

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, FEBRUARY 8, 2018, 7:00 P.M.

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

B. **Approval of Minutes**

1. Approval of regular meeting of January 18, 2018.

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

1. **UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT RELATED TO RELIGIOUS ORGANIZATIONS USES.** Unified Development Ordinance Text Amendment application by Root River Church Inc., to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 8661 “Religious Organizations” to allow for such use as a Special Use City-wide in the M-1 Limited Industrial District.
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)

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: February 22, 2018

**City of Franklin
Plan Commission Meeting
January 18, 2018
Minutes**

Unapproved

A. Call to Order and Roll Call

Mayor Steve Olson called the January 18, 2018 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 was Commissioners, Adam Burckhardt, Kevin Haley, City Engineer Glen Morrow and Alderman Dandrea. Excused was Commissioner David Fowler and Patricia Hogan. Also present was Planning Manager Joel Dietl.

B. Approval of Minutes

1. Regular Meeting of January 4, 2018.

Commissioner Haley moved and Alderman Dandrea seconded approval of the January 4, 2018 minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (4-0-2).

D. Business Matters

1. EVERGREEN PARK ESTATES RESIDENTIAL LOTS DEVELOPMENT. Preliminary Plat application by Rick J. Przybyla, President of Creative Homes, Inc., to subdivide the existing 32.67 acre property at approximately 7501 South 49th Street, to create five R-6 Suburban Single-Family Residence District lots, including three lots north of West Evergreen Street (Lots 1, 2 and 3), one lot south of West Evergreen Street (Lot 4) and one large remnant lot north of Lots 1, 2 and 3 (Lot 5) for future residential development, lot sizes ranging in size from 22,102 square feet to 43,504 square feet (excluding Lot 5), also including three outlots which are reserved for future use by the developer and/or consist of protected natural resource features, property zoned R-6 Suburban Single-Family Residence District, FC Floodplain Conservancy District and FW Floodway District.

Planning Manager Joel Dietl presented the request by Rick J. Przybyla, President of Creative Homes, Inc., to subdivide the existing 32.67 acre property at approximately 7501 South 49th Street, to create five R-6 Suburban Single-Family Residence District lots, including three lots north of West Evergreen Street (Lots 1, 2 and 3), one lot south of West Evergreen Street (Lot 4) and one large remnant lot north of Lots 1, 2 and 3 (Lot 5) for future residential development, lot sizes ranging in size from 22,102 square feet to 43,504 square feet (excluding Lot 5), also including three outlots which are reserved for future use by the developer and/or consist of protected natural resource features, property zoned R-6 Suburban Single-Family Residence District, FC Floodplain Conservancy District and FW Floodway District.

Alderman Dandrea moved and City Engineer Morrow seconded a motion to recommend approval of a Resolution conditionally approving a Preliminary Plat for Evergreen Park Estates Subdivision (at approximately 7501 South 49th Street). On voice vote, all voted 'aye'. Motion carried (4-0-2). Please note that the vote was unanimous.

E. Adjournment

Commissioner Haley moved and Alderman Dandrea seconded to adjourn the Plan Commission meeting of January 18, 2018 at 7:28 p.m. All voted 'aye'; motion carried. (4-0-2).

DRAFT

**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION****Meeting of February 8, 2018****Unified Development Ordinance Text Amendment**

RECOMMENDATION: City Development Staff recommends denial of the proposed Unified Development Ordinance Text Amendment to Table 15-3.0603 to allow Standard Industrial Classification Title No. 8661 Religious Organizations as a permitted use in the M-1 Limited Industrial District.

Project Name:	SIC Code No. 8661 to the M-1 District
Project Address:	N/A
Applicant:	Root River Church, Inc.
Owners (property):	N/A
Current Zoning:	N/A
2025 Comprehensive Master Plan:	N/A
Use of Surrounding Properties:	N/A
Applicant Action Requested:	Recommendation of approval for the proposed Unified Development Ordinance Text Amendment to add SIC Code No. 8661 as a special use in the M-1 District.

INTRODUCTION:

On January 8, 2018, Root River Church, Inc. submitted an application for a Unified Development Ordinance (UDO) Text Amendment to amend Table 15-3.0603 to allow Standard Industrial Classification Title No. 8661 Religious Organizations as a Special Use in the M-1 Limited Industrial District.

If the UDO Text Amendment is approved, the applicant Root River Church, Inc., anticipates applying for a Special Use to move into approximately 12,850 square feet of second story office space in Ener-Con's building located at 11311 West Forest Home Avenue.

PROJECT DESCRIPTION AND ANALYSIS:

Table 15-3.0603 of the Unified Development Ordinance sets forth those uses, which are permitted and special uses in all nonresidential zoning districts in the City of Franklin. Use designations are based on the Standard Industrial Classification (SIC) Manual (1987, or latest edition) published by the Executive Office of the President, Office of Management and Budget.

An excerpt from the SIC Manual describes SIC Title No. 8661 Religious Organizations as:

“Establishments of religious organizations operated for worship, religious training or study, government or administration of an organized religion, or for promotion of religious activities.”

The following specific uses are associated with SIC Title No. 8661 and included in the description:

- Churches
- Convents
- Monasteries
- Religious instruction, provided by religious organizations
- Religious organizations
- Shrines, religious
- Temples

Review of the City’s Unified Development Ordinance indicates that SIC Code 8661 Religious Organizations is allowed (as a permitted use, see attached Table 15-3.0603) within five existing zoning districts:

- the I-1 Institutional District (which is specifically intended for public and quasi-public uses including religious organizations);
- the CC Civic Center District (which is specifically intended to promote mixed uses including institutional uses); and
- those zoning districts which are intended primarily for office/mixed uses (B-6 Professional Office District, B-7 South 27th Street Mixed Use Office District, and the OL-1 Office Overlay District).

Staff can also note that vacant land and/or vacant tenant spaces often and currently exist within some of the lands zoned I-1, CC, B-6, B-7 and OL-1.

In addition, staff finds the proposed use is incompatible with the intent of the M-1 Limited Industrial District (below) and the allowable uses within the M-1 District. In the City of Franklin the M-1 District is not a “catch all” district where all uses deemed to be less intense than industrial uses are also allowed.

SECTION 15-3.0309

M-1 LIMITED INDUSTRIAL DISTRICT

- A. **District Intent.** The M-1 Limited Industrial District is intended to:
1. 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.
 2. Accommodate existing scattered uses of an industrial nature so as not to make them nonconforming uses.

Staff is concerned with the potential citywide impact of the proposed text amendment, which would allow religious organizations as a special use on all M-1 zoned properties (see the attached map of M-1 properties in Franklin), not solely on Ener-Con’s property within the

building bearing the address 11311 West Forest Home Avenue. Generally speaking, the M-1 District can be found along the east side of W. Forest Home Avenue north of W. Rawson Avenue, the southwest corner of the City south of W. Oakwood Road and west of S. 112th Street and areas south of W. Ryan Road from approximately W. St. Martins Road to east of S. 58th Street. The underlying zoning of the OL-2 District located north of W. Rawson Avenue between approximately S. 51st Street and S. 60th Street is the M-1 District. Industrial lands only encompass 3.86 % of the total land area in Franklin (according to Table 5.1: Land Use in Franklin in 2005 of the Comprehensive Master Plan.

COMPREHENSIVE MASTER PLAN CONSISTENCY:

- *Consistent with, as defined by Wisconsin State Statute, means “furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.”*

Wisconsin State Statute 66.1001 also requires that “...if a local governmental unit enacts or amends any of the following ordinances, the ordinance shall be consistent with that local governmental unit’s comprehensive plan:...City of village zoning ordinances enacted or amended under s. 62.23(7)...”

From a land use, planning, and zoning perspective, many religious organizations: would not complement existing industrial uses; nor help attract additional industrial business uses; would occupy tenant space or land primarily intended for more compatible industrial uses; and may be tax exempt.

Therefore, the addition of religious organizations to the M-1 Limited Industrial District would be inconsistent with certain elements of the City’s Comprehensive Master Plan including but not limited to:

- The following Economic Development Principles:
 - Create jobs for a growing population.
 - Stabilize and expand a diverse tax base.
- The following Economic Development goals, objectives and policies:
 - 70/30 Goal “that it remains the goal of the Common Council to obtain the 70/30 ratio of residential to commercial assessed valuation.”
 - Expand and stabilize the current economic base.
 - Create jobs
- The following Land Use Principle:
 - Enhance the quality of life for present and future generations by providing economic growth through the highest quality of residential, recreational, and business development in Southeastern Wisconsin.

STAFF RECOMMENDATION:

Department of City Development staff recommends denial of the proposed Unified Development Ordinance Text Amendment to Table 15-3.0603 to allow Standard Industrial Classification Title No. 8661 Religious Organizations as a special use in the M-1 Limited Industrial District.

ORDINANCE NO. 2018-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT
TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 8661
“RELIGIOUS ORGANIZATIONS” TO ALLOW FOR SUCH USE AS A SPECIAL USE IN
THE M-1 LIMITED INDUSTRIAL DISTRICT
(ROOT RIVER CHURCH INC., APPLICANT)

WHEREAS, Table 15-3.0603 of the Unified Development Ordinance sets forth the permitted and special uses in the nonresidential zoning districts; and

WHEREAS, Root River Church Inc. having applied for a text amendment to Table 15-3.0603, Standard Industrial Classification Title No. 8661 “Religious Organizations”, to allow for such use as a Special Use in the M-1 Limited Industrial District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to allow for Standard Industrial Classification Title No. 8661 “Religious Organizations” as a Special Use in the M-1 Limited Industrial District, and having held a public hearing on the proposal on the 8th day of February, 2018 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

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

SECTION 1: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to: Standard Industrial Classification Title No. 8661 “Religious Organizations”, is hereby amended as follows: insert “S” (Special Use) in the M-1 column.

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 _____, 2018, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2018.

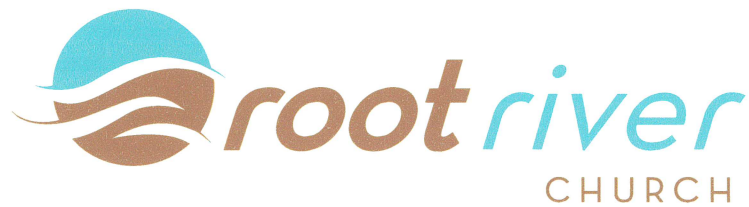
APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



January 29, 2018

Franklin

JAN 29 2018

City Development

Greetings from Root River Church,

This letter accompanies our application for Unified Development Ordinance Text Amendment to outline our desire to rent space on the second floor at the Forest Home Corporate Center at approximately 11311 W. Forest Home Avenue.

In 2016, Root River Church began the process of seeking a location to plant our new fellowship and felt compelled to establish a place of Christian worship in Franklin. We spent quite some time studying the demographics of Franklin and surrounding municipalities, and believed the ideal location for our fellowship to be in a vacant parcel of the Orchard Hills Shopping Center. We requested permission for a special use permit since that area is zoned for retail, but learned that the location was not an ideal fit for the City of Franklin. That prompted us to begin holding our weekly services on Sunday mornings at Forest Park Middle School in September of 2016. Since that time, we have been blessed to participate with our community in Franklin events such as the Fourth of July Parade, the Franklin Civic Celebration, and St. Martin's Fair. We have also had the opportunity to serve the Franklin Police Department and the residents of Brenwood Park on several occasions. Because our church body has realized an annualized growth of 48%, we expect an even greater level of involvement in the years to come.

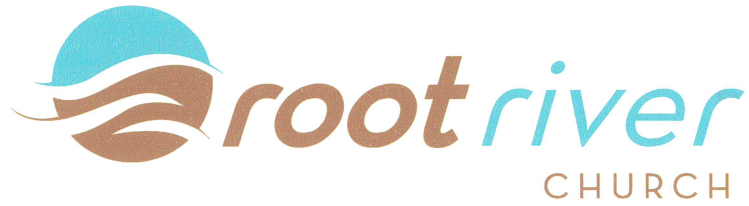
While the School District has been very accommodating and the Forest Park Middle School location has been suitable for our gatherings, we are unable to continue meeting there beyond March 2018 due to the construction of the new middle school facility. Unfortunately, due to staffing issues, the school district is unwilling to rent space in the new middle school, high school, or Franklin's elementary schools on Sunday mornings. We have found that other venues in Franklin such as the Polish Cultural Center and Root River Center are unable to rent space to us on a consistent weekly basis as they already have weekend events scheduled throughout the year. Because we are not prepared to purchase property or build at this time, we have been unable to find suitable options in the I1 zoning.

We are excited to say that we have reached an agreement with the property owner of the Forest Home Corporate Center at 11311 W. Forest Home Ave for the 12,000 square feet of office space on the second floor of that building. This space has been vacant for approximately 10 years and would work quite well for our weekly gatherings. Because the available square footage is all second-floor office space, it is unlikely that it would be an attractive option for most types of manufacturing and industrial use. We understand that this property is zoned for light industrial use and that, as a church group, ours would not be a permitted use for that space. It is worth noting that the Stephanie Marie Dance Company, which currently occupies the first-floor space in this same building, also falls outside the accepted uses for M1 zoning. In April of 2017, a Special Use was granted to that business to allow occupancy. The same is true of Glencastle Irish Dancers, Inc at 11217 W. Forest Home Ave. We are asking for similar Special Use to allow Root River Church to meet at this location.

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Scott Harms, Lead Pastor
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IMPACT

The positive impacts churches have on any given community are well documented.

- According to Ram Cnaan, Professor of Social Policy at Penn State, an average sized church congregation can bring between \$5,00-\$10,000 per adherent per year of additional business into a city. Root River Church currently has an average weekly attendance of approximately 95 people. By the end of 2018, we expect that number to be 160-175. When adding up the revenues generated by the attendance of our adherents to several church sponsored weekly events to revenue generated by weddings, funerals, conferences, and other events the impact will be quite significant. Root River Church participates in summer and winter leagues at the Root River Center. Multiple times each month our adherents also meet at local Franklin restaurants following our Sunday service.
- The average small church invests significant amounts of money each year into its community providing services such as elderly care, addiction recovery programs, after school mentoring and many other programs. In addition, most churches give at least 10% of their budgets back to missions and outreach efforts within their own community (Boddie, et al. 2001).
- Churches are statistically proven to decrease crime rates, particularly decreasing levels of assault, burglary, larceny (Bainbridge 1989), and drug use (Fagan 2006).

Consistency with Comprehensive Master Plan

On page 1-6 of the introduction of the City of Franklin's Comprehensive Master Plan, it is wisely noted that "It is necessary to look beyond only the physical attributes of growth in order to obtain the successful implementation of the Comprehensive Master Plan. Healthy communities grow in all three areas [social, economic, and physical], and a balance should be achieved to provide a quality environment for residents." Unfortunately, in the more than 400 pages that comprise the City's Master Plan, the only references to churches are purely historical. Churches are a perfect fit for the fulfillment of the social aspect of the Master Plan. This is especially true of Root River Church. We are committed to serving the City of Franklin not only by providing spiritual instruction and growth, but practically through providing services to all age groups and by community involvement. In fact, Root River Church regularly attends meetings of the Civic Celebration Planning Commission and regularly volunteers throughout the event. We plan to further develop our teen program which is run by a group of leaders with great experience and leadership qualities. We have partnered with trained and qualified counselors, available by appointment, to offer counselling free of charge to those who are in need. Clearly, there is a significant social value of keeping churches in the City of Franklin.



INTENT

Root River Church would like to conduct weekly services at the Forest Home Corporate Center on Sundays commencing April 1, 2018 at 10:00 am. Currently, average attendance is approximately 95 people. At our current rate of 48% annualized growth, we may expect an average of 140 people by the end of 2018. Typically, when startup churches move from a portable model to a permanent location, growth occurs at a much higher rate. For this reason, we expect average attendance to be 160-175 people by year end.

Based on the information outlined in this project narrative and to the benefit of the City of Franklin, it is the intent of Root River Church through this Application for Text Amendment to the Unified Development Ordinance to respectfully ask that Standard Industrial Classification No. 8661: Religious Organizations be allowed as a Special Use in the M1 zoning that we may begin meeting at the Forest Home Corporate Center beginning April 1, 2018.

We are grateful for the opportunity to serve the wonderful people of Franklin. We would love to continue to be able to serve here and we ask your kind consideration in this matter.

Sincerely,


Pastor Scott Harms