and East of South North Cape Road). On voice vote, all voted ‘aye’; motion carried. (4-0-2).

D. Business Matters

1. None.

E. Adjournment

Commissioner Hogan moved and Commissioner Haley seconded a motion to adjourn the Plan Commission meeting of December 5, 2019 at 8:25 p.m. On voice vote, all voted ‘aye’; motion carried. (4-0-2).