

**A. Call to Order and Roll Call**

Mayor John Nelson called the June 22, 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, City Engineer Glen Morrow, Alderwoman Courtney Day and Commissioners Patricia Hogan, Kevin Haley and Patrick Léon. Also present were Planning Manager Laurie Miller, Principal Planner Régulo Martínez-Montilva, Associate Planner Marion Ecks, Director of Administration Kelly Hersh, Economic Development Director John Regetz, City Attorney Jesse Wesolowski, Alderwoman Eichmann, Alderman Mike Barber and Alderman Jason Craig.

**B. Approval of Minutes – Regular Meeting of May 18, 2023**

Alderwoman Day moved and Commissioner Léon seconded a motion to approve the May 18, 2023 meeting minutes. On voice vote, all voted ‘aye’; motion carried (5-0-0).

**C. Public Hearing Business Matters**

1. **POTHS GENERAL. Planned Development District** to create Poths General (also known as “The Public Square”), a new Planned Development District (PDD) to redevelop the Orchard View Shopping Center with a “Town Center”, which consists of a central open area with amenities, mixed-use buildings (commercial/residential), apartment buildings and a hotel, the existing Ace Hardware store will remain in its current location), and to rezone the property from B-3 Community Business District and R-6 Suburban Single-Family Residence District to Planned Development District No. 42 (Poths General). And **Comprehensive Master Plan Amendment** to change the Future Land Use Map designation from Commercial Use to Mixed Use.

Applicant: Land By Label LLC (Initech, LLC, property owner).  
Subject property: Approximately 7154 South 76th Street

Planning Manager, Laurie Miller presented this item and stated that this project would serve the city as a great redevelopment opportunity of the Orchard View Shopping Center, the comprehensive master plan amendment is needed because communities are required to have their zoning map consistent with their comprehensive plan future land use map. The plan included in the packet is a concept plan and it’s fully expected that changes may occur between tonight, Common Council, and site plan review. Staff supports the proposed change to the future land use map from Commercial to Mixed Use and rezoning from B-3 and R-6 to a mixed use PDD for several reasons: compatibility with adjacent commercial and residential uses, the property is adjacent to major roadways that may be adequate to support the increase in density, the inclusion of site amenities, and the comprehensive plan identifies this area as an opportunity for “commercial development along the east side of Loomis Road with housing that transitions to existing neighborhoods to the east representing a significant opportunity for future development of the city”. Staff supports the increase to gross and net density provided the Plan Commission makes the determination that the proposed amenities meet a community purpose.

Ian Martin and Emily Cialdini of Land by Label LLC presented the applicant’s request.

City Engineer Morrow commented that the Traffic Impact Analysis (TIA) prepared by the applicant's consultant (Ayres) is subject to review by the Wisconsin Department of Transportation and Milwaukee County and that the city should not prepare a separate TIA nor hire a consultant for this purpose.

Commissioner Hailey expressed concerns about moving too fast without approval of the Traffic Impact Analysis by Milwaukee County.

Alderwoman Day asked who would be responsible for the maintenance and programming of the proposed amenities.

Ian Martin of Land by Label LLC addressed comments of the Plan Commission and the public: the developer would give proper noticing for relocation to current tenants at Orchard View Shopping Center; the developer would maintain the proposed amenities or hire a contractor to maintain and program amenities; the anticipated phasing of the project is to start construction in the west side of the site and keep construction traffic outside the completed buildings.

Commissioner Léon commented that it's a good application and there is demand for hotels in this area due to sports activities in Ballpark Commons.

Assistant Fire Chief Jim Mayer commented that as the demand for Fire Department services increases, additional staff will be needed to maintain a high quality and a fast response.

Several members of the public participated in the public hearing. Residents expressed their concern for the development's impacts to the traffic along 76<sup>th</sup> Street and Rawson Avenue, stormwater management, lack of parking for the existing Ace hardware store, Fire Department staffing, school demand, public utilities and noise.

Commissioner Léon moved and Commissioner Hailey 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 properties located at approximately 7154 South 76th Street from commercial use to mixed use, pursuant to Wis. Stat. § 66.1001(4)(b). On voice vote, all voted 'aye'; motion carried (5-0-0).

Commissioner Léon moved and Commissioner Hogan seconded a motion to recommend approval of an ordinance to create Section 15-3.0447 of the Franklin Unified Development Ordinance establishing Planned Development District no. 42 (Poths General) and to rezone property from B-3 community business district and R-6 suburban single-family residence district to Planned Development District no. 42 (approximately 7154 South 76th Street). On voice vote, all voted 'aye'; motion carried (5-0-0).

Commissioner Léon left the Council Chambers at 9:17 p.m.

2. **VITALOGY. Planned Development District** to create The Vitalogy, a new mixed-use, luxury residential and commercial planned development district which consists of multi-family buildings, townhouse clusters, commercial lots, a public street connecting Terrace Drive with South Loomis Road, and to rezone the property from R-6 Suburban Single-Family Residence District and C-1 Conservancy District to Planned Development District No. 41 (Vitalogy). **Comprehensive Master Plan Amendment** to change the Future Land Use Map designation from Commercial Use to Mixed Use. The applicant is not seeking changes to the Areas of Natural Resource in the Future Land Use Map.

Applicant: Land By Label LLC (Initech, LLC, property owner).

Subject property: Approximately 7154 South 76th Street

Planning Manager, Laurie Miller stated that the applicant is requesting to table this item because the Wisconsin Department of Transportation denied access to Loomis Road.

Commissioner Léon moved and Commissioner Hogan seconded a motion to postpone this item until the city Planning Manager recommends to return this item to Plan Commission. On voice vote, all voted 'aye'; motion carried (5-0-0).

City Attorney Wesolowski stated that the public hearing should be renoticed accordingly.

The Plan Commission entered into a recess from 9:17 p.m. to 9:25 p.m. Commissioner Léon returned to the Council Chambers at 9:25 p.m.

3. **BADAX FLATS. Special Use** to increase the maximum permitted density for a mixed-use building with 78 apartment units in a 3.12-acre site resulting in net density of 40 du/ac (dwelling units per acre), while the maximum net density is eight du/ac in the Mixed Use area of this Planned Development District (PDD). The applicant is requesting this Special Use to increase the permitted density for a maximum yield of 81 dwelling units, without this Special Use the maximum yield allowed is 16 dwelling units. **Site Plan** to allow for this mixed-use building and exterior improvement. Additionally, the applicant is requesting the following waiver: a. Ord. 2019-2368, Table 15-3.0442C.1, a reduced front setback of 10 feet while the minimum setback is 25 feet.

Applicant: BadAx Flats LLC (Zim-Mar Properties, LLC, property owner).

Subject property: Located generally at the southeast corner of West Rawson Avenue and South Ballpark Drive, zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons).

Planning Manager, Laurie Miller presented this item, staff recommends approval of the Special Uses and due to the issues with the average unit size, landscape requirements and inclusion of trash enclosure staff recommends to table the Site Plan so staff can continue to work with the applicant on these deficiencies

Emily Cialdini of Land by Label LLC presented the applicant's request and commented that the Table 15-3.0442.D1 doesn't establish a minimum dwelling unit size for mixed use buildings and that she doesn't think that the minimum required area applies in this case. Planning Manager Miller stated that the PDD does outline average dwelling unit size per number of bedrooms under the multi-family designation which applies in this case. The other issue is that this table does not account for studio apartments therefore staff believes that the average of one-bedroom units applies for studio and one-bedroom apartments. Planning Manager Miller stated that the applicant may seek a text amendment to address the lack of average unit size requirements for studio apartments.

Applicant Cialdini stated that compliance with landscape requirements would reduce the building to 48-50 dwelling units making this project economically infeasible. Ian Martin of Land by Label, LLC stated that other apartment complex, such as the Seasons, faced similar issues with the landscape requirements. Planning manager agreed that the landscaping requirements are too prescriptive, but as of now, we must adhere to it and that Planning Commission can only allow a 25% reduction in required landscaping per code. Planning Manager Miller said that the landscaping requirements will be evaluated during the Unified Development Ordinance rewrite. Planning Manager Miller stated that the landscaping requirements may be possible to meet and number of dwelling units to remain should they

reduce the size of the parking lot. The proposed site has 29 parking spaces over the parking requirement.

Regarding landscape requirements, Mayor Nelson commented that we definitively want to make sure that we keep that high standard.

There was a discussion amongst Planning Commissioners to allow the building and site plan to be approved with conditions that the average studio and one apartment size meet PDD requirements, that parking spaces be reduced by 29 stalls, landscaping be increased to meet the allowable 25% reduction per code, and addition of trash enclosure. Planning Manager Miller stated that she did not feel comfortable with this decision because the changes in unit size, increase in landscaping and decrease in parking could dramatically change the building and site configuration.

No public comments during the public hearing.

Commissioner Léon moved and commissioner Hailey seconded a motion to recommend approval of a resolution imposing conditions and restrictions for the approval of a special use to increase the maximum permitted density for a three-story mixed-use building upon property generally located at the southeast corner of West Rawson Avenue and South Ballpark Drive. On voice vote, all voted 'aye'; motion carried (5-0-0).

Commissioner Hailey moved and commissioner Hogan seconded a motion to table the Site Plan to the next meeting. On voice vote, all voted 'aye'; motion carried (5-0-0).

#### **D. Business Matters**

1. **Escamilla Food Truck Operation. Temporary Use** to allow for a food truck (Tony's Taco Truck/Tony's Food Truck) for one year.

Applicant: Anthony Escamilla (Bruce Hubbard, property owner).  
Subject property: 3030 West Ryan Road

Associate Planner Ecks presented this item and noted that this temporary use has been requested for a few consecutive years. Planner Ecks expressed her concern that this is no longer a temporary request and that a permanent solution should be identified. Planner Ecks stated that the proposal was the same as previous years and staff supports the reissuance of the food truck for one more year while the applicant is identifying a permanent location for a restaurant.

Commissioner Hogan moved and Commissioner Léon 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 (5-0-0).

2. **Unified Development Ordinance (UDO) Rewrite Task Force.** Session with project consultant Houseal Lavigne Associates and Birchline Planning, LLC regarding Article 7: Natural Resource Standards.

This item is postponed.

3. **Consideration of new format for Planning Commission Agenda.** Proposal from Planning Department staff to update the Planning Commission Agenda format.

Planning Manager Miller stated that this is the beginning of a project to review and update methods of communication from the planning department (applications, agendas, public hearing notices, staff reports and additional content found in meeting packets. These changes are being made to create concise and attractive documents that promote better customer service and improved communication with Commissioners and elected officials. Planning Manager Miller also stated that many of these changes will reduce unnecessary cost to tax payers and applicants as well as reduce the strain on staff's limited resources.

Planning Manager Miller provided a brief overview of the changes to the agenda format.

City Attorney Wesolowski presented his legal opinion., stating that the Badke language must remain as-is on the agenda. City Attorney also stated that previous administrations required the agenda to have as much detail as possible and that the proposed format would not meet that standard.

Alderwoman Day praised the change and said that she likes the overall concise format and that the info was providing on one page instead of three. She did suggest adding limited additional information to each agenda item.

Commissioner Léon suggested that we should not make changes just for the sake of change and that he preferred to have very detailed agendas to prevent the reader to have to review the staff report. He also stated that he did not want the reader to have to go to the website to review both the agenda and staff report. Planning Manager Miller stated that the purpose of an agenda is to let the resident understand the overall topics intended to be discussed in the meeting and the order in which they will be discussed. The staff report is meant to provide the reader with all the important details of the project, staff analysis, and recommendations. Planning Manager Miller expressed her belief that the excessive content in the agenda is discouraging the resident from reading the staff report and preventing them for forming an informed opinion. Staff spends a tremendous amount of time on the staff report and want the reader to understand their analysis for support, denial, or tabling of an item. Planning Manager Miller also pointed out that the agenda and staff report are posted together, at the same time, on the website.

Commissioner Haley stated that he likes the new format but requested that staff includes the next meeting date.

The Commissioners discussed the need to adopt a standard agenda and meeting format that will be used for all boards and commissions.

Commissioner Léon moved and City Engineer Morrow seconded a motion to direct planning staff to coordinate with City Attorney through the Department of Administration to refine this updated agenda format to include what is necessary for appropriate public notice in the agenda as a recommendation to the Common Council. On voice vote, all voted 'aye'; motion carried (5-0-0).

## **E. Adjournment**

Commissioner Hogan moved and Commissioner Léon seconded to adjourn the meeting at 10:43 p.m. On voice vote, all voted 'aye'; motion carried (5-0-0).