

**City of Franklin
Plan Commission Meeting
December 9, 2021
Minutes**

Approved
January 6, 2022

A. Call to Order and Roll Call

Mayor Steve Olson called the December 9, 2021, 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, Alderwoman Shari Hanneman, Commissioners Adam Burckhardt, Kevin Haley and Patrick Leon and City Engineer Glen Morrow. Commissioner Patricia Hogan was excused. Also present were City Attorney Jesse Wesolowski, Planning Manager Heath Eddy and Principal Planner Régulo Martínez-Montilva, along with Alderpersons Michael Barber and Edward Holpfer (in the audience).

B. Approval of Minutes

1. Regular Meeting of November 18, 2021

Commissioner Leon moved and Commissioner Burckhardt seconded approval of the November 18, 2021 regular meeting minutes. On voice vote, all voted 'aye'. Motion carried (5-0-1).

D. Business Matters

1. ZBIERANEK/ESCAMILLA FOOD TRUCK OPERATION.

Temporary Use application by Dale Zbieranek/Anthony R. Escamilla, to allow for a food truck (Tony's Taco Truck/Tony's Food Truck) operation in a paved parking lot located at 3030 West Ryan Road, from May 2, 2022 to May 1, 2023, with business hours from 11:00 a.m. to 7:00 p.m., Monday through Sunday (applicant has a base kitchen in the City of Milwaukee), property zoned B-2 General Business District; Tax Key No. 879-9981-001.

Principal Planner Martinez-Montilva presented the request by Dale Zbieranek/Anthony R. Escamilla, to allow for a food truck (Tony's Taco Truck/Tony's Food Truck) operation in a paved parking lot located at 3030 West Ryan Road, from May 2, 2022 to May 1, 2023, with business hours from 11:00 a.m. to 7:00 p.m., Monday through Sunday (applicant has a base kitchen in the City of Milwaukee), property zoned B-2 General Business District; Tax Key No. 879-9981-001.

Alderwoman Hanneman moved and Commissioner Leon seconded a motion to adopt a Resolution imposing conditions and restrictions for the approval of a Temporary Use for Tony's Taco Truck/Tony's Food Truck operation in a parking lot located at 3030 West Ryan Road. On voice vote, all voted 'aye'; motion carried (5-0-1).

2. FRANKLIN HIGH SCHOOL TURF INSTALLATION. Site Plan Amendment application by Franklin Public Schools to allow for installation of a synthetic turf surface, requiring minor regrading and related stormwater management via underground drainage stone storage and a collector pipe system, to replace the existing grass

Principal Planner Martinez-Montilva presented the request by Franklin Public Schools to allow for installation of a synthetic turf surface, requiring minor regrading and related stormwater management via underground drainage stone storage and a collector pipe system, to replace the existing grass

varsity baseball/softball fields [the project will disturb approximately 3.6 acres of land], upon property zoned I-1 Institutional District, FW Floodway District and C-1 Conservancy District, located at 8222 South 51st Street; Tax Key No. 807-9999-001.

Alderman Hanneman moved and Commissioner Leon seconded a motion to adopt a Resolution amending the Site Plan for property located at 8222 South 51st Street to allow for installation of synthetic turf and related drainage to replace the existing grass varsity baseball/ softball fields at the Franklin High School site (tax key no. 807-9999-001) including the condition that the applicants shall install temporary fencing to indicate the conservation easement area adjacent to the site during construction. On voice vote, all voted ‘aye’; motion carried (5-0-1).

C. Public Hearing Business Matters

1. CAPE CROSSING DEVELOPMENT: CREATION OF A NEW SINGLE-FAMILY RESIDENTIAL SUBDIVISION PLANNED DEVELOPMENT DISTRICT. Planned Development District and Rezoning application by Neumann Developments, Inc., Franklin DC Land, LLC, current property owner, to create The Villas at Cape Crossing/The Estates at Cape Crossing, a new single-family residential subdivision planned development district which includes a total of 142 units (54 “The Estates” units and 88 “The Villas” units), with private neighborhood amenities such as a pool, playground and firepit and access to a proposed interurban trail, on approximately 84.0074 acres of land located at 12200 West Ryan Road, and to rezone the property from R-3 Suburban/Estate Single-Family Residence District and C-1 Conservancy District to Planned Development District No. 40 (*currently named Cape Crossing*); Tax Key Nos. 890-9991-001 and 890-9991-002.

The Official Notice of Public hearing was read in to the record by Planning Manager Eddy and the Public Hearing was opened at 7:18 p.m. and closed at 7:37 p.m.

Principal Planner Martínez-Montilva presented the request by Neumann Developments, Inc., Franklin DC Land, LLC, current property owner, to create The Villas at Cape Crossing/The Estates at Cape Crossing, a new single-family residential subdivision planned development district which includes a total of 142 units (54 “The Estates” units and 88 “The Villas” units), with private neighborhood amenities such as a pool, playground and firepit and access to a proposed interurban trail, on approximately 84.0074 acres of land located at 12200 West Ryan Road, and to rezone the property from R-3 Suburban/Estate Single-Family Residence District and C-1 Conservancy District to Planned Development District No. 40 (*currently named Cape Crossing*); Tax Key Nos. 890-9991-001 and 890-9991-002.

Motion #1

Alderman Hanneman moved and Commissioner Haley seconded a motion to table this application until the next Plan Commission (January 6, 2022). Following discussion with the applicant and Plan Commissioners, a roll call vote was taken, 2 voted ‘aye’ and 3 voted ‘nay’ motion failed. (2-3-1).

Motion #2

Alderman Hanneman moved and Commissioner Leon seconded a motion to recommend approval of an Ordinance to create section 15-3.0445 of the Franklin Unified Development Ordinance establishing Planned Development District No. 40 (Cape Crossing) and to rezone property from R-3 Suburban/Estate Single-Family Residence District and C-1 Conservancy District to Planned Development District No. 40 (12200 West Ryan Road), and to remove conditions #1 and #4, and amend condition #3 to replace “Preliminary Plat” for “Final Plat”. With a roll call vote, 4 voted ‘aye’ and 1 voted ‘nay’, motion carried. (4-1-1).

Plan Commission took a recess at 8:40 p.m. Commissioner Leon departed the meeting.

The meeting resumed at 8:47 p.m.

3. BEAR DEVELOPMENT, LLC SINGLE-FAMILY RESIDENTIAL SUBDIVISION DEVELOPMENT.

Comprehensive Master Plan Amendment and Rezoning applications by Stephen R. Mills, President of Bear Development, LLC (Ignasiak Investment Co., LLC, property owner), to amend the Future Land Use Map designation for an area consisting of one property designated as Recreational Use, covering approximately 35 acres, from Recreational Use and Areas of Natural Resource Features Use to Residential Use, and to rezone that area of land from A-2 Prime Agricultural District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District (area consisting of one property (892-9999-002) and containing a corridor zoned C-1 Conservancy District which is an obsolete zoning district because the current Unified Development Ordinance requires protection of natural resources through conservation easements), property generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area (totaling approximately 34.54 acres).

The Official Notice of Public Hearing was read in to the record by Planning Manager Eddy and the Public Hearing was opened at 8:52 p.m. and closed at 9:13 p.m.

Planning Manager Eddy presented the request by Stephen R. Mills, President of Bear Development, LLC (Ignasiak Investment Co., LLC, property owner), to amend the Future Land Use Map designation for an area consisting of one property designated as Recreational Use, covering approximately 35 acres, from Recreational Use and Areas of Natural Resource Features Use to Residential Use, and to rezone that area of land from A-2 Prime Agricultural District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District (area consisting of one property (892-9999-002) and containing a corridor zoned C-1 Conservancy District which is an obsolete zoning district because the current Unified Development Ordinance requires protection of natural resources through conservation easements), property generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area (totaling approximately 34.54 acres).

Comprehensive Master Plan Amendment

Alderwoman Hanneman moved and City Engineer Morrow seconded a motion to adopt a Resolution recommending the adoption of an Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property bearing tax key number 892- 9999-002, generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna natural area from Recreational Use and areas of Natural Resource Features Use to Residential Use, pursuant to Wis. Stat. § 66.1001(4)(b). On roll call vote, 2 voted ‘aye’ 2 voted ‘nay’, motion failed. (2-2-1)

Rezone

City Attorney Wesolowski explained that under State Statute a Comprehensive Plan Amendment must be forwarded to the Common Council with the affirmative recommendation of four votes one way or the other. As the previous motion failed to gain four votes, the amendment could not be referred to the Common Council for a vote. Likewise, the Rezoning Application could not be considered for a recommendation vote because the Comprehensive Plan would be inconsistent with the proposed Rezoning; therefore, no motion was required or vote taken on the Rezoning Application.

2. SECTION 15-3.0603 TABLE OF PERMITTED AND SPECIAL USES IN ALL NONRESIDENTIAL ZONING DISTRICTS

AMENDMENTS: STANDARD INDUSTRIAL CLASSIFICATION CODE CHANGES IN THE B-2 GENERAL BUSINESS DISTRICT, B-5 HIGHWAY BUSINESS DISTRICT AND M-1 LIMITED INDUSTRIAL DISTRICT [CITY-WIDE]. Unified Development Ordinance Text Amendment application by the City of Franklin, to amend Section 15-3.0603 Table of Permitted and Special Uses in all Nonresidential Zoning Districts to change certain special trade contractor uses for the following Standard Industrial Classification (SIC) Code Nos. from special to permitted uses (excluding special trade contractors with outdoor storage) in the B-2 General Business District, B-5 Highway Business District and M-1 Limited Industrial District: 1711 Plumbing, Heating and Air-Conditioning; 1721 Painting and Paper Hanging; 1731 Electrical Work; 1741 Masonry, Stone Setting, and Other Stone Work; 1742 Plastering, Drywall, Acoustical, and Insulation Work; 1743 Terrazzo, Tile, Marble, and Mosaic Work; 1751 Carpentry Work; 1752 Floor Laying and Other Floor Work, Not Elsewhere Classified and 1761 Roofing, Siding, and Sheet Metal Work.

The Official Notice of Public hearing was read in to the record by Planning Manager Eddy and the Public Hearing was opened at 9:33 p.m. and closed at 9:33 p.m.

Principal Planner Martinez-Montilva presented the request by the City of Franklin, to amend Section 15-3.0603 Table of Permitted and Special Uses in all Nonresidential Zoning Districts to change certain special trade contractor uses for the following Standard Industrial Classification (SIC) Code Nos. from special to permitted uses (excluding special trade contractors with outdoor storage) in the B-2 General Business District, B-5 Highway Business District and M-1 Limited Industrial District: 1711 Plumbing, Heating and Air-Conditioning; 1721 Painting and Paper Hanging; 1731 Electrical Work; 1741 Masonry, Stone Setting, and Other Stone Work; 1742 Plastering, Drywall, Acoustical, and Insulation Work; 1743 Terrazzo, Tile, Marble, and Mosaic Work; 1751 Carpentry Work; 1752 Floor Laying and Other Floor Work, Not Elsewhere Classified and 1761 Roofing, Siding, and Sheet Metal Work.

Alderswoman Hanneman moved and Commissioner Haley seconded a motion to recommend approval of an Ordinance to amend the Unified Development Ordinance text at table 15-3.0603 Standard Industrial Classification Title Nos. 1711 “Plumbing, Heating and Air-Conditioning” 1721 “Painting and Paper Hanging” 1731 “Electrical Work” 1741 “Masonry, Stone Setting, and other Stone Work” 1742 “Plastering, Drywall, Acoustical, and Insulation Work” 1743 “Terrazzo, Tile, Marble, and Mosaic Work” 1751 “Carpentry Work” 1752 “Floor Laying and other Floor Work, not elsewhere classified” and 1761 “Roofing, Siding, and Sheet Metal Work” to change such uses from a Special Use to a Permitted Use in the B-2 General Business District, B-5 Highway Business District and M-1 Limited Industrial District. On voice vote, all voted ‘aye’; motion carried. (4-0-2)

Adjournment

Commissioner Haley moved and Commissioner Burckhardt seconded to adjourn the Plan Commission meeting of December 9, 2021 at 9:36 p.m. On voice vote, all voted ‘aye’; motion carried. (4-0-2).