

CITY OF FRANKLIN  
 PLAN COMMISSION MEETING\*  
 FRANKLIN CITY HALL COUNCIL CHAMBERS  
 9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
 AGENDA  
 THURSDAY, OCTOBER 6, 2016, 7:00 P.M.

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

B. **Approval of Minutes**

1. Approval of regular meeting of September 22, 2016.

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

1. **REZONING OF THE LANDS WITHIN THE SOUTH 27TH STREET CORRIDOR AREA.** Rezoning and Comprehensive Master Plan Amendment applications by the City of Franklin for rezoning of 29 separate parcels from current zoning to a proposed Mixed-Use/Business Park Planned Development District and to remove the South 27th Street Design Overlay District (approximately 605 acres), and to amend the City of Franklin South 27th Street Corridor Plan/2025 Comprehensive Master Plan to change the Future Land Use designation of the lands within the 27th Street Corridor lying south of Oakwood Road for the 30 properties listed in the Land Use Designation table below, and to remove the design guidelines as they may pertain to this area:

TAX KEY NUMBER, ADDRESS, CURRENT ZONING AND PROPOSED ZONING ARE AS FOLLOWS:

<b>Proposed Planned Development District No. 39</b>					
<b>Tax Key Number</b>	<b>Address</b>	<b>Property Owner</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>	<b>Acreage</b>
950 9998 001	0	MILWAUKEE CO	South 27th Street Design Overlay District, A-1, C-1, FW	A-1, FW	101.12
950 9997 001	3617 W OAKWOOD RD	WENDT LORRAINE C SURVIVOR'S TRUST 10%	South 27th Street Design Overlay District, B-7, C-1	PDD 39	48.90
951 9994 001	0 W OAKWOOD RD	JAMS-4 LLC	South 27th Street Design Overlay District, B-7, C-1	PDD 39	73.30
951 9996 005	0 S 27TH ST	JAMS-4 LLC	South 27th Street Design Overlay District, B-7	PDD 39	10.62
951 9996 008	10601 S	CON-WAY	South 27th Street Design	PDD 39	28.86

	27TH ST	CENTRAL EXPRESS	Overlay District, B-7		
951 9995 000	10467 S 27TH ST	SPENCER, MARILYN REVOCABLE TRUST OF 2007	South 27th Street Design Overlay District, B-7	PDD 39	0.71
951 9997 001	10511 S 27TH ST	JAMS-4 LLC	South 27th Street Design Overlay District, B-7	PDD 39	0.83
951 9998 000	10521 S 27TH ST	JAMS-4 LLC	South 27th Street Design Overlay District, B-7	PDD 39	0.71
951 9996 007	10563 S 27TH ST	ACKER, DELORES M	South 27th Street Design Overlay District, B-7	PDD 39	1.40
951 9996 017	0	WISCONSIN ELECTRIC POWER CO,	South 27th Street Design Overlay District, B-7	PDD 39	3.41
951 9996 016	3400 W ELM RD	WISCONSIN ELECTRIC POWER CO,	South 27th Street Design Overlay District, B-7	PDD 39	2.15
951 9996 015	3310 W ELM RD	BTL HOLDINGS, LLC	South 27th Street Design Overlay District, B-7	PDD 39	4.27
951 9996 013	3240 W ELM RD	WEST PROPERTIES INC	South 27th Street Design Overlay District, B-7	PDD 39	4.26
951 9996 009	10613 S 27TH ST	AMERICAN FREIGHTWAYS CORP	South 27th Street Design Overlay District, B-7	PDD 39	13.48
951 9996 002	10627 S 27TH ST	BEST DISPOSAL SYSTEMS	South 27th Street Design Overlay District, B-7	PDD 39	4.72
951 9999 001	10627 S 27TH ST	WASTE MANAGMENT OF WIS INC	South 27th Street Design Overlay District, B-7	PDD 39	1.29
979 9997 000	3617 W ELM RD	BILLER HAROLD B	South 27th Street Design Overlay District, RC-1, C-1	PDD 39	79.79
978 9996 007	3151 W ELM RD	BORCHARDT, KAREN E	South 27th Street Design Overlay District, B-7	PDD 39	15.66
978 9996 008	3131 W ELM RD	SRM FRANKLIN, LLC	South 27th Street Design Overlay District, B-7	PDD 39	11.38
978 9996 006	3001 W ELM RD	WASTE MGMT OF WIS INC	South 27th Street Design Overlay District, B-7	PDD 39	2.76
978 9996 001	2901 W ELM RD	KUHN, DONALD & GAIL	South 27th Street Design Overlay District, B-7	PDD 39	2.76
978 9993 001	10741 S 27TH ST	H A & H HOLDINGS LLC	South 27th Street Design Overlay District, B-7, C-1	PDD 39	5.92
978 9991 001	2731 W ELM	H A & H	South 27th Street Design	PDD 39	1.05

	RD	HOLDINGS LLC	Overlay District, B-7		
978 9994 000	10771 S 27TH ST	H A & H HOLDINGS LLC	South 27th Street Design Overlay District, B-7	PDD 39	0.55
978 9995 000	10791 S 27TH ST	10791 SOUTH 27TH STREET LLC	South 27th Street Design Overlay District, B-7	PDD 39	0.69
979 9998 000	0 W SOUTH COUNTY LINE RD	GERASOPOU LOS, PETER & JUDITH	South 27th Street Design Overlay District, RC-1	PDD 39	43.63
979 9999 000	3548 W SOUTH COUNTY LINE RD	MLG INVESTMENT S 2002 LLC A WIS LMTD LIAB	South 27th Street Design Overlay District, RC-1	PDD 39	34.86
978 9997 000	10885 S 27TH ST	FOX GLEN CORPORATE CENTRE LLC	South 27th Street Design Overlay District, B-7, C-1, FC	PDD 39, FC	57.94
978 9998 000	11027 S 27TH ST	FOX GLEN CORPORATE CENTRE LLC	South 27th Street Design Overlay District, B-7, C-1, FC, FW	PDD 39, FC, FW	25.64
978 9999 001	0 W SOUTH COUNTY LINE RD	FOX GLEN CORPORATE CENTRE LLC	South 27th Street Design Overlay District, B-7, C-1, FC, FW	PDD 39, FC, FW	22.43

Comprehensive Master Plan Amendment Land Use Designations and Tax Key Nos. are as follows:

<b>Tax Key #</b>	<b>Current Land Use Designation</b>	<b>Proposed Land Use Designation</b>
9509998001	Mixed Use, Recreational & Areas of Natural Resource Features	Recreational & Areas of Natural Resource Features
9509997001	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features
9519994001	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features
9519996005	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features
9519996008	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features
9519995000	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features
9519997001	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features
9519998000	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features
9519996007	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features

9519996017	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features
9519996016	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features
9519996015	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features
9519996013	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features
9519996009	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features
9519996002	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features
9519999001	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features
9799997000	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features
9789996007	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features
9789996008	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features
9789996006	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features
9789996001	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features
9789993001	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features
9789991001	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features
9789994000	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features
9789995000	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features
9799998000	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features
9799999000	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features
9789997000	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features
9789998000	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features
9789999001	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features

The Rezoning to Planned Development District No. 39 (Mixed-Use Business Park) (approximately 504 acres) is proposed to include all of the parcels in the table above

with the exception of parcel 950-9998-001 and the rezoning to remove the South 27th Street Design Overlay District (approximately 605 acres) is proposed to include all of the parcels in the table above.

**A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THE REZONING APPLICATION OF THIS MATTER.**

2. **TOM DONOVAN AND CAROLE DONOVAN SINGLE-FAMILY RESIDENCE CONSTRUCTION.** Natural Resource Features Special Exception application by Gregory David Marso, Marso Companies, LLC d/b/a Carstensen Homes and Tom Donovan and Carole Donovan (property owners) for the purpose of allowing for removal of vegetation and installation of native enhancement plantings within the approximately 8,793 square foot conservation easement, and for removal of vegetation located outside of the conservation easement, on vacant property located at 7280 West Fox Haven Court, Lot 8 within the Whispering Woods Subdivision, such property being zoned R-3 Suburban/Estate Single-Family Residence District (Tax Key No. 837-0219-000), to allow for construction of a single-family residence. **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)

- 1 **RELEASE OF SETBACK RESTRICTION.** Release of the greater setback restrictions (particularly the minimum 60-foot side yard setback from the west property line) on Certified Survey Map No. 5763 application by Beata Chmura to allow for construction of a detached accessory building with an 11-foot side yard setback from the west property line at 8685 West Puetz Road, zoned R-3 Suburban/Estate Single-Family Residence District; Tax Key No. 848-9992-003.

**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: October 20, 2016

**City of Franklin**  
**Plan Commission Meeting**  
**September 22, 2016**  
**Minutes**

unapproved

**Call to Order and Roll Call**

- A. Mayor Steve Olson called the September 22, 2016 Regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Alderman Mark Dandrea and Commissioners Patrick Leon, Patricia Hogan, Kevin Haley. Excused were City Engineer Glen Morrow and David Fowler. Also present were Principal Planner Nick Fuchs and Planning Manager Joel Dietl.

**Approval of Minutes**

Regular Meeting of September 8, 2016.

- B.
1. Commissioner Haley moved and Commissioner Leon seconded approval of the September 8, 2016 minutes of the regular meeting of the Plan Commission as presented. On voice vote, all voted 'aye'. Motion carried (4-0-0).

**Public Hearing Business Matters**  
**CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE PERMITTED AND SPECIAL USES IN THE NONRESIDENTIAL ZONING DISTRICTS TABLE 15-3.0603 AMENDMENTS [CITY-WIDE].** Unified Development Ordinance Text Amendment application by the City of Franklin to amend Table 15-3.0603 to: remove all Membership Organizations, Standard Industrial Classification Major Group No. 86, from the B-2 General Business District, B-3 Community Business District, B-6 Professional Office District, B-7 South 27th Street Mixed-Use Office District, CC City Civic Center District, BP Business Park District, OL-1 Office Overlay District and OL-2 General Business Overlay District; remove the entire Planned Development District column; and to add all Membership Organizations as Permitted Uses in the I-1 Institutional District, along with Religious Organizations. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**

- C.
1. Planning Manager Dietl presented the request by the City of Franklin of an ordinance amending permitted and special uses in the nonresidential zoning districts Table 15-3.0603 for Standard Industrial Classification Major Group No. 86 along with removing the PDD column.

The Official Notice of Public Hearing for an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 to delete Standard Industrial Classification Major Group No. 86 Membership Organizations from certain zoning districts, delete the Planned Development District column and to include all Membership Organizations and religious organizations as permitted uses in the I-1 Institutional District.

Commissioner Hogan moved and Commissioner Leon seconded a motion to recommend approval of an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 to delete Standard Industrial Classification Major Group No. 86 Membership Organizations from certain zoning districts, delete the Planned Development District column and to include all Membership Organizations and religious organizations as permitted uses in the I-1 Institutional District. On voice vote, all voted 'aye'. Motion carried (4-0-0).

**Business Matters**

**RELEASE OF LANDSCAPE PLANTING BUFFER EASEMENT RESTRICTION.** Release of Easement Restriction on Plat application by William Gebhard and Melissa Bania (Gebhard) to allow for a shed within the “40 Foot Landscape Planting Buffer” located on the rear (south) area of the property at 4089 West Whispering Ridge Pass, zoned R-6 Suburban Single-Family Residence District; Tax Key No. 787-0009-000.

**D.**

1. Planning Manager Dietl presented the application by William Gebhard and Melissa Bania (Gebhard) for Release of Easement Restriction on Plat application for the property at 4089 W. Whispering Ridge Pass.

Commissioner Leon moved and Alderman Dandrea seconded a motion to recommend approval of a resolution authorizing the installation of a shed within the 40 Foot Landscape Planting Buffer Plat Restriction, upon Lot 9 in the Victory Creek Estates Subdivision. On voice vote, all voted ‘aye’. Motion carried. (4-0-0).

**Adjournment**

**E.**

Alderman Dandrea moved and Commissioner Hogan seconded to adjourn the Plan Commission meeting of September 22, 2016 at 7:18p.m. All voted ‘aye’. Motion carried. (4-0-0).

**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION****Meeting of October 6, 2016****Planned Development District No. 39, Rezoning, and  
Comprehensive Master Plan Amendment**

**RECOMMENDATION:** Department of City Development staff recommends approval of the creation of Planned Development District No. 39 (Mixed Use Business Park), and of the associated rezoning and Comprehensive Master Plan Amendment, subject to the conditions of approval in attached draft ordinance.

<b>Project Name:</b>	PDD No. 39 (Mixed Use Business Park), rezoning, and Comprehensive Master Plan Amendment
<b>Project Address:</b>	South 27 <sup>th</sup> Street Corridor located south of Oakwood Road
<b>Applicant:</b>	City of Franklin
<b>Property Owners:</b>	See separate agenda notice
<b>Current Zoning:</b>	B-7 South 27 <sup>th</sup> Street Mixed Use Office District, RC-1 Conservation Residence District, South 27 <sup>th</sup> Street Design Overlay District, C-1 Conservancy District, FW Floodway District, and FC Floodplain Conservancy District
<b>2025 Comprehensive Plan:</b>	Mixed Use and Areas of Natural Resource Features
<b>Use of Surrounding Properties:</b>	Root River Parkway to the west; Covenant Healthcare (formerly Wheaton Fransiscan) Hospital and single-family residential development to the north; single-family residential development and vacant developable agricultural lands (City of Oak Creek) to the east; and single-family residential development and areas of natural resources (Town of Raymond) to the south.
<b>Applicant's Action Requested:</b>	Recommendation to the Common Council for approval of the proposed Planned Development District and associated rezoning and Comprehensive Master Plan Amendment

**INTRODUCTION:**

At the August 16, 2016 Common Council meeting, Department of City Development staff requested, and obtained permission, to:

*"...prepare an ordinance to amend the Unified Development Ordinance (zoning map) to rezone certain lands south of Oakwood Road to a Mixed Use/Business Park Planned Development District and to prepare a resolution to amend the South 27<sup>th</sup> Street Corridor Plan to change the future land use designation of certain lands south of Oakwood Road to Mixed Use Business Park, to schedule a public hearing before the Plan Commission upon the proposed zoning map amendment, to schedule a public hearing before the Common Council upon the proposed South 27<sup>th</sup> Street Corridor Plan/Comprehensive*



*Master Plan amendment, to assist the Plan Commission in its deliberations thereon, and to subsequently forward this matter to the Common Council for its consideration and possible action.”*

More specifically, the Department of City Development has requested to:

- Undertake a rezoning of the lands within the South 27<sup>th</sup> Street Corridor Area lying south of Oakwood Road (currently zoned B-7 South 27<sup>th</sup> Street Mixed-Use Office District, RC-1 Conservation Residence District, South 27<sup>th</sup> Street Design Overlay District, and C-1 Conservancy District) to a proposed Mixed Use/Business Park Planned Development District.
- Concurrently prepare an amendment of the South 27<sup>th</sup> Street Corridor Plan/Comprehensive Master Plan, to change the Future Land Use designation of the lands within the 27<sup>th</sup> Street Corridor lying south of Oakwood Road (currently planned Mixed Use Office) to Mixed Use Business Park, and to remove the design guidelines as they may pertain to this area.

The Department of City Development has not requested any changes to, or use of, the existing Tax Incremental District (TID) No. 4 as part of the proposed rezoning and 27<sup>th</sup> Street Corridor Plan/Comprehensive Master Plan amendment. Staff envisions that any interest in changes to or use of the TID would be the subject of separate discussions and actions of the Common Council.

It can also be noted that as part of the draft Planned Development District Ordinance:

- the Plan Commission would retain responsibility for review and approval of all Site Plans, and Design Standard waivers, within proposed PDD No. 39;
- the Milwaukee County owned property at the northwest corner of the subject South 27<sup>th</sup> Street Corridor Area and currently part of the Root River Parkway, would not be included within the proposed PDD No. 39; and
- that residential uses would not be allowed within the proposed PDD No. 39 (however, the Alderman of the subject District, Alderman Taylor, has indicated that he and the subject property owner of the 49 acre parcel located at 3617 W. Oakwood Road support single-family residential development for at least a portion of that property).

### **BACKGROUND:**

With the exception of the South 27<sup>th</sup> Street Corridor Plan and the City’s 2025 Comprehensive Master Plan, the City has long envisioned the lands south of Oakwood Road and west of 27<sup>th</sup> Street for industrial and/or business park uses.

- From 1959 through 2005, the majority of these lands were zoned for industrial uses.
- The City’s 1965 and 1992 Comprehensive Plans envisioned the majority of this area for future industrial uses.
- The City’s Franklin First (Tichnor & Associates) Plan in 2000, and the Franklin First (R.A. Smith) Plan in 2001, both envisioned the majority of this area for future business park uses.
- Throughout 2014 and 2015, the City conducted further study of the subject area (commonly referred to as Area D) for business park uses as part of a larger study of three

separate potential Tax Incremental Tax Finance District creation/amendment areas (commonly referred to as Areas A, D, and G).

It can also be noted that the South 27<sup>th</sup> Street Corridor lands lying south of Oakwood Road:

- are located within TID No. 4, which was created as a “Mixed Use District” suitable for a combination of office, commercial, and residential uses;
- can be served by public sanitary sewers and water mains that were installed along Oakwood Road utilizing TID funding; and
- have been rezoned to mixed use office and residential conservation districts.

However, even though the subject area is located within TID No. 4 (and has been for more than 10 years), is immediately adjacent to existing public sewer and water infrastructure, and is zoned for mixed use office, this area has had no significant development and few if any inquiries for office type development.

In addition, local brokers/developers have indicated that in their professional opinions, the subject area is best suited for, and sufficient market demand exists for, light industrial development.

Furthermore, since 2014, a property owner within this area (the 73 acre Jams-4 LLC property [commonly referred to as the Mahr property] at the southwest corner of 27<sup>th</sup> Street and Oakwood Road) has been working with a developer (Interstate Partners) in an effort to obtain City support for the construction of two light industrial “spec” buildings on the western portion of the property.

### **PROJECT ANALYSIS:**

Staff can note that a number of characteristics makes this area well suited for development in general, and for mixed use/business park uses in particular, including:

- Proximity to I-94, with some limited visibility from I-94, which would particularly benefit those types of uses (such as businesses with a presence in both the Milwaukee and Chicago areas) which prefer some freeway visibility.
- Planned construction in 2017/2018 of a full interchange at I-94 and Elm Road, about ½ mile east of S. 27<sup>th</sup> Street, which would benefit those types of uses (such as businesses which need a fairly steady supply of materials and/or have a fairly steady delivery of finished goods or products) which need convenient freeway access but not necessarily freeway frontage.
- Location adjacent to STH 241 (S. 27<sup>th</sup> Street), a major four lane divided arterial highway, which contributes to a convenient transportation system that most development, not just businesses, finds valuable.
- Public sanitary sewers and water mains present on Oakwood Road sized to serve the entire subject area, which contributes to quality infrastructure that most development, not just businesses, finds valuable.
- The presence of a number of large (40 – 80 acres in size) vacant developable parcels, which tends to facilitate development of larger coordinated projects such as business parks.

- Existing, primarily industrial type uses, on Elm Road, which would tend to be compatible with, and would likely not adversely impact, adjacent business park type uses.
- The presence of attractive and prominent natural resources such as the Root River Parkway, which would particularly benefit those types of uses (such as businesses with a significant office component) which prefer attractive settings.
- The possibility of an eventual regional medical center associated with the Wheaton Franciscan Hospital and its adjacent medical office building --which is envisioned to be the first of four such buildings – which would benefit those types of uses (such as medically related/support businesses) which are often found in conjunction with and in close proximity to such regional centers.

Staff would also note that many (and possibly most) “Cost of Community Services Studies” undertaken in local communities in Wisconsin and around the country have indicated that: residential uses usually have the highest cost of services; agricultural uses usually have the lowest cost of services; and that commercial/industrial uses usually have the highest generation of revenues. In regard to the City of Franklin, it can be noted that the “Assessed Value Per Acre and Property Tax Considerations” memo prepared by the Director of Administration in August 2014 indicated that business and commercial uses generated the most assessed value per acre of all property types within the City.

**PROJECT DESCRIPTION:**

Please note:

- Significant differences between the standards associated with the proposed new Planned Development District No. 39 and the existing Franklin Business Park (PDD No. 18) are *underlined, in italics* for ease of comparisons.

As indicated in the attached draft Ordinance and the attached maps, the proposed Planned Development District No. 39 (Mixed Use Business Park) is located south of Oakwood Road and west of S. 27<sup>th</sup> Street, includes all but one parcel of the area currently identified as the South 27<sup>th</sup> Street Corridor, and encompasses 29 separate parcels which in total encompass approximately 504 acres of land.

Similar to the existing Franklin Business Park (PDD No. 18), the proposed PDD No. 39 consists of a mixture of primarily office, light industrial, and commercial uses, comprised of two areas (a Gateway Area with more commercial uses) adjacent to S. 27<sup>th</sup> Street, and (a Business Park Area with more light industrial uses) for the remainder of the subject area. Also similar to the existing Franklin Business Park, the proposed PDD No. 39 includes design standards and guidelines to ensure quality development within this area.

However, a number of differences exist between the proposed new Business Park and the existing Franklin Business Park. A summary of the more important components of the proposed Business Park, and comparisons to the existing Business Park, are provided below.

## PDD No. 39, Gateway Area:

The Department of City Development recommends that the proposed Gateway Area generally be based upon a combination of PDD No. 18's Employment Services Area and the current B-7 South 27<sup>th</sup> Street standards (with the more significant differences from the PDD No. 18 Employment Services Area noted below) and would consist of:

- A district intent and general standards that encourage high quality development and site design.
- Detailed standards that utilize the land division standards as set forth within the Unified Development Ordinance;
  - the proposed Gateway Area also utilizes the zoning, special use, and site plan standards of the UDO, whereas the Employment Services Area utilizes many zoning, special use, and site plan standards that are unique to PDD No. 18, particularly those pertaining to parking, landscaping, fencing, accessory structures, signage, etc.
  - the proposed Gateway Area requires two-story buildings and encourages mixed use buildings and sites.
  - the proposed Gateway Area would require special use approval of all buildings over three-stories in height and/or over 40,000 square feet in size.
  - the proposed Gateway Area would require cross-access between adjacent parcels at the time of development/redevelopment.
  - the proposed Gateway Area allows lawfully existing Permitted Uses and Special Uses to remain permitted and special uses (such as those associated with the existing uses along Elm Road).
- Certain permitted uses, including compatible office, medical clinic, commercial retail, and business services uses;
  - the proposed Gateway Area includes a new category of permitted use termed "Office/Light Industrial Corporate Headquarters, which can include a combination of compatible permitted, special, and accessory uses.
  - the proposed Gateway Area includes additional permitted uses such as hotels, certain additional commercial uses, and passive park and recreation facilities.
- Certain prohibited uses, such as those with a potential for adverse impact upon such permitted uses and/or which do not have a high assessed value per acre (such as miniwarehousing, gas stations, truck terminals, heavy industrial/manufacturing uses, junk yards, etc.);
  - the proposed Gateway Area includes additional prohibited uses such as large commercial uses (i.e. big box retail stores, etc.) and outdoor manufacturing and outdoor storage.
- The proposed Gateway Area includes special uses (which PDD No. 18 does not);
  - the proposed Gateway Area includes such special uses as truck docks, limited outdoor storage, limited warehousing, large accessory structures, light industrial uses, etc. (which PDD No. 18 allows as permitted uses).
  - the proposed Gateway Area includes a new category of special use termed "Custom Manufacturing" which can include such uses as breweries, wineries, distilleries, bakeries, etc. with a retail and/or eating/drinking component.

- the proposed Gateway Area includes additional special uses such as hospitals, libraries/museums, active park and recreation facilities, business/technical/trade schools, etc.
- Design standards incorporating high quality architecture on new building facades; attractive landscaping along public streets; screening of large parking lots/accessory structures; pedestrian and recreation accommodations primarily consisting of sidewalks and trails; etc.
  - the proposed Gateway Area provides that any design standards in addition to those currently set forth within the Unified Development Ordinance (parking, landscaping, lighting, etc.) may be waived by the Plan Commission (whereas PDD No. 18 allows the CDA to waive any/all design standards).

PDD No. 39, Business Park Area:

The Department of City Development recommends that the proposed Business Park Area generally be based upon the standards contained within PDD No. 18 Franklin Business Park (with the more significant differences noted below) and would consist of:

- A district intent and general standards that encourage high quality development and site design.
- Detailed standards that utilize the land division standards as set forth within the Unified Development Ordinance;
  - the proposed Business Park Area also utilizes the zoning, special use, and site plan standards of the UDO, whereas the Franklin Business Park utilizes many zoning, special use, and site plan standards that are unique to PDD No. 18, particularly those pertaining to parking, landscaping, fencing, accessory structures, signage, etc.
  - the proposed Business Park Area also allows lawfully existing Permitted Uses and Special Uses to remain permitted and special uses (such as those associated with the existing uses along Elm Road).
  - the proposed Business Park Area has slightly smaller front yard, side yard, and parking setbacks.
- Certain permitted uses, including common business park compatible light industrial, light manufacturing, research and development, technology, administrative, medical, and office type uses;
  - the proposed Business Park Area moves warehouse, distribution, storage, and truck dock uses from permitted to special uses (and in some instances to accessory uses). **Economic Development input:** This is an important distinction that diminishes the types of uses permitted from those in the City's current business park. Generally, business parks allow warehouse, distribution and storage as permitted uses, particularly in proximity to major transportation corridors. Requiring special use approval in the proposed business park, would set a standard out of line with other area business parks and could adversely impact absorption of parcels.
  - the proposed Business Park Area includes a new category of permitted use termed "Office/Light Industrial Corporate Headquarters, which can include a combination of compatible permitted, special, and accessory uses.

- the proposed Business Park Area includes additional permitted uses such as passive park and recreation facilities.
- Certain prohibited uses, such as those with a potential for adverse impact upon such permitted uses and/or which do not have a high assessed value per acre (such as miniwarehousing, gas stations, truck terminals, heavy industrial/manufacturing uses, junk yards, etc.);
  - the proposed Business Park Area includes additional prohibited uses such as outdoor manufacturing and outdoor storage.
- The proposed Business Park Area includes special uses (which PDD No. 18 does not);
  - the proposed Business Park Area includes such special uses as truck docks, limited outdoor storage, limited warehousing, large accessory structures, light industrial uses, etc. (which PDD No. 18 allows as permitted uses, see Economic Development input above);
  - the proposed Business Park Area includes a new category of special use termed “Custom Manufacturing” which can include such uses as breweries, wineries, distilleries, creation of prototypes, etc.
  - the proposed Business Park Area includes additional special uses such as active park and recreation facilities, business/technical/trade schools, etc.
- Design standards incorporating high quality architecture on new building facades; attractive landscaping along public streets; screening of large parking lots/accessory structures; pedestrian and recreation accommodations primarily consisting of sidewalks and trails; etc.
  - the proposed Business Park Area provides that any design standards in addition to those currently set forth within the Unified Development Ordinance (parking, landscaping, lighting, etc.) may be waived by the Plan Commission (whereas PDD No. 18 allows the CDA to waive any/all design standards).

## **COMPREHENSIVE MASTER PLAN CONSISTENCY/AMENDMENT:**

### **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.”*

The City of Franklin 2025 Comprehensive Master Plan (CMP) identifies the subject area as Mixed Use, with Areas of Natural Resources. The surrounding future land uses are Mixed Use and Residential to the north; and Areas of Natural Resources and Recreational to the west. The CMP anticipates public sanitary sewer and water service will be provided to development within this area.

Based upon the preceding information, the Department of City Development proposes:

- an amendment of the South 27<sup>th</sup> Street Corridor Plan to change the future land use from mixed use office to mixed use business park for the lands located south of Oakwood Road;
- an amendment of the South 27<sup>th</sup> Street Corridor Plan to remove the design standards from the lands located south of Oakwood Road;

- an amendment of the 2025 Comprehensive Master Plan to change the Future Land Use designation to Mixed Use/Business Park.

The Department of City Development believes the subject amendment is consistent with a preponderance of the principles, goals, objectives, and policies within the Comprehensive Master Plan, and would particularly note its consistency with the 70/30 Goal. In that regard, the Common Council, at their June 29, 2005 special meeting, approved a motion “that it remain a goal of the Common Council to obtain the 70/30 ratio of residential to commercial assessed valuation.” And further, that the Common Council stated at its September 3, 2013 meeting, “The Common Council concurs with and supports the recommendations of the Community Development Authority and the Plan Commission in regard to the 70/30 Goal which includes the method of calculation as set forth in the June 12, 2013 memo prepared by the Director of Administration.”

### **CONCLUSION:**

It is important to note that while it is the Department of City Development’s intent to propose a new Business Park very similar to the existing Franklin Business Park, there are a number of important differences between the two business parks. Possibly the most significant differences are:

- The proposed new PDD No. 39 does not allow warehouse, distribution, and storage uses as a permitted use. It is understood that local developers and brokers have indicated that there is market desire for light industrial uses with a significant concentration of trucking, warehouse, and distribution and that these uses are allowed in other area business parks. It is also understood that the subject area is located adjacent to I94 and the proposed Elm Road interchange. However, the Department of City Development has proposed a more balanced office/light industrial/commercial mixed use business park for this location, a location that can argued may be one, if not the most, highly valuable location in the entire City. In contrast, the Economic Development Department recommends including these uses as permitted in the business park area, not along 27<sup>th</sup> Street where visibility is higher and higher value development is expected. Allowing warehouse, distribution, and storage as permitted uses, would align with the existing Franklin Business Park and other area business parks.
- The proposed new PDD No. 39 assigns the review and approval of Site Plans, and waivers of certain design standards, to the Plan Commission rather than to the Community Development Authority.

To guide the provision of a coordinated development showcasing the City of Franklin to travelers along the I-94 corridor and along one of the City’s principal gateways as expressed by STH 241 (S. 27<sup>th</sup> Street), to facilitate the creation of a high-quality development so as to benefit the City’s non-residential tax base, to facilitate the creation of a high-value/low-cost development so as to minimize impacts upon the City’s ability to provide cost-effective public services, to maximize the use of existing and planned infrastructure and associated public investments in the area, to more closely align with current and foreseeable market conditions and trends in terms of development potential, and to challenge these market factors to help create the best possible outcomes for the residents, property owners, and business owners of the area as

well as for the citizens of the City of Franklin, staff proposes that the subject area be rezoned to a Mixed Use/Business Park Planned Development District and that the City's South 27<sup>th</sup> Street Corridor Plan/Comprehensive Master Plan be amended accordingly.



## ORDINANCE NO. 2016-\_\_\_\_\_

AN ORDINANCE TO CREATE SECTION 15-3.0444 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE ESTABLISHING PLANNED DEVELOPMENT DISTRICT NO. 39 (MIXED USE BUSINESS PARK) AND TO REZONE PROPERTY FROM B-7 SOUTH 27<sup>TH</sup> STREET MIXED USE OFFICE DISTRICT, RC-1 CONSERVATION RESIDENCE DISTRICT, FW FLOODWAY DISTRICT, FC FLOODPLAIN CONSERVANCY DISTRICT, C-1 CONSERVANCY DISTRICT, AND SOUTH 27<sup>TH</sup> STREET DESIGN OVERLAY DISTRICT TO PLANNED DEVELOPMENT DISTRICT NO. 39, FW FLOODWAY DISTRICT, AND FC FLOODPLAIN CONSERVANCY DISTRICT (WITHIN THE SOUTH 27<sup>TH</sup> STREET CORRIDOR AREA LYING SOUTH OF OAKWOOD ROAD)

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WHEREAS, a petition for zoning change having been filed to change the zoning on 29 properties from B-7 South 27<sup>th</sup> Street Mixed Use Office District, RC-1 Conservation Residence District, FW Floodway District, FC Floodplain Conservancy District, C-1 Conservancy District, and South 27<sup>th</sup> Street Design Overlay District to a Planned Development District, FW Floodway District, and FC Floodplain Conservancy District, which parcels being located within the South 27<sup>th</sup> Street Corridor Area lying south of Oakwood Road, such lands being located as listed in Table 1 in Section 1 below; and

WHEREAS, a Public Hearing was held before the Plan Commission on the 6th day of October, 2016, and the Plan Commission having reviewed the Planned Development District No. 39 petition and having found that the proposed Planned Development District conforms to the standards for adoption of a Planned Development District, and having recommended to the Common Council that the creation of Planned Development District No. 39 (Mixed Use Business Park) be approved; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed Planned Development District No. 39 is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and contains more than 3 acres; and

WHEREAS, the Common Council having reviewed the petition and recommendation following the Public Hearing and having determined that the adoption of an ordinance to create Planned Development District No. 39 will 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: §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district

designation for the properties described below be changed from B-7 South 27<sup>th</sup> Street Mixed Use Office District, RC-1 Conservation Residence District, FW Floodway District, FC Floodplain Conservancy District, C-1 Conservancy District, and South 27<sup>th</sup> Street Design Overlay District to Planned Development District No. 39 (Mixed Use Business Park), FW Floodway District, and FC Floodplain Conservancy District, as is created under SECTION 2 of this Ordinance:

That part of the Northeast 1/4, Southeast 1/4 and all that part of Northeast 1/4, Southeast 1/4, and the Southwest 1/4 of Section 36, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northeast corner of Northeast 1/4 of Section 36 also the place of beginning of the land to be described; thence S 00° 11' 55" E, along the East line of said 1/4 Section, 2658.94 feet to the East 1/4 corner section monument; thence S 00° 25' 34" E, along the East section line of the Southeast 1/4 of said Section, 2655.53 to the Southeast corner section monument; thence S 88° 57' 44" W along the South section line of Southeast 1/4 of said Section, 2619.46 to the South 1/4 corner section monument; thence S 88° 35' 08" W along the South section line of the Southwest 1/4 of said Section, 42.90 feet to the section corner monument; thence S 88° 35' 08" W along the South line of the Southwest 1/4 of said Section, 2588.10 feet to the Southwest corner section monument; thence N 00° 21' 45" W along the West section line of the Southwest 1/4 of said Section, 2644.21 feet to the West 1/4 corner section monument; thence N 88° 36' 18" E, along the North section line of the Southwest 1/4 of said Section, 1808.39 feet to West line of the East fifty (50) acres of the Northwest 1/4 of said Section; thence N 00° 20' 45" W, along the West line of the East fifty (50) acres of the Northwest 1/4 of said Section, 2651.28 feet to the North section line of the Northwest 1/4 of said Section; thence N 88° 27' 28" E along the North section line of the Northwest 1/4 of said Section, 821.90 feet to the North 1/4 corner section monument; thence N 88° 34' 33" E, along the North section line of the Northeast 1/4 of said Section, 2624.35 feet to the point of beginning.

Containing in all 504 acres of land, more or less.

<b>Table 1: Planned Development District No. 39</b>					
Taxkey Number	Address	Property Owner	Current Zoning	Proposed Zoning	Acreage
950 9997 001	3617 W OAKWOOD RD	WENDT LORRAINE C SURVIVOR'S TRUST 10%	South 27 <sup>th</sup> Street Design Overlay District, B-7, C-1	PDD 39	48.90
951 9994 001	0 W OAKWOOD RD	JAMS-4 LLC	South 27 <sup>th</sup> Street Design Overlay District, B-7, C-1	PDD 39	73.30

951 9996 005	0 S 27TH ST	JAMS-4 LLC	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	10.62
951 9996 008	10601 S 27TH ST	CON-WAY CENTRAL EXPRESS	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	28.86
951 9995 000	10467 S 27TH ST	SPENCER, MARILYN REVOCABLE TRUST OF 2007	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	0.71
951 9997 001	10511 S 27TH ST	JAMS-4 LLC	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	0.83
951 9998 000	10521 S 27TH ST	JAMS-4 LLC	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	0.71
951 9996 007	10563 S 27TH ST	ACKER, DELORES M	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	1.40
951 9996 017	0	WISCONSIN ELECTRIC POWER CO,	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	3.41
951 9996 016	3400 W ELM RD	WISCONSIN ELECTRIC POWER CO,	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	2.15
951 9996 015	3310 W ELM RD	BTL HOLDINGS, LLC	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	4.27
951 9996 013	3240 W ELM RD	WEST PROPERTIES INC	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	4.26
951 9996 009	10613 S 27TH ST	AMERICAN FREIGHTWAYS CORP	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	13.48
951 9996 002	10627 S 27TH ST	BEST DISPOSAL SYSTEMS	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	4.72
951 9999 001	10627 S 27TH ST	WASTE MANAGMENT OF WIS INC	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	1.29
979 9997 000	3617 W ELM RD	BILLER HAROLD B	South 27 <sup>th</sup> Street Design Overlay District, RC-1, C-1	PDD 39	79.79
978 9996 007	3151 W ELM RD	BORCHARDT, KAREN E	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	15.66
978 9996 008	3131 W ELM RD	SRM FRANKLIN, LLC	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	11.38
978 9996 006	3001 W ELM RD	WASTE MGMT OF WIS INC	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	2.76
978 9996 001	2901 W ELM RD	KUHN, DONALD & GAIL	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	2.76
978 9993 001	10741 S 27TH ST	H A & H HOLDINGS LLC	South 27 <sup>th</sup> Street Design Overlay District, B-7, C-1	PDD 39	5.92
978 9991 001	2731 W ELM RD	H A & H HOLDINGS LLC	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	1.05

978 9994 000	10771 S 27TH ST	H A & H HOLDINGS LLC	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	0.55
978 9995 000	10791 S 27TH ST	10791 SOUTH 27TH STREET LLC	South 27 <sup>th</sup> Street Design Overlay District, B-7	PDD 39	0.69
979 9998 000	0 W SOUTH COUNTY LINE RD	GERASOPOULOS, PETER & JUDITH	South 27 <sup>th</sup> Street Design Overlay District, RC-1	PDD 39	43.63
979 9999 000	3548 W SOUTH COUNTY LINE RD	MLG INVESTMENTS 2002 LLC A WIS LMTD LIAB	South 27 <sup>th</sup> Street Design Overlay District, RC-1	PDD 39	34.86
978 9997 000	10885 S 27TH ST	FOX GLEN CORPORATE CENTRE LLC	South 27 <sup>th</sup> Street Design Overlay District, B-7, C-1, FC	PDD 39, FC	57.94
978 9998 000	11027 S 27TH ST	FOX GLEN CORPORATE CENTRE LLC	South 27 <sup>th</sup> Street Design Overlay District, B-7, C-1, FC, FW	PDD 39, FC, FW	25.64
978 9999 001	0 W SOUTH COUNTY LINE RD	FOX GLEN CORPORATE CENTRE LLC	South 27 <sup>th</sup> Street Design Overlay District, B-7, C-1, FC, FW	PDD 39, FC, FW	22.43

SECTION 2: §15-3.0444 of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby created to read as follows:

Section 15-3.0444 PLANNED DEVELOPMENT DISTRICT NO. 39  
(Mixed Use Business Park)

A. **Exhibits.** This Planned Development District shall be constructed, operated and maintained in conformance with the following listed Exhibits, all containing matters approved hereunder or by the separate approval of the Common Council as set forth below, and all applicable terms and provisions of the Municipal Code and the Unified Development Ordinance not enumerated herein and not contrary to the terms or provisions of this ordinance, including, but not limited to such permits as are required under Division 15-8.0200 Construction, Division 15-8.0300 Construction Site Erosion Control, Division 15-8.0600 Stormwater Management.

The plans contained in the following listed Exhibits are only of sufficient detail as to satisfy the Plan Commission and the Common Council as to the general character, scope, and appearance of the proposed district. Such preliminary plans conceptually designate the pattern of the proposed streets, and the size and arrangement of individual building sites. The approval of such preliminary plans shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as each stage of development progresses as set forth in the Unified Development Ordinance Section 15-9.0208E.7. and this Ordinance.

1. **Exhibit A:** PDD No. 39 Site Figure.

2. **Exhibit B:** Wetlands Map (northern portion).
3. **Exhibit C:** Wetlands Map (southern portion).
4. **Exhibit D:** Conceptual Development Plan.

B. **District Intent.** It is the intent of the Planned Development District No. 39 to facilitate the development of a high-quality office, light industrial, and commercial mixed use area and:

1. All development within Planned Development District No. 39 shall comply with the zoning and land division standards and requirements of the Unified Development Ordinance, including but not limited to Division 15-3.0700 Special Uses, Division 15-3.0800 Accessory and Temporary Uses and Structures, Division 15-3.1100 Hazard Abatement Performance Standards, Division 15-4.0100 Natural Resources, Division 15-5.0100 Design Standards for Land Divisions, Division 15-5.0200 Traffic, Off-Street Parking and Loading, and Highway Access, Division 15-5.0300 Required Landscaping, Division 15-5.0400 Lighting Standards, and Division 15-7.0100 Site Plan, except as otherwise specifically set forth within this Planned Development District No. 39.
2. Accommodate the clustering of buildings on parcels of land under individual or multiple ownership.
3. Provide for an arrangement of business, administrative, research and development, technology, office, medical, commercial, and light industrial uses that are compatible in function, form, and operation.
4. Apply high-quality architectural and site design considerations whenever new principal and/or accessory structures are constructed.
5. Provide a safe, interconnected, and pedestrian-friendly network of public streets, private roads, sidewalks, and trails throughout the District, and through this network, with the surrounding community.
6. Provide sufficient off-street parking for all uses and properties which allows and encourages shared parking arrangements through the use of easements and other similar agreements.
7. Be served by public sanitary sewer and water supply facilities.
8. Encourage redevelopment of the existing businesses along Elm Road through the implementation of greater flexibility toward allowed uses and design standards determinations.

9. A Permitted Use lawfully existing and established with an existing principal building within the area of this District prior to and upon the recreation of this District shall remain as such Permitted Use and a conforming use, with any future addition, expansion and/or enlargement to the use and/or amendment to any site plan for the use, to be permitted and/or granted only upon the consideration of all applicable standards for the review and approval of such permits and site plans, and the District Intent and District Standards in this Section.
10. A Special Use lawfully existing and established within the area of this District prior to and upon the recreation of this District shall remain as such Special Use and a conforming use, with any future amendment to the Special Use Permission, to be granted only upon the consideration of all applicable standards for the review and approval of Special Uses, and the District Intent and District Standards in this Section.

#### **SECTION 15-3.0444A Gateway Area**

- A. **Intent.** It is the intent of Planned Development District No. 39 to establish a Gateway Area along South 27<sup>th</sup> Street as part of the Mixed Use Business Park. The Gateway area excludes most light industrial uses but allows research and development and technology uses, and encourages administrative, office, medical, and commercial uses which would service and enhance the overall Mixed Use Business Park as well as the surrounding community. This area would:
1. Encompass all lots and parcels within approximately 1,000 feet of South 27<sup>th</sup> Street as may exist at the time of subsequent land division and/or development/redevelopment approvals.
  2. Require that future land divisions be limited, such that no new lots are created that are smaller than 40,000 square feet in size.
  3. Require two-story buildings, and encourage taller buildings.
  4. Encourage multi-tenant mixed use buildings and sites.
  5. Require special use approval for all new buildings greater than 40,000 square feet in area and/or taller than three stories, whether single-tenant or multi-tenant spaces.
  6. Require cross-access for both pedestrian and vehicular circulation between adjacent parcels at the time of any new development or redevelopment. In cases where existing development on adjacent parcels, not under common ownership, does not allow for the actual construction of connecting driveways, sidewalks, etc. it shall be sufficient in most cases to provide the appropriate cross-access easements to be utilized at the point in time when the adjacent parcel undergoes

development or redevelopment that would facilitate the completion of the connection. The city may require a letter of credit sufficient to ensure the construction of the future pedestrian and vehicular connection when actual construction is not taking place at the time of site plan approval.

**B. Permitted, Accessory, Special, and Prohibited Uses.**

1. **Permitted Uses.** The following are permitted uses in the Gateway Area portion of Planned Development District No. 39:
  - a. Office/light industrial corporate headquarters, herein defined as a place consisting of one or more multi-story buildings in close proximity to one another where a company's executive offices, direct support staff, and key facilities and operations are located and which is specifically designed with numerous centralized and shared support facilities, internal functions, and amenities--such as parking, collaborative office spaces and research facilities, conference centers, data centers, high speed communication systems--specifically intended to sustain and support the principal Gateway Area allowed (permitted and special) use(s).
  - b. Administrative, professional, business and general offices.
  - c. Medical, dental and animal offices and clinics including physical, occupational, and massage therapy.
  - d. Commercial, convenience uses such as insurance and financial institutions (not including payday loan, title loan, check cashing, etc. agencies), eating and drinking establishments, travel agencies, automobile rental and leasing agencies, dry cleaners (not including on-site dry cleaning), etc.
  - e. Commercial, retail uses such as clothing stores, grocery stores, furniture stores, garden centers, greenhouses, nurseries, sporting goods stores, retail sales of goods (not including dollar stores, variety stores, pawn shops, resale shops, cash into gold stores, adult oriented businesses, etc.), etc.
  - f. Business service uses, such as employment agencies, photocopy centers, photography studios, mailing services, publishing services, etc.
  - g. Hotels.
  - h. Passive park and recreation facilities such as trails, picnic areas, playfields, etc.
  - i. Temporary Uses/Extraordinary Entertainment & Special Events as permitted by the Unified Development Ordinance and Municipal Code.
  - j. Those uses found to be similar to the above permitted uses under the terms of §15-2.0210 of the Unified Development Ordinance.

Review and approval required. Permitted uses are subject to site plan review and approval under the terms of §15-7.0100 of the Unified Development Ordinance.

2. **Accessory Uses.** The following are accessory uses in the Gateway Area portion of Planned Development District No. 39.
  - a. The following uses, when incidental and subordinate in area, extent, and purpose to a permitted use:
    - i. Fitness and child care facilities.
    - ii. Retail stores and showrooms.
    - iii. Indoor recreation and entertainment (not including adult oriented businesses).
    - iv. Vehicle service and/or wash stations.
    - v. Indoor warehouse, distribution, and storage.
    - vi. Truck docks and loading/unloading areas.
    - vii. Accessory structures such as storage tanks, storage buildings, electric vehicle charging stations, etc.
  - b. Those general accessory uses allowed within Section 15-3.0803 of the Unified Development Ordinance except for agricultural equipment storage, open storage, and stables.
  - c. Those uses found to be similar to the above accessory uses under the terms of Section 15-2.0210 of the Unified Development Ordinance.

Review and Approval required. Accessory uses are subject to zoning compliance permit review and approval under the terms of Section 15-9.0102 of the Unified Development Ordinance.

3. **Special Uses.** The following are special uses in the Gateway Area portion of Planned Development District No. 39:
  - a. Nonhazardous and nonpolluting technology facilities and operations including but not limited to:
    - i. Research and development facilities.
    - ii. Analytical, scientific, testing and medical laboratories and facilities.
  - b. Custom manufacturing such as small craft distilleries/wineries/breweries (with required associated eating and/or drinking service), artisan studios such as custom jewelry and woodworking shops, bakery, etc. (with associated retail sales), etc.
  - c. Hospitals, surgical and medical (not including nursing homes, assisted living facilities, community living arrangements, etc.)
  - d. Animal grooming and daycare (not including boarding facilities, kennels, or overnight stays).



- e. Libraries, museums, parks.
- f. Drive through facilities.
- g. Business, professional, technical, and trade schools.
- h. Active park and recreation facilities such as playgrounds, ballfields, ball courts, etc
- i. Small scale public and private services and utilities such as communication antennas and towers, satellite dishes, solar energy systems, wind energy systems.
- j. Those uses found to be similar to the above special uses under the terms of §15-2.0210 of the Unified Development Ordinance.

Review and Approval required. Special uses are subject to special use review and approval under the terms of §§15-3.0701 and 15-3.0703 and site plan review and approval under the terms of §15-7.0100 of the Unified Development Ordinance.

4. **Prohibited Uses.** The following uses shall be prohibited in the Gateway Area portion of Planned Development District No. 39, including when proposed as accessory to a Permitted or a Special Use:

- a. Commercial, heavy uses such as wholesale and retail sale of home and building supplies and/or construction equipment, wholesale clubs, warehouse outlets, etc.
- b. Mini-warehousing.
- c. Hazardous and potentially hazardous and/or polluting industrial, manufacturing, technology operations and facilities.
- d. Truck terminals and freight transfer facilities.
- e. Junk and salvage facilities.
- f. Animal processing operations and facilities.
- g. Recycling and incineration operations and facilities.
- h. Outdoor manufacturing, testing, processing, or similar activities.
- i. Outdoor storage.
- j. Residential uses.
- k. Hazardous materials processing, handling, treatment and storage operations and facilities.
- l. All other uses not listed as a permitted use, special use or accessory use within this Ordinance.

C. **Development Standards.** The Gateway Area portion of Planned Development District No. 39 is further intended to have the following development standards:

**Table 15-3.0444A**

**GATEWAY AREA DEVELOPMENT STANDARDS**

Type of Standard	Standard
<b>Landscape Surface Ratio</b>	
Minimum Landscape Surface Ratio (LSR)	0.25
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (s.f.)	40,000
Minimum Lot Width at Setback Line (feet)	150
Minimum Front Yard (feet)	40
Minimum Side Yard (feet)	15
Minimum Side Yard on Corner Lot (feet)	30
Minimum Rear Yard (feet)	25
<p>Upon approval of Site Plans, the Plan Commission may waive the minimum building setbacks from the interior lot line of a property within the Gateway Area zoned PDD No. 39 when abutting another property zoned PDD No. 39. The Plan Commission shall consider the applicable standards for Site Plans, Special Uses, Land Combinations, and Land Division applications in making such determinations.</p>	
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	3.0/45
Accessory Structure (stories/ft.)	1.0/35
<p>The stated maximum height regulations may be increased pursuant to the granting of a Special Use permit.</p>	

D. **Design Standards.** The Gateway Area portion of Planned Development District No. 39 is further intended to have the Design Standards as set forth in the separate document entitled “Planned Development District No. 39: Design Standards”. The purpose of said “Planned Development District No. 39: Design Standards” shall be to create a high-quality office, light industrial, and commercial mixed-use development. Planned Development District No. 39: Design Standards is hereby adopted by reference, and as may hereinafter be amended from time to time, and shall be given the same force and effect as if set forth herein in full.

## **SECTION 15-3.0444B Business Park Area**

A. **Intent.** It is the intent of the Planned Development District No. 39 to establish a Business Park extending from Oakwood Road southward to South County Line Road and from South 27<sup>th</sup> Street westward to the Root River Parkway (excluding the Gateway area along South 27<sup>th</sup> Street) which generally excludes commercial uses, allows certain nonhazardous and nonpolluting light manufacturing and light industrial uses, and encourages research and development, technology, administrative, office, and medical uses.

### **B. Permitted, Accessory, Special, and Prohibited Uses.**

1. **Permitted Uses.** The following are permitted uses in the Business Park Area of Planned Development District No. 39:
  - a. Office/light industrial corporate headquarters, herein defined as a place consisting of one or more multi-story buildings in close proximity to one another where a company's executive offices, direct support staff, and key facilities and operations are located and which is specifically designed with numerous centralized and shared support facilities, internal functions, and amenities--such as parking, collaborative office spaces and research facilities, conference centers, data centers, high speed communication systems--specifically intended to sustain and support the principal Business Park Area allowed (permitted and special) use(s).
  - b. Administrative, professional, business, and general offices.
  - c. Nonhazardous and nonpolluting industrial, manufacturing, and technology facilities and operations including but not limited to:
    - i. Research and development facilities.
    - ii. Testing laboratories and facilities.
    - iii. Light manufacturing, assembly, testing, and repair of component devices, equipment, and systems.
    - iv. Pharmaceutical and medical laboratories and facilities.
    - v. Printing, blueprinting, photocopying, film processing.
    - vi. Food and beverage processing.
  - d. Passive park and recreation facilities such as trails, picnic areas, playfields, etc.
  - e. Public and private utility facilities such as fire and police stations, sewage and water facilities, communication facilities, park and trail facilities.
  - f. Small scale public services and utilities such as communication antennas and towers, satellite dishes, solar energy systems, wind energy systems.

- g. Temporary Uses/Extraordinary Entertainment & Special Events as permitted by the Unified Development Ordinance and Municipal Code.
- h. Those uses found to be similar to the above permitted uses under the terms of §15-2.0210 of the Unified Development Ordinance.

Review and approval required. Permitted uses are subject to site plan review and approval under the terms of §15-7.0100 of the Unified Development Ordinance.

2. **Accessory Uses.** The following uses, when incidental and subordinate in area, extent, and purpose to a permitted use, shall be accessory uses in the Business Park Area of Planned Development District No. 39.

- a. Indoor warehouse, distribution, and storage.
- b. Truck docks and loading/unloading areas.
- c. Vehicle service and/or wash stations.
- d. Fitness and child care facilities.
- e. Retail stores and showrooms.
- f. Accessory structures such as storage tanks, storage buildings, electric vehicle charging stations.
- g. Those uses found to be similar to the above accessory uses under the terms of Section 15-2.0210 of the Unified Development Ordinance.

Review and Approval required. Accessory uses are subject to zoning compliance permit review and approval under the terms of Section 15-9.0102 of the Unified Development Ordinance.

3. **Special Uses.** The following are special uses in the Business Park Area of Planned Development District No. 39:

- a. Medical, dental and animal offices and clinics including physical, occupational, and massage therapy.
- b. Custom manufacturing such as small craft breweries/wineries/distilleries, creation of prototypes, testing equipment, ceramic studios, custom jewelry and wood working shops, light assembly of prefabricated components, etc.
- c. Other light manufacturing and light industrial uses with low levels of noise, odors, vibrations, particulate emissions, etc.
- d. Warehouse, distribution and storage.
- e. Drive through facilities.
- f. Business, professional, technical, and trade schools.

- g. Active park and recreation facilities such as playgrounds, ballfields, ball courts, etc.
- h. Those uses found to be similar to the above special uses under the terms of §15-2.0210 of this Ordinance.

Review and Approval required. Special uses are subject to special use review and approval under the terms of §§15-3.0701 and 15-3.0703 and site plan review and approval under the terms of §15-7.0100 of the Unified Development Ordinance.

4. **Prohibited Uses.** The following uses shall be prohibited in the Business Park Area of Planned Development District No. 39 (including when proposed as accessory to a Permitted or a Special Use unless otherwise stated in this Ordinance):

- a. Mini-warehousing.
- b. Gasoline service station, car wash.
- c. Hazardous and/or potentially hazardous or polluting industrial, manufacturing, technology operations and facilities.
- d. Truck terminals and freight transfer facilities.
- e. Junk and salvage facilities.
- f. Animal processing operations and facilities.
- g. Recycling and incineration operations and facilities.
- h. Automobile sales, service, and repair.
- i. Outdoor manufacturing, testing, processing, or similar activities.
- j. Outdoor storage.
- k. Residential uses.
- l. Hazardous materials processing, handling, treatment and storage operations and facilities.
- m. All other uses not listed as a permitted use, special use or accessory use within this Ordinance.

C. **Development Standards.** The Business Park Area of Planned Development District No. 39 is further intended to have the following development standards:

**Table 15-3.0444B  
BUSINESS PARK AREA DEVELOPMENT STANDARDS**

Type of Standard	Standard
<b>Landscape Surface Ratio</b>	
Minimum Landscape Surface Ratio (LSR)	0.25
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (s.f.)	43,560
Minimum Lot Width at Setback Line (feet)	150
Minimum Front Yard (feet)	30
Minimum Side Yard (feet)	10
Minimum Side Yard on Corner Lot (feet)	25
Minimum Rear Yard (feet)	25
<b>Parking and Driveway Setbacks</b>	
Abutting any public right-of-way (feet)	15
Not abutting a public right-of-way (feet) Note: one side yard may be at least 10 feet if both site yards are at least 30 feet	10
<b>Maximum Building Height</b>	
Office Principal Structure (stories/ft.)	4.0/60
Other Principal Structure (stories/ft.)	Not appl./45
Accessory Structure (stories/ft.)	1.0/35
The stated maximum height regulations may be increased pursuant to the granting of a Special Use permit.	

D. **Design Standards.** The Business Park Area portion of Planned Development District No. 39 is further intended to have the Design Standards as set forth in the separate document entitled “Planned Development District No. 39: Design Standards”. The purpose of said “Planned Development District No. 39: Design Standards” shall be to create a high-quality office, light industrial, and commercial mixed-use development. Planned Development District No. 39: Design Standards is hereby adopted by reference as currently enacted, and as hereinafter amended from time to time, and shall be given the same force and effect as if set forth herein in full.

SECTION 3: 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 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: 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 \_\_\_\_\_, 2016, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

RESOLUTION NO. 2016-\_\_\_\_\_

A RESOLUTION RECOMMENDING THE ADOPTION OF AN ORDINANCE TO AMEND THE CITY OF FRANKLIN SOUTH 27TH STREET CORRIDOR PLAN/2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP USE DESIGNATION OF THE LANDS WITHIN THE 27TH STREET CORRIDOR LYING SOUTH OF OAKWOOD ROAD FROM MIXED USE, RECREATIONAL USE AND AREAS OF NATURAL RESOURCE FEATURES USE TO RECREATIONAL USE AND AREAS OF NATURAL RESOURCE FEATURES USE (TAX KEY NO. 950-9998-001) AND FROM MIXED USE AND AREAS OF NATURAL RESOURCE FEATURES USE TO MIXED USE BUSINESS PARK USE AND AREAS OF NATURAL RESOURCE FEATURES USE (BALANCE OF LANDS WITHIN THE 27TH STREET CORRIDOR PLAN), AND TO REMOVE THE DESIGN GUIDELINES AS THEY MAY PERTAIN TO THIS AREA, PURSUANT TO WIS. STAT. § 66.1001(4)(b)

WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, pursuant to Wis. Stat. § 66.1001(4)(b), the Plan Commission may recommend the amendment of the Comprehensive Master Plan to the Common Council by adopting a resolution by a majority vote of the entire Commission, which vote shall be recorded in the official minutes of the Plan Commission; and

WHEREAS, the City of Franklin having applied for an amendment to the City of Franklin South 27th Street Corridor Plan/2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation of the lands within the 27th Street Corridor lying south of Oakwood Road, for the property bearing Tax Key No. 950-9998-001 from Mixed Use, Recreational Use and Area of Natural Resource Features Use to Recreational Use and Areas of Natural Resource Features Use, and for the balance of the lands within the 27th Street Corridor Plan bearing Tax Key Nos. as specified in the Table below, from Mixed Use and Areas of Natural Resource Features Use to Mixed Use Business Park Use and Areas of Natural Resource Features Use, and to remove the design guidelines as they may pertain to this area:

<b>Tax Key #</b>	<b>Current Land Use Designation</b>	<b>Proposed Land Use Designation</b>
9509998001	Mixed Use, Recreational & Areas of Natural Resource Features	Recreational & Areas of Natural Resource Features
9509997001	Mixed Use & Areas of Natural Resource Features	Mixed Use Business Park & Areas of Natural Resource Features





9799998000	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features
9799999000	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features
9789997000	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features
9789998000	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features
9789999001	Mixed Use & Areas of Natural Resource Feature	Mixed Use Business Park & Areas of Natural Resource Features

(properties totaling approximately 605 acres)

Such properties are more particularly described as follows:

The total area of the above properties is more particularly described as follows: (Description of the first above listed parcel Tax Key No. 950 9998 001) That part of the Northeast 1/4 of Section 36, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: The West 110 acres of the Northwest 1/4 of Section 36, except the West 800.00 feet of the North 400.00 feet containing 102.71 acres ±; and

(Description of the twenty-nine other above listed parcels) That part of the Northeast 1/4, Southeast 1/4 and all that part of Northeast 1/4, Southeast 1/4, and the Southwest 1/4 of Section 36, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Northeast corner of Northeast 1/4 of Section 36 also the place of beginning of the land to be described; thence S 00° 11' 55" E, along the East line of said 1/4 Section, 2658.94 feet to the East 1/4 corner section monument; thence S 00° 25' 34" E, along the East section line of the Southeast 1/4 of said Section, 2655.53 to the Southeast corner section monument; thence S 88° 57' 44" W along the South section line of Southeast 1/4 of said Section, 2619.46 to the South 1/4 corner section monument; thence S 88° 35' 08" W along the South section line of the Southwest 1/4 of said Section, 42.90 feet to the section corner monument; thence S 88° 35' 08" W along the South line of the Southwest 1/4 of said Section, 2588.10 feet to the Southwest corner section monument; thence N 00° 21' 45" W along the West section line of the Southwest 1/4 of said Section, 2644.21 feet to the West 1/4 corner section monument; thence N 88° 36' 18" E, along the North section line of the Southwest 1/4 of said Section, 1808.39 feet to West line of the East fifty (50) acres of the Northwest 1/4 of said Section; thence N 00° 20' 45" W, along the West line of the East fifty (50) acres of the Northwest 1/4 of said Section, 2651.28 feet to the North section line of the Northwest 1/4 of said

Section; thence N 88° 27' 28" E along the North section line of the Northwest 1/4 of said Section, 821.90 feet to the North 1/4 corner section monument; thence N 88° 34' 33" E, along the North section line of the Northeast 1/4 of said Section, 2624.35 feet to the point of beginning; and

WHEREAS, the Plan Commission having determined that the proposed amendment, in form and content as presented to the Commission on October 6, 2016, in conjunction with an application to rezone the subject properties as are more particularly described within the ordinance draft presented to the Commission for such purpose, is consistent with the South 27th Street Corridor Plan/Comprehensive Master Plan's goals, objectives and policies and in proper form and content for adoption by the Common Council as an amendment to the South 27th Street Corridor Plan/2025 Comprehensive Master Plan, subject to such modifications the Common Council may consider reasonable and necessary, following public hearing, in order to protect and promote the health, safety and welfare of the City of Franklin.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the application for and the proposed ordinance to amend the City of Franklin South 27th Street Corridor Plan/2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation of the lands within the 27th Street Corridor lying south of Oakwood Road, for the property bearing Tax Key No. 950-9998-001 from Mixed Use, Recreational Use and Area of Natural Resource Features Use to Recreational Use and Areas of Natural Resource Features Use, and for the balance of the lands within the 27th Street Corridor Plan bearing Tax Key Nos. as specified in the Table above, from Mixed Use and Areas of Natural Resource Features Use to Mixed Use Business Park Use and Areas of Natural Resource Features Use, and to remove the design guidelines as they may pertain to this area, be and the same is hereby recommended for adoption and incorporation into the South 27th Street Corridor Plan/2025 Comprehensive Master Plan by the Common Council.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Chairman

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

Design Standards

**Purpose.** The Mixed Use Business Park Design Standards are intended to create a high quality, attractive, office/light industrial/commercial mixed use development, and are adopted by reference in Ordinance No. 2016-\_\_\_\_ Planned Development District No. 39 (Mixed Use Business Park). These Design Standards are intended to:

- apply whenever new principal and/or accessory buildings are constructed in the District;
- apply whenever building additions in the District result in an increase in floor area of 50 percent or more;
- allow existing structures to otherwise remain conforming with regard to this Ordinance;
- incorporate the design standards as set forth within the Unified Development Ordinance Part 5 as mandatory standards;
- incorporate certain additional design standards as herein set forth; and
- allow the Plan Commission to waive any of the additional design standards as herein set forth provided that supplemental design elements or improvements (as set forth below in the Supplemental Design Guidelines) are incorporated into the project (over and above those which are otherwise required) which compensate for the waiver of the particular standard.

**SECTION 15-3.0444A.D. Gateway Area Design Standards.** The Gateway Area Design Standards are intended to create a high quality, attractive, primarily office and commercial mixed use development adjacent to South 27<sup>th</sup> Street. Mixed use buildings with commercial and office uses layered vertically, horizontally, or among multiple buildings are encouraged. Efficient land use is also encouraged by facilitating developments that minimize the amount of land needed for surface parking through creative design, lessened setbacks, and shared parking among complimentary uses.

1. PARKING STANDARDS

Off-street parking, loading, and unloading shall be provided as set forth in Division 15-5.0200 of the Unified Development Ordinance. The following additional standards also apply:

- a. Parking required and location regulated

Not more than fifty (50) percent of the off-street parking spaces shall be located directly between the front façade of the building and the public street, unless additional buildings in the overall development are or will be

located between the main building and the public street, and/or additional enhanced landscaping or decorative fencing is used to screen such parking. Such additional buildings and/or landscaping or fencing must be sufficient in size, location, and number to provide an effective visual break between the public street and the parking lot.

## 2. GENERAL SITE DESIGN STANDARDS

The following additional site furnishings and bicycle and pedestrian amenities standards apply:

- a. Site furnishings required and coordination regulated  
Lighting and site furnishings (benches, trash receptacles, bicycle racks, etc.) shall complement the character of the building, and provide an attractive and strong relationship with adjoining properties and the public sidewalk.
- b. Bicycle and pedestrian amenities required
  - i. New streets proposed as part of new developments shall provide “bicycle and pedestrian friendly” streetscapes.
  - ii. Large parking areas shall include walkways to allow safe pedestrian access to the building entrance and to connect the site to adjacent streets and properties. Pedestrian walkways shall be designed with amenities such as special paving treatments (colored paver blocks or textured concrete), lighting (see lighting discussion below) and furnishings to create a pedestrian-friendly character.
  - iii. Sidewalks shall be provided along the entire length of any façade containing a public entrance, leaving room for foundation planting beds, and shall connect to existing or planned public sidewalks or pedestrian/bike facilities.

## 3. LANDSCAPE STANDARDS

Landscaping shall be provided as set forth in Division 15-5.0300 of the Unified Development Ordinance. The following additional standards also apply:

- a. Landscaping required and location regulated
  - i. Each development which contains a building over forty-thousand (40,000) square feet in area shall provide extensive building foundation landscaping for all building frontages facing public streets or parking lots to provide visual breaks in the mass of the building.
- b. Central Areas/Features required  
Each development which contains a building over forty-thousand (40,000) square feet in area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground

area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and maintained over the life of the building and project.

#### 4. ARCHITECTURAL STANDARDS

The following additional building character and design standards apply:

- a. Building Character and Design regulated
  - i. All principal buildings shall be multi-story and exhibit quality architectural design. Corner buildings shall also serve as landmarks with distinctive architectural character, including such features as towers, rounded walls, recessed entries, or other unique features.
  - ii. All exterior materials shall be durable, of high-quality, utilized true to form (such as stone below wood rather than the opposite), and appropriate for external use.
  - iii. Brick and stone are preferred primary materials for the solid (non-window) portion of new buildings or additions.
  - iv. Precast concrete, cast stone, concrete masonry units, terra cotta, stucco, and wood siding are acceptable accent and secondary materials for the solid portion of new buildings or additions.
  - v. Other materials may be allowed subject to Plan Commission approval.
  - vi. Color choice shall complement the style and materials of the building's facade and provide a pleasing relationship with adjoining buildings.
  - vii. Trash, service, and mechanical areas shall be entirely screened from view and located on the side or rear of properties.
  - viii. Roof mounted equipment shall be so located and/or screened to minimize visibility from adjacent streets and sites.
  - ix. All visible sides of the building shall be designed with details that complement the front facade. Side facades that are visible from the public street shall receive equal design attention.
  - x. For each building more than 40,000 square feet in area, building massing that creates modulation and articulation is required.
  - xi. Commercial buildings shall have at least 60% of their ground floor front elevation with transparent windows.

#### 5. SIGNAGE STANDARDS

All signs must be in accordance with the Municipal Code, as amended, approved by the Plan Commission, and be subject to issuance of a Sign Permit through the Inspection Department. On-site directional signage may be allowed in any area

needed to control traffic or parking provided such signage has received approval from the Department of City Development.

#### 6. LIGHTING STANDARDS

All exterior lighting shall be provided as set forth in Division 15-5.0400 of the Unified Development Ordinance.

#### 7. SUPPLEMENTAL DESIGN GUIDELINES

It is intended that the applicable design guidelines set forth in the South 27<sup>th</sup> Street Corridor Plan, and the applicable design standards in the South 27<sup>th</sup> Street Design Overlay District, be utilized—as a supplemental guide-- to the mandatory design standards set forth elsewhere in this Ordinance pertaining to the Gateway Area portion of Planned Development District No. 39. The purpose of these supplemental guidelines are to serve as general recommendations to further encourage good quality design in new building and site design, which in turn will support an attractive, interesting, safe, and sustainable District. It is also intended that these supplemental guidelines serve as the supplemental design elements or improvements to be incorporated into any project which requires compensation for any waiver of the additional design standard as set forth in this Ordinance. In particular, it is encouraged that the design standards set forth in Section 15-3.0355B. and Section 15-3.0355C. of the South 27<sup>th</sup> Street Design Overlay District be considered.

**SECTION 15-3.0444B.D. Business Park Area Design Standards.** The Business Park Area Design Standards are intended to create a high quality, attractive, primarily office and light industrial business park development (excluding the Gateway Area adjacent to South 27<sup>th</sup> Street).

#### 1. PARKING STANDARDS

Off-street parking, loading and unloading shall be provided as set forth in Division 15-5.0200 of the Unified Development Ordinance. The following additional standards also apply:

- a. Parking required and location regulated
  - i. No parking will be permitted on any street, driveway, or any place in the District other than in approved parking spaces.
  - ii. Overnight parking of campers, mobile homes, boats, trailers, and similar vehicles is prohibited.
  - iii. Overnight parking of trucks and service vehicles over 8,000 pounds manufactured Gross Vehicle Weight shall be allowed only with a Special Use. Overnight parking of trucks and service vehicles under 8,000 pounds Gross Vehicle Weight shall be behind landscape screening so as to minimize visibility from adjacent roadways.

- iv. Parking in front of buildings shall be designed primarily for visitors and high turnover usage, with employee parking to be located to the side-yard or rear-yard.
- v. Loading and unloading areas shall be located to the side-yard or rear-yard and screened so as to minimize their view from adjacent streets and sites.
- vi. All parking, loading, and unloading areas shall be screened from adjacent streets and sites utilizing landscaping, berms, and/or decorative fences.

## 2. GENERAL SITE DESIGN STANDARDS

The following additional open space, site maintenance, and bicycle and pedestrian amenities standards apply:

- a. Open Spaces required and location regulated
  - i. Not less than one-half of the required building setback area from any dedicated street shall be devoted solely to lawns, trees, shrubs, and other landscaping.
  - ii. Significant woodlands, wetlands, and other protected natural resource features, as defined by the Unified Development Ordinance, exist within the District. All such resources shall be protected as set forth in Division 15-4.0100 of the Unified Development Ordinance.
- b. General Site Maintenance required
  - i. The owner of any site shall have the duty and responsibility for keeping the buildings, paving, landscaping, lighting, and other improvements on the site in a well-maintained, safe, clean, and attractive condition at all times.
  - ii. Each owner shall be responsible for removal of any weeds, rubbish, or trash of any character which may accumulate on the site.
  - iii. Damaged or cracked areas of parking lots, sidewalks, and other hard surfaces shall be promptly repaired or replaced.
- c. Bicycle and pedestrian amenities required
  - i. New streets proposed as part of new developments shall provide “bicycle and pedestrian friendly” streetscapes.
  - ii. Large parking areas shall include walkways to allow safe pedestrian access to the building entrance and to connect the site to adjacent streets and properties.
  - iii. Sidewalks shall be provided along the entire length of any façade containing a public entrance, leaving room for foundation planting beds, and shall connect to existing or planned public sidewalks or pedestrian/bike facilities.



### 3. LANDSCAPE STANDARDS

Landscaping shall be provided as set forth in Division 15-5.0300 of the Unified Development Ordinance. The following additional standards also apply:

- a. Landscaping required and location regulated
  - i. Each development which contains a building over forty-thousand (40,000) square feet in area shall provide extensive building foundation landscaping for all building frontages facing public streets or parking lots to provide visual breaks in the mass of the building.
  - ii. A minimum landscape buffer of 10 feet is required between paved areas and all sides of the building except at entrances and loading areas.

### 4. ARCHITECTURAL STANDARDS

The following additional building character and design standards apply:

- a. Building Character and Design regulated
  - i. All buildings shall incorporate the design principles of composition, detail, proportion, rhythm, scale and unity within the architectural design of all exterior facades, to achieve design integrity and coherence.
  - ii. All exterior materials shall be durable, of high-quality, utilized true to form (such as stone below wood rather than the opposite), and appropriate for external use.
  - iii. Brick, stone, tile, and custom architectural masonry units are preferred primary materials for the solid (non-window) portion of new buildings or additions.
  - iv. Precast concrete, cast stone, plain/smooth concrete masonry units, and EIFS are acceptable accent and secondary materials for the solid portion of new buildings or additions.
  - v. Aluminum framed doors, windows and skylights are preferred.
  - vi. Metal copings, fascia, soffits, exposed structural elements, and architectural canopies are only permitted as an accent material.
  - vii. Other materials may be allowed subject to Plan Commission approval.
  - viii. Color choice shall complement the style and materials of the building's facade and provide a pleasing relationship with adjoining buildings.
  - ix. Trash, service, and mechanical areas shall be entirely screened from view and located on the side or rear of properties.
  - x. Roof mounted equipment shall be so located and/or screened to minimize visibility from adjacent streets and sites.

- x. Outside loading docks shall be located to the side-yard or rear-yard and screened from view from adjacent streets and sites by extended building walls, berms, decorative fencing, and/or landscaping.
- xii. All utility connections, including all electrical and telephone connections and other installation of wires to buildings, shall be made underground from the nearest available source. No transformer, electric, gas, or other meter of any type or other apparatus shall be located on any power pole nor hung on the outside of any building. All transformers and meters shall be placed on or below the surface of the property and where placed on the surface shall be screened and/or landscaped so as to minimize visibility from adjacent streets and sites. No electric utility boxes or transformers shall be located between a building and an abutting street.
- xiii. All visible sides of the building shall be designed with details that complement the front facade.

#### 5. SIGNAGE STANDARDS

All signs must be in accordance with the Municipal Code, as amended, approved by the Plan Commission, and be subject to issuance of a Sign Permit through the Inspection Department. On-site directional signage may be allowed in any area needed to control traffic or parking provided such signage has received approval from the Department of City Development. The following additional standards also apply:

- a. Wall signs are prohibited.

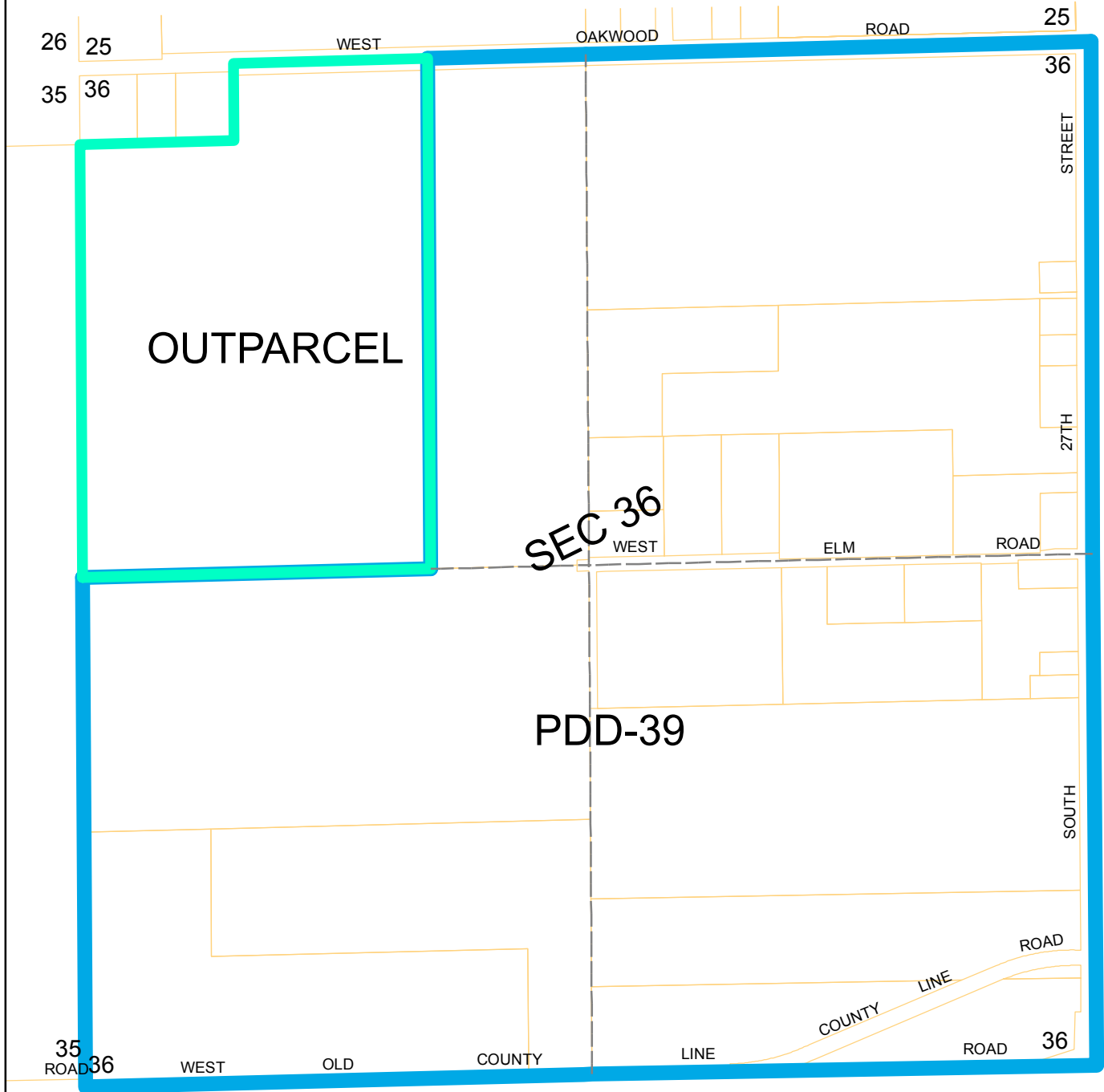
#### 6. LIGHTING STANDARDS

All exterior lighting shall be provided as set forth in Division 15-5.0400 of the Unified Development Ordinance.

#### 7. SUPPLEMENTAL DESIGN GUIDELINES

It is intended that the applicable design guidelines set forth in the South 27<sup>th</sup> Street Corridor Plan, and the applicable design standards in the South 27<sup>th</sup> Street Design Overlay District, be utilized—as a supplemental guide-- to the mandatory design standards set forth elsewhere in this Ordinance pertaining to the Business Park Area portion of Planned Development District No. 39. The purpose of these supplemental guidelines are to serve as general recommendations to further encourage good quality design in new building and site design, which in turn will support an attractive, interesting, safe, and sustainable District. It is also intended that these supplemental guidelines serve as the supplemental design elements or improvements to be incorporated into any project which requires compensation for any waiver of the additional design standard as set forth in this Ordinance. In particular, it is encouraged that the design standards set forth in Section 15-3.0355B. and Section 15-3.0355C. of the South 27<sup>th</sup> Street Design Overlay District be considered.

SECTION 36, TOWNSHIP 5 NORTH, RANGE 21 EAST,  
IN THE CITY OF FRANKLIN,  
MILWAUKEE COUNTY, WISCONSIN



**Legend**

-  OUTPARCEL
-  PDD-39

Exhibit A: PDD No. 39 Site Figure



Wetland Staked by SEWRPC  
on 6/11/2015

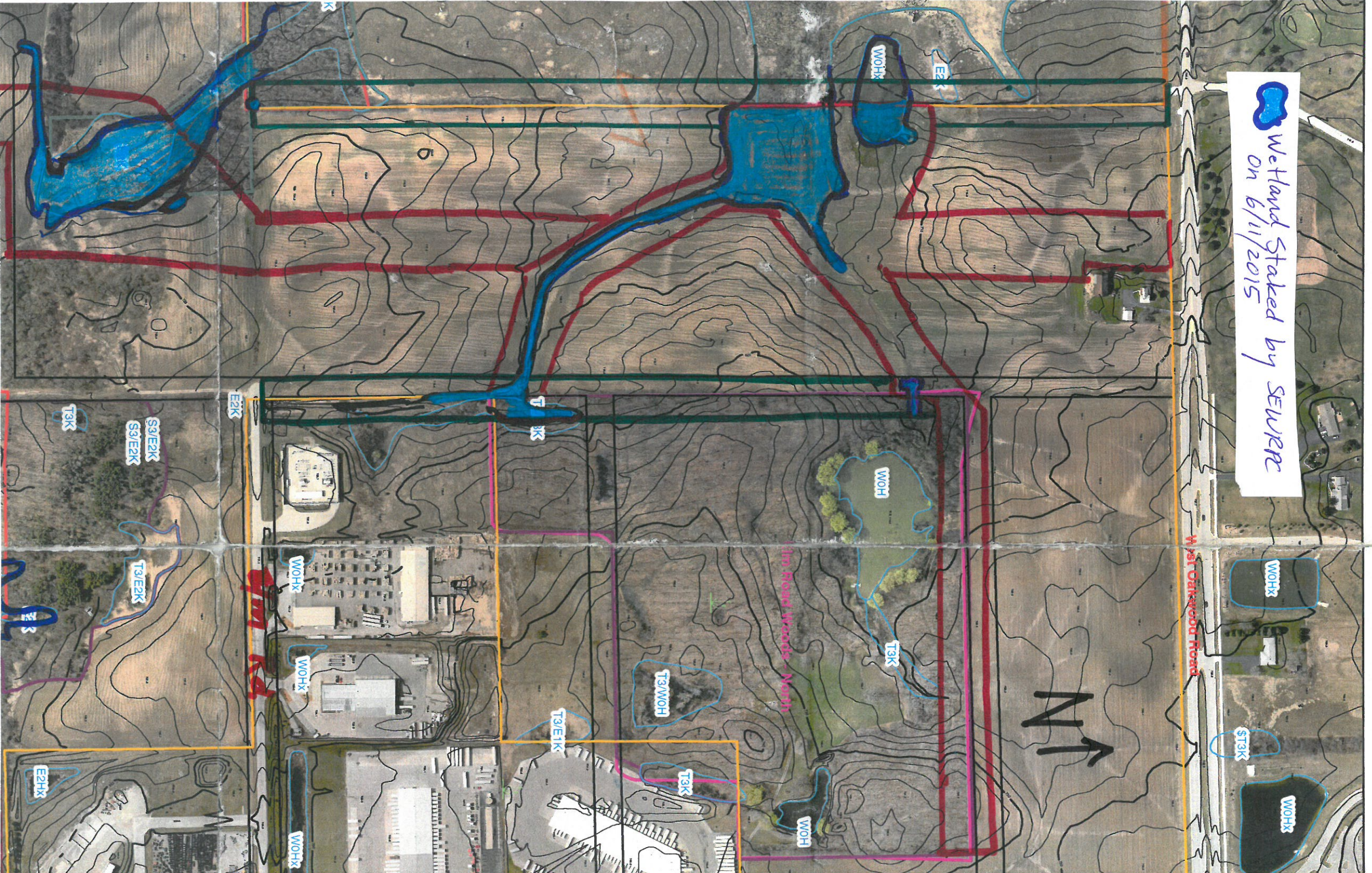


Exhibit B: Wetlands Map (northern portion)

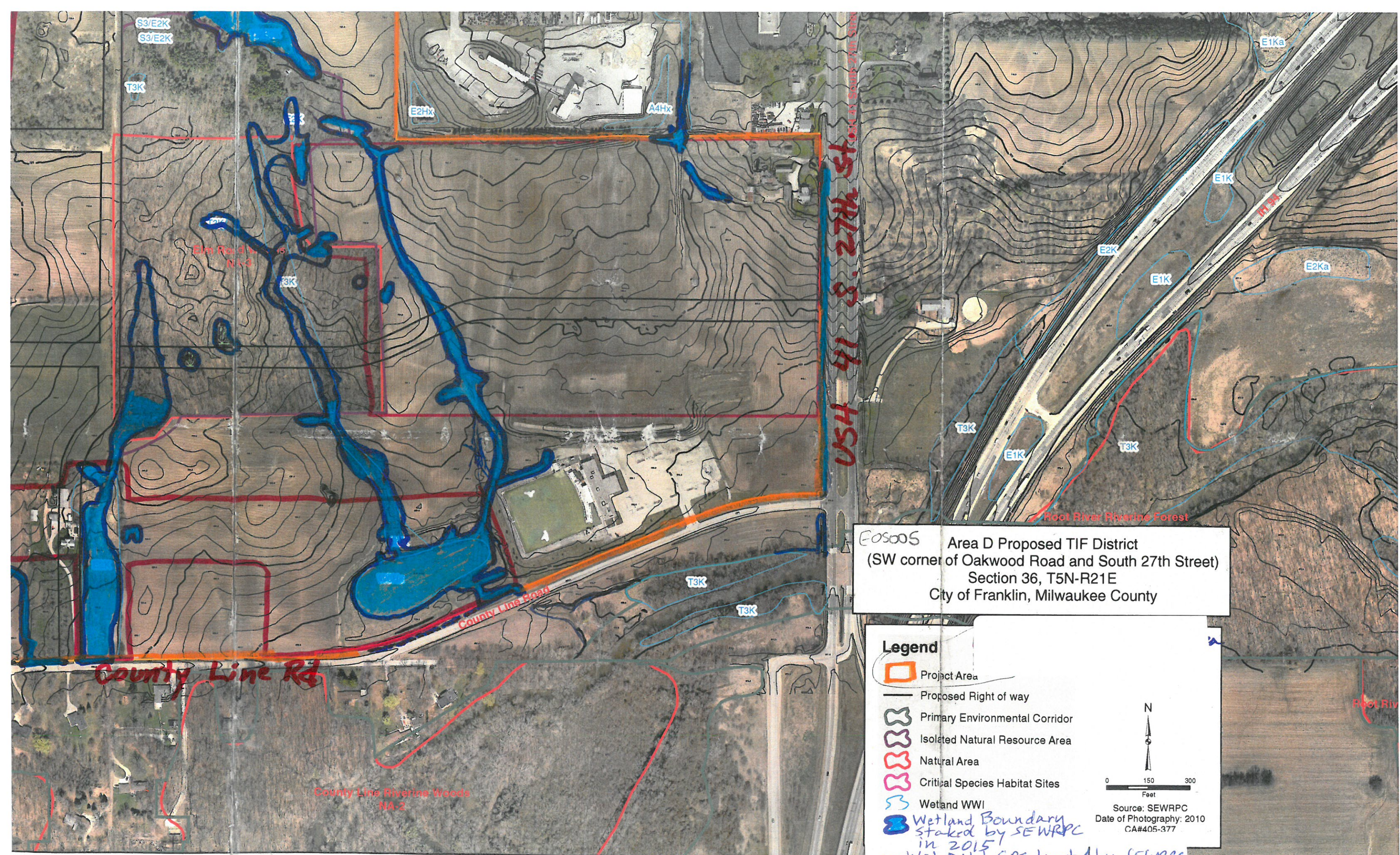
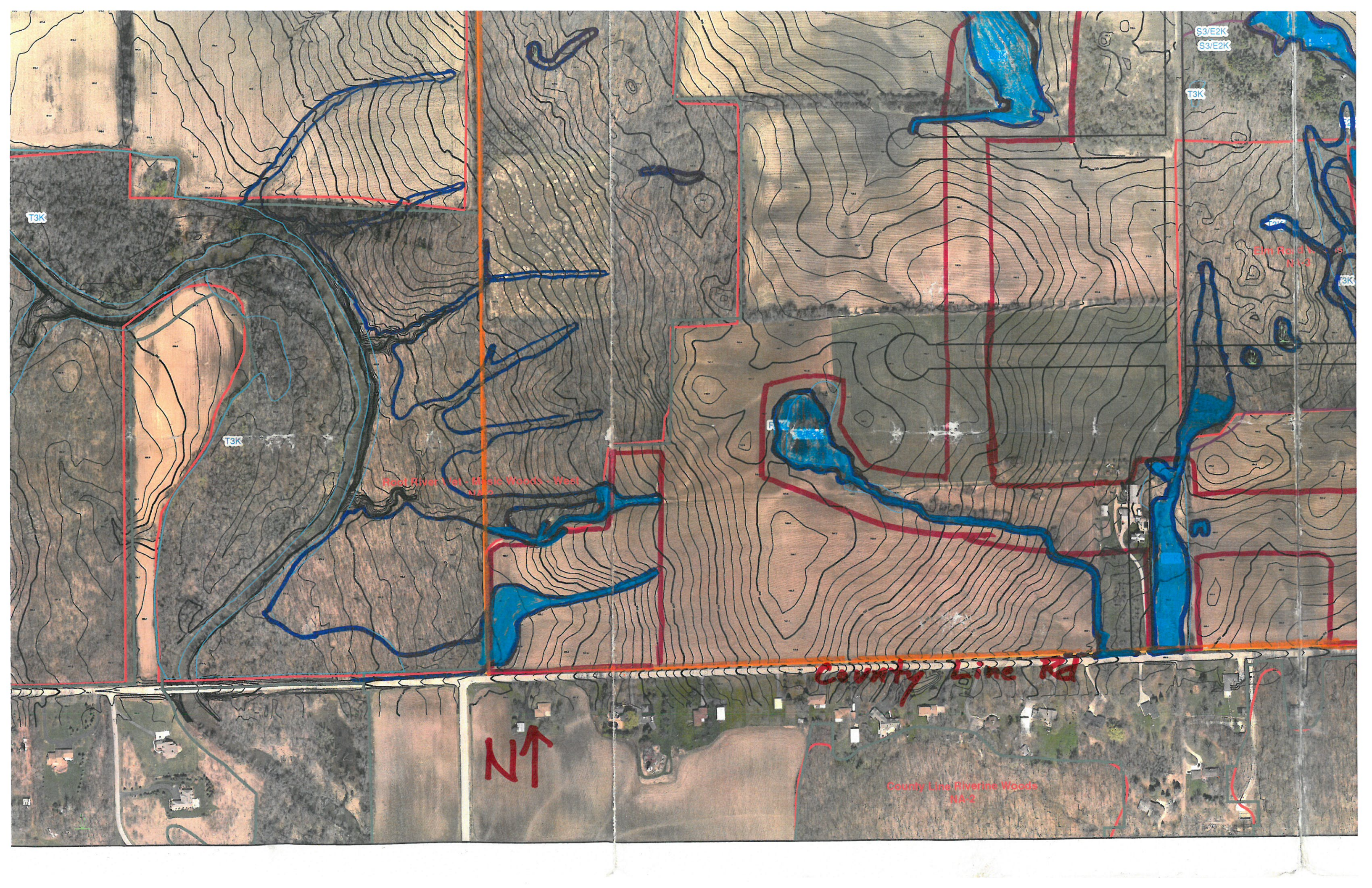


Exhibit C: Wetlands Map (southern portion)



S3/E2K  
S3/E2K

T3K

T3K

T3K

Root River Wet - Music Woods - West  
NA-2

Elm Road  
NA-2

T3K

T3K

N  
↑

County Line Rd

County Line Riverine Woods  
NA-2

S3/E2K

W. Dakwood Rd  
Dakwood Road

E2K

E2K

WOHx

S3/E2K

WOH

T3K

Lim Road Woods - North

WJ

T3/WOH

T3

S3/E2K

WOHx

WOHx

WOHx

SS3K

S3K

USN 41 S-27th St  
412 S  
14th St



E2K

T3K

T3K

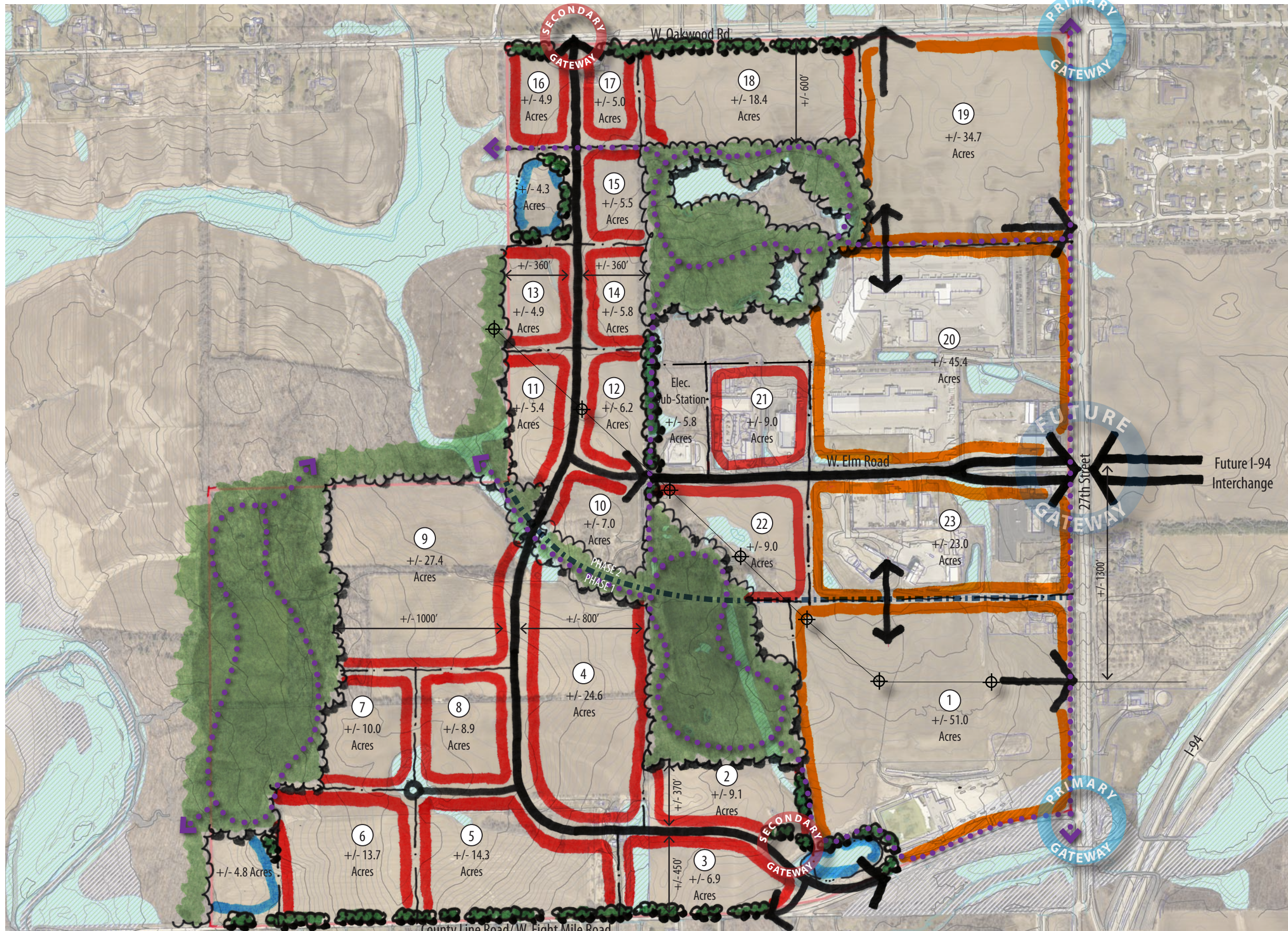
WOHx

WOHx

WOHx

T3K

S3/E2K  
S3/E2K



**Development Data:**

354.6 acres	Developable area
12.9 acres	Stormwater/Mitigation area
98.5 acres	Environmental area
<hr/>	
466.0 acres	TOTAL* (excludes ROW area)

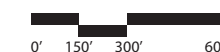
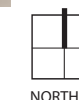
**LEGEND**

- Phase Line
- Roadway
- Stormwater/Mitigation Area
- Business Development
- Environmental Area
- Trails
- Electrical Tower
- Gateways

**Exhibit D:  
Conceptual Development  
Plan**



**Concept Plan - Future Build Out**  
Franklin Corporate Park  
Franklin, Wisconsin



ISSUE DATE: May 6, 2015  
All drawings are preliminary and subject to change.  
© 2015 Hitchcock Design Group

PREPARED FOR  
City of Franklin

IN ASSOCIATION WITH  
**Ruekert • Mielke**





## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of October 6, 2016

## Natural Resource Special Exception

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<b>Project Name:</b>	Donovan Natural Resources Special Exception (NRSE)
<b>Project Address:</b>	7280 West Fox Haven Court
<b>Applicant:</b>	Thomas & Carole Donovan
<b>Property Owner:</b>	Thomas & Carole Donovan
<b>Current Zoning:</b>	R-3 Suburban/Estate Single-Family Residence District
<b>2025 Comprehensive Plan:</b>	Residential
<b>Use of Surrounding Properties:</b>	Single-family residential to the north, east and south and recreational and areas of natural resources to the west.
<b>Applicant's Action Requested:</b>	Recommendation to the Common Council for approval of the requested Natural Resource Special Exception (NRSE)

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Please note:

- Staff recommendations are *underlined, in italics*, and are included in the draft resolution.

**INTRODUCTION:**

The Donovan's are proposing to build a new single-family home on a vacant property located at 7280 West Fox Haven Court, which is Lot 8 in the Whispering Woods Subdivision. The proposed new single-family residence does not affect any natural resources on the property. However, the applicants are requesting approval to enhance approximately 0.2 acres (8,793 square feet) of young woodland located on the west side of their property. Specifically, the Donovan's are requesting to remove vegetation and install native enhancement plantings within an approximately 8,793 square foot conservation easement to create a healthier and more diverse woodland.

At their September 28, 2016 meeting, the Environmental Commission recommended approval of a Special Exception to Natural Resource Features for Thomas and Carole Donovan for property located at 7280 West Fox Haven Court, subject to comments from Planning Staff being met.

**PROJECT DESCRIPTION:**

On September 8, 2016, the applicant submitted an application for a Special Exception to Natural Resource Feature Provisions to the Department of City Development. The applicant is requesting approval of a Special Exception to enhance approximately 0.2 acres (8,793 square feet) of young woodland, by removing vegetation and installing native enhancement plantings to create a healthier and more diverse woodland on their single-family residential property located at 7280 West Fox Haven Court. According to Section 15-9.0110 of the City of Franklin Unified

Development Ordinance, improvements and enhancements to a natural resource feature are subject to submittal of a Natural Resource Special Exception Application.

Durham Hill Landscaping inventoried the young woodland within the conservation easement and determined it includes box elder (*Acer negundo*); green ash (*Fraxinus pennsylvanica*); Austrian pine (*Pinus nigra*); slippery elm (*Ulmus rubra*); and understory species such as: hawthorn (*Crataegus crus-galli*); gray dogwood (*Cornus racemosa*), common buckthorn (*Rhamnus cathartica*); Honeysuckle (*Lonicera* spp) and European cranberrybush (*Viburnum opulus*). The specific trees/shrubs to be removed include six 8.0-24.0" diameter at breast height (DBH) box elder, four 7.0-12.0" DBH green ash, three 12.0" DBH Austrian pine, one 12" hawthorn, eight European cranberry bush and numerous honeysuckle and common buckthorn. The applicants are proposing a 4-year management plan to include herbicide stump treatments and manual removal of invasive understory species annually in October. Staff recommends a multi-year management plan to include treatment of buckthorn and honeysuckle with manual removal and herbicide stump treatments every October through the year 2020.

The applicant is proposing to enhance the young woodland by installing 7 canopy trees, 10 understory trees, 9 shrubs and 144 perennials in the conservation easement area. A planting list for the native enhancement plantings may be found on the Conservation Easement Restoration Plan. Staff recommends any plant materials included in the Restoration Plan that do not survive a plan establishment period of two (2) years after installation shall be replaced by the property owner with plant material(s) of the same or like species of equal size within the next planting season, but in any event, within six (6) months of the plant's demise.

In summary, the applicant's are requesting a special exception to remove existing vegetation and install native enhancement plantings within the following natural resource feature:

- Approximately 0.2 acres (8,793 square feet) of young woodland;

### **CONCLUSION:**

Pursuant to Section 15-10.0208 of the Unified Development Ordinance (UDO), the applicant shall have the burden of proof to present evidence sufficient to support a Natural Resource Special Exception (NRSE) request. The applicant has presented evidence for the request by answering the questions and addressing the statements that are part of the Natural Resource Special Exception (NRSE) application. The applicant's responses to the application's questions and statements are attached for your review. Also attached is a document titled, "*City of Franklin Environmental Commission*" that the Environmental Commission must complete and forward to the Common Council. The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed.

Staff recommends approval of the subject Natural Resource Special Exception subject to the conditions noted in this staff report, which conditions will also be included within the associated Standards, Findings and Decision document.

*Draft 9/29/16*

Standards, Findings and Decision  
of the City of Franklin Common Council upon the Application of Gregory David Marso, Marso Companies, LLC d/b/a Carstensen Homes and Tom Donovan and Carole Donovan (property owners) for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance

Whereas, Gregory David Marso, Marso Companies, LLC d/b/a Carstensen Homes and Tom Donovan and Carole Donovan (property owners) having filed an application dated September 8, 2016, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated September 28, 2016 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated October 6, 2016 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is located at approximately 7280 West Fox Haven Court, zoned R-3 Suburban/Estate Single-Family Residence District, and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

Whereas, Section 15-10.0208B. of the City of Franklin Unified Development Ordinance, as amended by Ordinance No. 2003-1747, pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature, provides in part: “The decision of the Common Council upon any decision under this Section shall be in writing, state the grounds of such determination, be filed in the office of the City Planning Manager and be mailed to the applicant.”

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon

the application for a Special Exception dated September 8, 2016, by Gregory David Marso, Marso Companies, LLC d/b/a Carstensen Homes and Tom Donovan and Carole Donovan (property owners), pursuant to the City of Franklin Unified Development Ordinance, the proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *but rather*,\_\_\_\_\_.
2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
  - a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives:\_\_\_\_\_; *or*
  - b. unreasonably and negatively impact upon the applicant’s use of the property and that there are no reasonable practicable alternatives: \_\_\_\_\_.
3. The Special Exception, including any conditions imposed under this Section will:
  - a. be consistent with the existing character of the neighborhood: *the proposed development with the grant of a Special Exception as requested will be consistent with the existing character of the neighborhood; and*
  - b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: \_\_\_\_\_; *and*
  - c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement:\_\_\_\_\_; *and*
  - d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development: *(this finding only applying to an application to improve or enhance a natural resource feature).*

The Common Council considered the following factors in making its determinations pursuant to Section 15-10.0208B.2.d. of the Unified Development Ordinance.

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:\_\_\_\_\_.
2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: \_\_\_\_\_.
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:\_\_\_\_\_.
4. Aesthetics:\_\_\_\_\_.
5. Degree of noncompliance with the requirement allowed by the Special Exception: \_\_\_\_\_.
6. Proximity to and character of surrounding property: \_\_\_\_\_.
7. Zoning of the area in which property is located and neighboring area: *Residential*.
8. Any negative affect upon adjoining property: *No negative affect upon adjoining property is perceived.*
9. Natural features of the property: \_\_\_\_\_.
10. Environmental impacts:\_\_\_\_\_.
11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of \_\_\_\_\_ is incorporated herein.*
12. The practicable alternatives analysis required by Section 15-9.0110C.4. of the Unified Development Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement: *The Plan Commission recommendation and the Environmental Commission recommendation address these factors and are incorporated herein.*

### Decision

*Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception*

*for such relief as is described within Exhibit C, upon the conditions: 1) that the natural resource features upon the property to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted; 2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted; 3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for Gregory David Marso, Marso Companies, LLC d/b/a Carstensen Homes and Tom Donovan and Carole Donovan (property owners) and all other applicable provisions of the Unified Development Ordinance. The duration of this grant of Special Exception is permanent.*

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

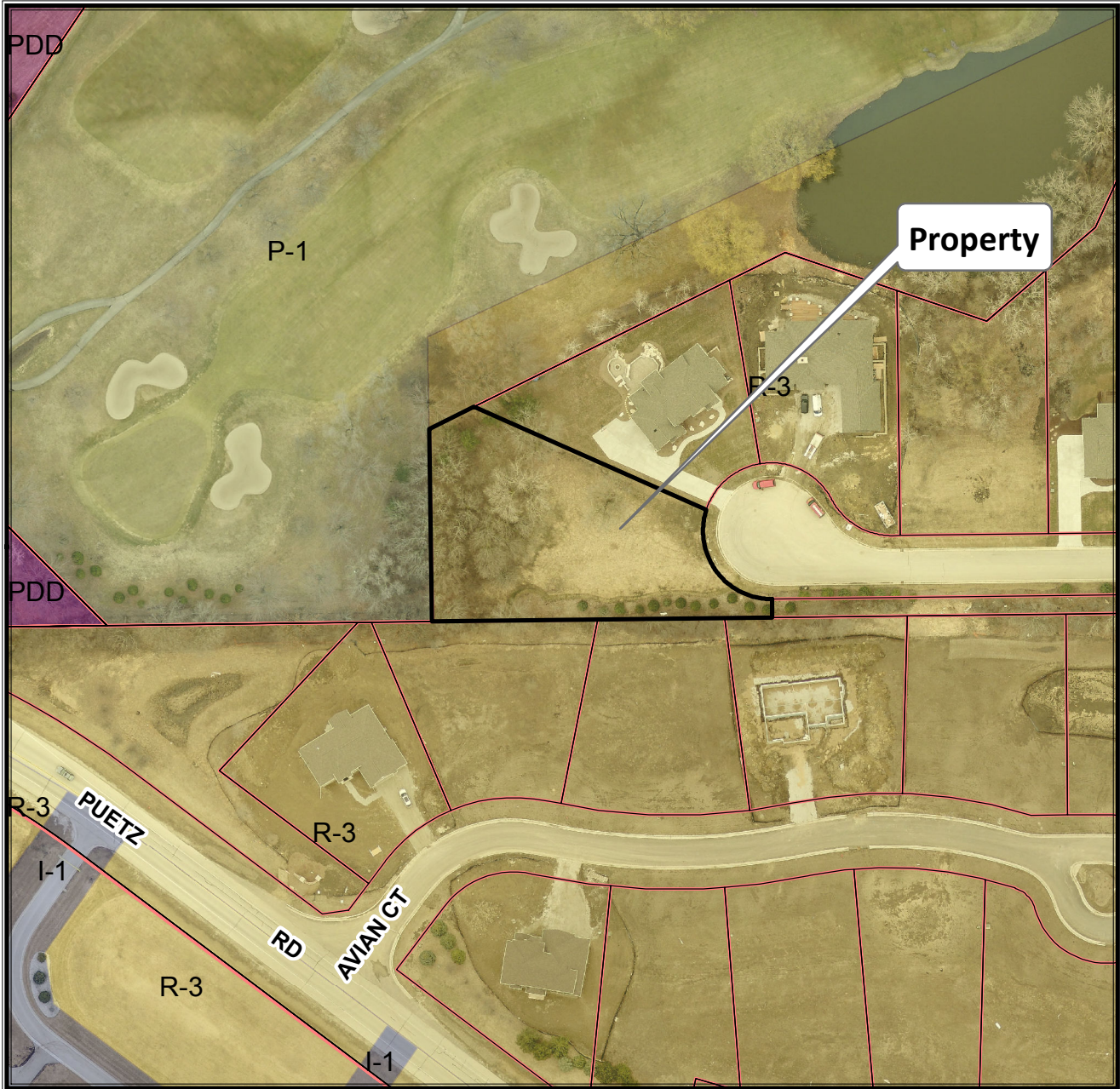
ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

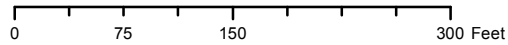
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_



7280 W. Fox Haven Court  
TKN: 837 0129 000



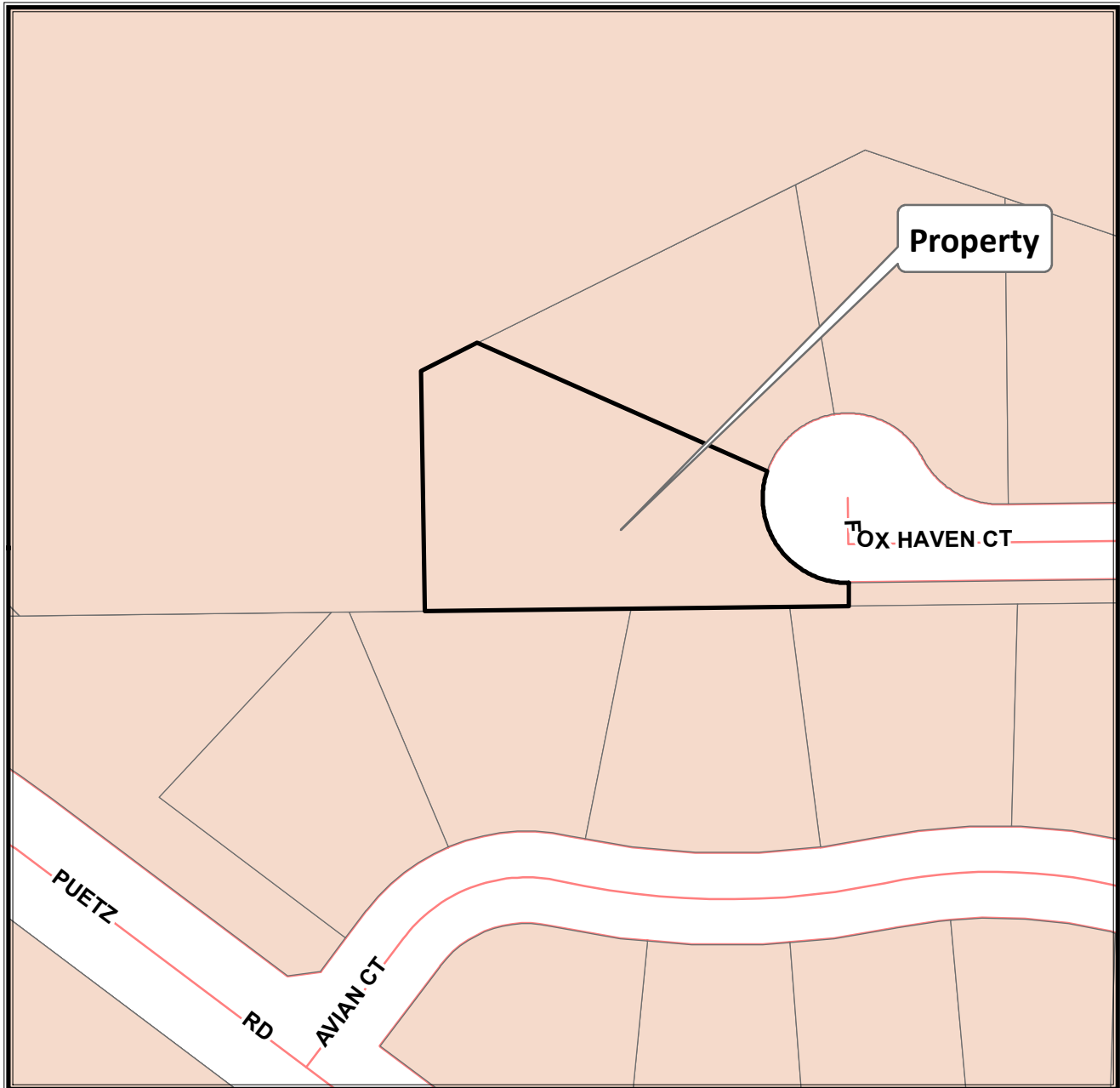
**Planning Department**  
**(414) 425-4024**



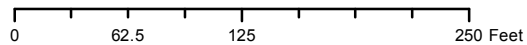
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



7280 W. Fox Haven Court  
TKN: 837 0129 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.*





Date of Application: \_\_\_\_\_

## NATURAL RESOURCE SPECIAL EXCEPTION APPLICATION

*Complete, accurate and specific information must be entered. Please Print.*

**Applicant (Full Legal Name[s]):**

Name: Gregory David Marso  
 Company: Marso Companies dba Carstensen Homes  
 Mailing Address: 9120 West Loomis Road, #400  
 City / State: Franklin, WI Zip: 53132  
 Phone: 414-529-4588  
 Email Address: gregm@marsoco.com

**Applicant is Represented by (contact person) (Full Legal Name[s]):**

Name: Same as applicant  
 Company: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City / State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

**Project Property Information:**

Property Address: 7280 West Fox Haven Court  
 Property Owner(s): Tom & Carole Donovan  
 Mailing Address: 8555 South River Terrace  
 City / State: Franklin WI Zip: 53132  
 Email Address: tom.donovan@chrobinson.com & cdonovan@wi.rr.com

Tax Key Nos: 837 0219 000  
 Existing Zoning: R-3  
 Existing Use: vacant lot, but single family residential  
 Proposed Use: single family residential  
 Future Land Use Identification: residential

\*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm>

**Natural Resource Special Exception Application submittals for review must include and be accompanied by the following:**

(See Section 15-10.0208 of the Unified Development Ordinance for review and approval procedures.)

<http://www.franklinwi.gov/Home/Planning/UnifiedDevelopmentOrdinanceUDO.htm>

- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin:  \$500
- Legal Description for the subject property (WORD.doc or compatible format).
- Seven (7) complete **collated** sets of Application materials to include:
  - One (1) original and six (6) copies of a written Project Narrative.
  - Three (3) **folded** full size, drawn to scale copies (at least 24" x 36") of the Plat of Survey (as required by Section 15-9.0110(B) of the Unified Development Ordinance).
  - Three (3) **folded** full size, drawn to scale copies (at least 24" x 36") of the Natural Resource Protection Plan (See Sections 15-4.0102 and 15-7.0201 for information that must be denoted on or included with the NRPP).
  - Four (4) **folded** reduced size (11"x17") copies of the Plat of Survey and Natural Resource Protection Plan.
- Three copies of the Natural Resource Protection report, if applicable. (see Section 15-7.0103Q of the UDO).
- One copy of all necessary governmental agency permits for the project or a written statement as to the status of any application for each such permit.
- Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable).

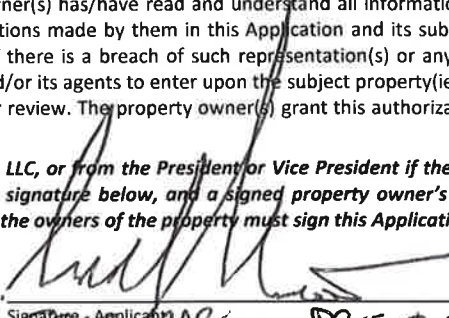
- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Natural Resource Special Exception requests require review by the Environmental Commission, public hearing at and review by the Plan Commission, and Common Council approval prior to recording with Milwaukee County Register of Deeds.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

*(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).*

  
 \_\_\_\_\_  
 Signature - Property Owner  
Thomas Donovan, property owner  
 Name & Title (PRINT)  
 Date: 8.8.16

  
 \_\_\_\_\_  
 Signature - Property Owner  
Carole Donovan, property owner  
 Name & Title (PRINT)  
 Date: 8-8-16

  
 \_\_\_\_\_  
 Signature - Applicant  
Gregory David Marso, PRES & CEO  
 Name & Title (PRINT)  
 Date: 9/08/16

N/A  
 \_\_\_\_\_  
 Signature - Applicant's Representative  
 Name & Title (PRINT)  
 Date: \_\_\_\_\_

**Natural Resource Special Exception Question and Answer Form.**

**Questions to be answered by the Applicant**

Items on this application to be provided in writing by the Applicant shall include the following, as set forth by Section 15-9.0110C. of the UDO:

- A. Indication of the section(s) of the UDO for which a Special Exception is requested. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- B. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.  
\_\_\_\_\_  
\_\_\_\_\_
  
- C. Statement of the reason(s) for the request.  
\_\_\_\_\_  
\_\_\_\_\_
  
- D. Statement of the reasons why the particular request is an appropriate case for a Special Exception, together with any proposed conditions or safeguards, and the reasons why the proposed Special Exception is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows:

**1) Background and Purpose of the Project.**

- (a) Describe the project and its purpose in detail. Include any pertinent construction plans.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- (b) State whether the project is an expansion of an existing work or new construction.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (c) State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose.

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**2) Possible Alternatives.**

- (a) State all of the possible ways the project may proceed without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback as proposed.

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- (b) State how the project may be redesigned for the site without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

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- (c) State how the project may be made smaller while still meeting the project's needs.

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- (d) State what geographic areas were searched for alternative sites.

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- (e) State whether there are other, non-stream, or other non-navigable water, non-shore buffer, non-wetland, non-wetland buffer, and/or non-wetland setback sites available for development in the area.

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- (f) State what will occur if the project does not proceed.

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**3) Comparison of Alternatives.**

- (a) State the specific costs of each of the possible alternatives set forth under sub.2., above as compared to the original proposal and consider and document the cost of the resource loss to the community.

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- (b) State any logistical reasons limiting any of the possible alternatives set forth under sub. 2., above.

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- (c) State any technological reasons limiting any of the possible alternatives set forth under sub. 2., above.

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- (d) State any other reasons limiting any of the possible alternatives set forth under sub. 2., above.

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**4) Choice of Project Plan.**

State why the project should proceed instead of any of the possible alternatives listed under sub.2., above, which would avoid stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback impacts.

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5) **Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description.**

Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

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6) **Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts.**

- a) Diversity of flora including State and/or Federal designated threatened and/or endangered species.  Not Applicable  Applicable
- b) Storm and flood water storage.  Not Applicable  Applicable
- c) Hydrologic functions.  Not Applicable  Applicable
- d) Water quality protection including filtration and storage of sediments, nutrients or toxic substances.  Not Applicable  Applicable
- e) Shoreline protection against erosion.  Not Applicable  Applicable
- f) Habitat for aquatic organisms.  Not Applicable  Applicable
- g) Habitat for wildlife.  Not Applicable  Applicable
- h) Human use functional value.  Not Applicable  Applicable
- i) Groundwater recharge/discharge protection.  Not Applicable  Applicable
- j) Aesthetic appeal, recreation, education, and science value.  Not Applicable  Applicable
- k) Specify any State or Federal designated threatened or endangered species or species of special concern.  Not Applicable  Applicable
- l) Existence within a Shoreland.  Not Applicable  Applicable
- m) Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time.  Not Applicable  Applicable

Describe in detail any impacts to the above functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:

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7) **Water Quality Protection.**

Describe how the project protects the public interest in the waters of the State of Wisconsin.

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## Natural Resource Protection Plan: Revised 9-27-16

Donovan Residence 7280 Foxhaven Court Franklin, Wisconsin

The wooded western portion of the Donovan lot falls within an 8,793 sf Conservation easement.

The woodland currently consists of a crowded mix of mature and young hardwoods, many in mild to extreme stages of decline due to the overgrown nature of the woodland, disease, and grapevine infestation. Within the easement the primary tree species include at least four 12-24" dbh Box Elder (*Acer negundo*), numerous seedling Green Ash (*Fraxinus pennsylvanica*), one 8" dbh Hawthorn (*Crataegus* spp) (*Note on previous narrative it was mistakenly said that there were 2 hawthorns in the easement. There is only one in the easement-the others being in the area outside the easement.*), and three 10-12" dbh Austrian Pine (*Pinus Nigra*), with the understory dominated by mature and seedling Buckthorn (*Rhamnus cathartica*) and Honeysuckle (*Lonicera* spp), both included on the Wisconsin DNR Invasive Species list, and mature Gray Dogwood (*Cornus Racemosa*) shrubs.

Additionally, non-restricted invasive species both within the conservation easement include clusters of mature and seedling European Cranberrybush *Viburnum* (*Viburnum opulus*), Queen Anne's Lace (*Daucus carota*), Burdock (*Arctium minus*), Canada Thistle (*Cirsium arvense*) and Quackgrass (*Elymus repens*). Seedling and young Cherry (*Prunus* spp) and at least two mature Slippery Elm (*Ulmus rubra*) can be found along the woodland edges. Young ground layer seedlings of Tilia (American Basswood) can be found in small clusters.

All mature Hawthorns are infected with rust and show decline because of shade conditions.

Given the status of Ash and its diminished long-term viability, it is proposed that they and all Box Elder are replaced with Sugar Maple (*Acer saccharum*),

Basswood (*Tilia americana*), American Hornbeam (*Carpinus caroliniana*) and Northern Red Oak (*Quercus rubra*).

In the interest of creating a healthier and more diverse woodland, the property owner proposes to maintain those trees that are healthy – two Slippery Elm, one Hawthorn (Note: Hawthorn has cedar apple rust. We plan to keep it in the easement with the intent that with the clearing of other undesirable species that there will be more air circulation. We hope that this may help the health of the tree.), and the Gray Dogwood shrub clusters in the southwest portion of the easement - while removing and treating the stumps of all Buckthorn, Honeysuckle, and all Box Elder as well as the non-woody invasive species mentioned in the previous paragraph. Existing Austrian Pine that appear to have lost 2/3 needle cover are recommended for removal as they are in diminished condition. One smaller caliper Austrian Pine shall remain.

Management will include a multi-year treatment for buckthorn and honeysuckle, with annual eradication efforts to take place every October through 2020. Garlon 4 shall be applied at removal by licensed applicators to the at-grade cut stumps. All young seedlings of both species will be pulled annually, and their sprouting or spreading will be managed in the long term with pulling and/or herbicide stump treatments.

In the first season after removal and treatment, replacement trees as seen on the plan and in the chart below will be installed, followed by understory planting of a combination mixed sun/shade-loving indigenous short prairie mix. It is expected that woodland shade conditions will not be established within the next ten years.

Thomas H. Earl, RLA

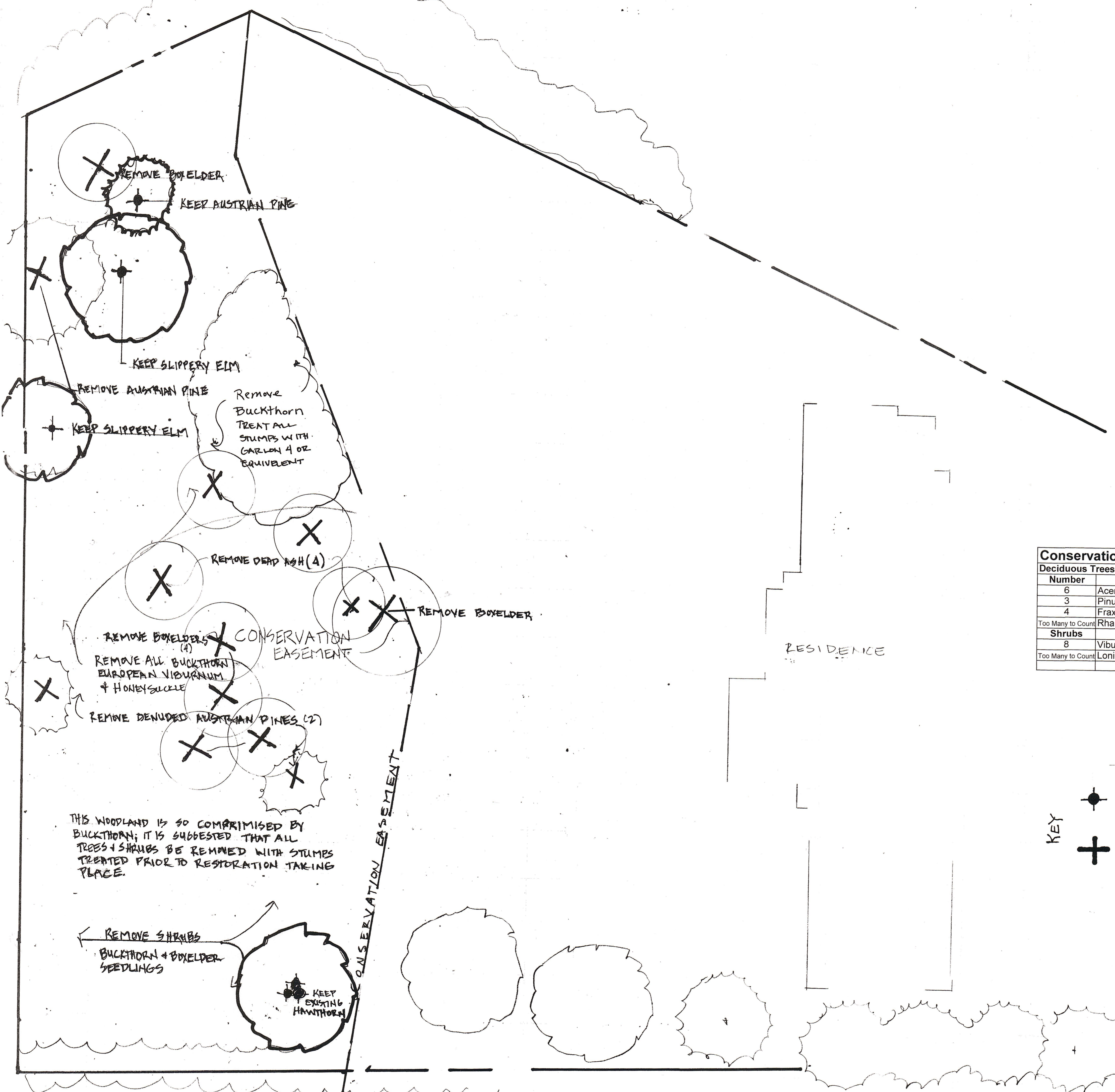
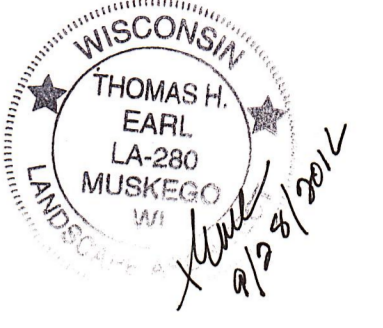


Durham Hill



Demolition Plan for the  
 Donovan Residence  
 7280 Foxhaven Court  
 Franklin, Wisconsin

Durham Hill: T. Earl RLA, B. Abert, LD  
 414-529-5262 8/30/16 REVISED 9-27-16



Conservation Easement Tree and Shrub Removals				
Deciduous Trees				
Number	Botanical Name	Common Name	Size/Type	Notes
6	Acer negundo	Box Elder	8-24" dbh	In Decline, Non Desirable
3	Pinus nigra	Austrian Pine	10-12" dbh	Diseased and Denuded
4	Fraxinus pennsylvanica	Green Ash	7-12"	Dead or Declining
Too Many to Count	Rhamnus cathartica	Buckthorn	1'-12' High	Invasive
Shrubs				
8	Viburnum opulus	European Viburnum	1-8' High	Non Native, Invasive
Too Many to Count	Lonicera tatarica	Tatarian Honeysuckle	1-8' High	Non Native, Invasive

KEY  
 ● TREES TO REMAIN  
 + TREES TO REMOVE

THIS WOODLAND IS SO COMPROMISED BY BUCKTHORN; IT IS SUGGESTED THAT ALL TREES + SHRUBS BE REMOVED WITH STUMPS TREATED PRIOR TO RESTORATION TAKING PLACE.



Conservation Easement Restoration Plan

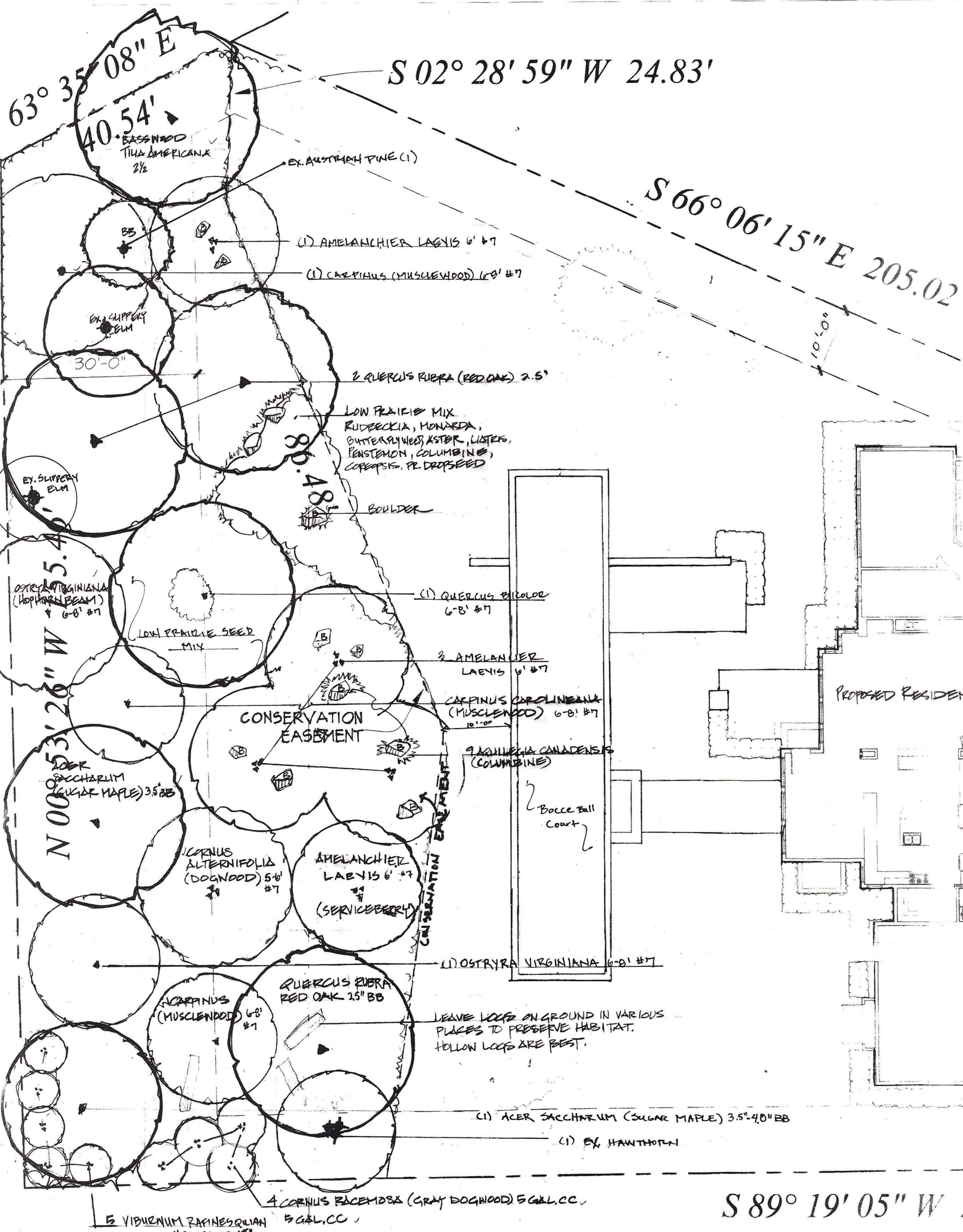
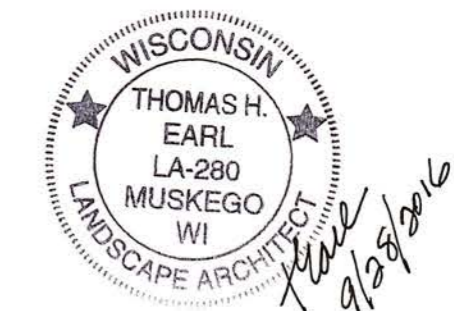
Donovan Residence

7280 Foxhaven Court

Franklin, Wisconsin

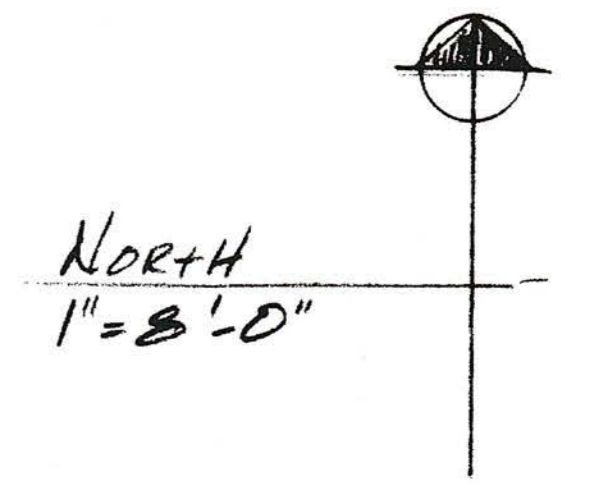
Durham Hill: T.Earl RLA, B.Abert, LD

414-529-5262 8/30/16 REV. 9/27/16

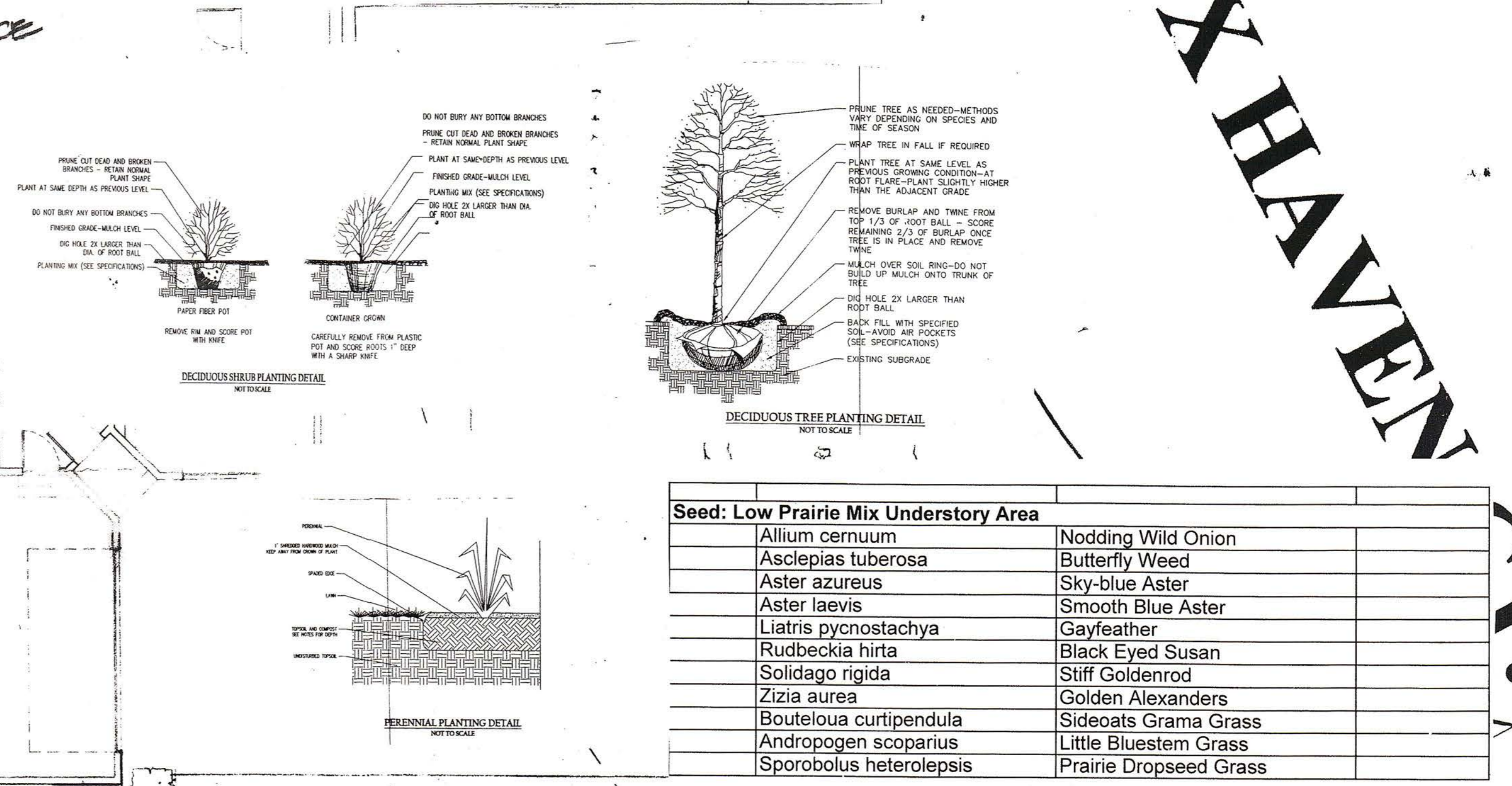


Conservation Easement Restoration Planting

Deciduous Canopy Trees			
Number	Botanical Name	Common Name	Size/Type
2	Acer saccharum	Sugar Maple	3.5" BB
3	Quercus rubra	Red Oak	2.5" BB
1	Quercus bicolor	Swamp White Oak	6-8" #7
1	Tilia americana	American Linden/Basswood	2.5" BB
7	<b>Total Canopy Trees</b>		
Deciduous Understory Trees			
5	Amelanchier laevis	Allegheny Serviceberry	5' #7 Cont.
2	Carpinus caroliniana	American Hornbeam	6-8" #7 Cont.
1	Cornus alternifolia	Pagoda Dogwood	6-8" #7 Cont.
2	Ostrya virginiana	American Hophornbeam	6-8" #7 Cont.
10	<b>Total Understory Trees</b>		
Shrubs			
4	Cornus racemosa	Gray Dogwood	18-24" Cont.
5	Viburnum rafinesquianum	Downy Arrow wood	12-15" Cont.
9	<b>Total Shrubs</b>		
Perennials: Low Prairie Mix Area			
24	Aquilegia canadensis	American Columbine	4.5" pot
12	Asclepias tuberosa	Butterfly Weed	4.5" pot
12	Aster azureus	Sky Blue Aster	4.5" pot
12	Coreopsis palmata	Prairie Coreopsis	4.5" pot
12	Echinacea purpurea	Purple Coneflower	4.5" pot
12	Liatris pycnostachya	Prairie Blazingstar	4.5" pot
12	Monarda fistulosa	Wild Bergamot	4.5" pot
12	Rudbeckia hirta	Black-eyed Susan	4.5" pot
36	Sporobolus heterolepis	Prairie Dropseed Grass	#1 Cont.
144	<b>Total Perennials</b>		



FOXHAVEN COURT



Seed: Low Prairie Mix Understory Area		
Allium cernuum	Nodding Wild Onion	
Asclepias tuberosa	Butterfly Weed	
Aster azureus	Sky-blue Aster	
Aster laevis	Smooth Blue Aster	
Liatris pycnostachya	Gayfeather	
Rudbeckia hirta	Black Eyed Susan	
Solidago rigida	Stiff Goldenrod	
Zizia aurea	Golden Alexanders	
Bouteloua curtipendula	Sidecoats Grama Grass	
Andropogon scoparius	Little Bluestem Grass	
Sporobolus heterolepis	Prairie Dropseed Grass	

S 89° 19' 05" W 274.44'

15.00'  
S 00° 40' 56" E

# PLAT OF SURVEY

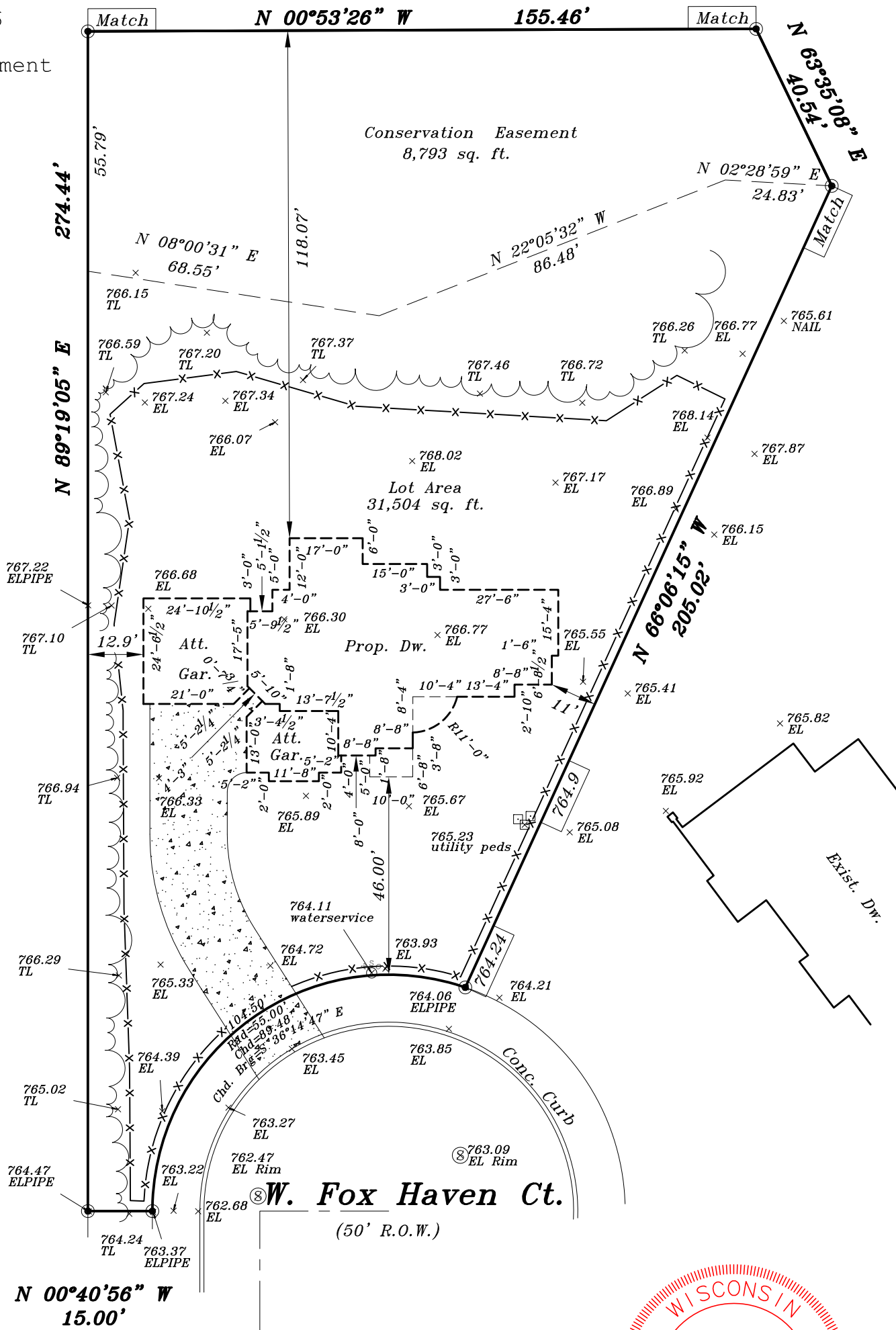
**LOCATION:** 7280 West Fox Haven Court, Franklin, Wisconsin

**LEGAL DESCRIPTION:** Lot 8 in **WHISPERING WOODS**, being a Re-division of Lot 2 of Certified Survey Map No. 7961, being a part of the Southeast 1/4 of the Northwest 1/4 and part of the Northeast 1/4, Southeast 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 15, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

August 31, 2016

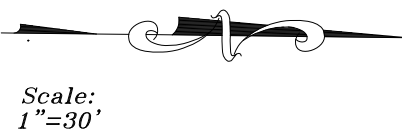
Survey No. 107125

September 12, 2016  
Revised Drawing  
(conservation Easement  
Area Added)



Prop. Fin. Yd. Gr. 767.33  
Prop. T.O.W. 768.0

N 00°40'56" W  
15.00'




Proposed finished yard, 1st floor or top of foundation grade shown on this drawing is a suggested grade and should be verified by the owner and/or the builder.

**METROPOLITAN SURVEY SERVICE, INC.**  
PROFESSIONAL LAND SURVEYORS AND CIVIL ENGINEERS  
9415 West Forest Home Avenue, Suite 202  
Hales Corners, Wisconsin 53130  
PH. (414) 529-5380 FAX (414) 529-9787  
email address: survey@metropolitansurvey.com

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 ENCROACHMENT, 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 THE DATE HEREOF.

● — Denotes Iron Pipe Found  
○ — Denotes Iron Pipe Set

SIGNED   
**Dennis C. Sauer**  
Professional Land Surveyor S-2421

000.0 — Denotes Proposed Grade

—x—x—x— Denotes Proposed Silt Screen

**City of Franklin Environmental Commission**

TO: Common Council  
DATE: September 28, 2016  
RE: Special Exception application review and recommendation  
APPLICATION: Gregory David Marso, Marso Companies, LLC d/b/a Carstensen Homes and Tom Donovan and Carole Donovan (property owners), Applicants, dated: September 8, 2016 (7280 West Fox Haven Court)

**I. §15-9.0110 of the Unified Development Ordinance Special Exception to Natural Resource Feature Provisions Application information:**

1. Unified Development Ordinance Section(s) from which Special Exception is requested:
2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions):
3. Applicant's reason for request:
4. Applicant's reason why request appropriate for Special Exception:

**II. Environmental Commission review of the §15-9.0110C.4.f. Natural Resource Feature impacts to functional values:**

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species:
2. Storm and flood water storage:
3. Hydrologic functions:
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances:
5. Shoreline protection against erosion:



- c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: ; *and*
- d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development (*this finding only applying to an application to improve or enhance a natural resource feature*):

**IV. Environmental Commission review of the §15-10.0208B.2.a., b. and c. factors and recommendations as to findings thereon:**

- 1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:
- 2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district:
- 3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:
- 4. Aesthetics:
- 5. Degree of noncompliance with the requirement allowed by the Special Exception:
- 6. Proximity to and character of surrounding property:
- 7. Zoning of the area in which property is located and neighboring area:
- 8. Any negative affect upon adjoining property:
- 9. Natural features of the property:
- 10. Environmental impacts:

**V. Environmental Commission Recommendation:**

The Environmental Commission has reviewed the subject Application pursuant to §15-10.0208B. of the Unified Development Ordinance and makes the following recommendation:

- 1. The recommendations set forth in Sections III. and IV. Above are incorporated herein.

2. The Environmental Commission recommends [approval] [denial] of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Environmental Commissions recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
  - a.
  - b.
  - c.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the \_\_\_\_ day of \_\_\_\_\_, 2016.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Wesley Cannon, Chairman

Attest:

\_\_\_\_\_  
Curtis Bolton, Vice-Chairman

**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION**

Meeting of October 6, 2016

**Release of 60-foot side yard setback**


---

**RECOMMENDATION:** City Development Staff recommends approval of the release of the 60-foot side yard building setback for the property located at 8685 West Puetz Road, subject to compliance with all R-3 Suburban/Estate Single-Family Residence District Development Standards as well as maintaining a 50-foot building setback from the east property line for drainage purposes.

---

<b>Project Name:</b>	Chmura Miscellaneous Application
<b>Project Address:</b>	8685 West Puetz Road
<b>Applicants:</b>	Piotr MocarSKI, Perfect Home Remodeling & Rafal Chmura
<b>Owners (property):</b>	Chmura, Beata
<b>Current Zoning:</b>	R-3 Suburban/Estate Single-Family Residence District
<b>Use of Surrounding Properties:</b>	Single-family residential to the north, south, east and west
<b>Applicant Action Requested:</b>	Recommendation of approval to release the 60-foot side yard building setback

---

**Introduction/Project Description:**

On September 8, 2016, the applicant submitted a Miscellaneous Application requesting release of a 60-foot side yard setback to construct an accessory building meeting the typical R-3 Residence District side yard setback of 10-feet for property located at 8685 W. Puetz Road.

The applicant is proposing to construct a 24-foot by 34-foot detached accessory building to the west of the home in the side yard. Certified Survey Map No. 5763 (attached), recorded November 9, 1992, illustrates a minimum building setback line of 60-feet from the west or side property line.

In review of the property file, staff was not able to find any documentation indicating the reason for the additional setback requirement on CSM No. 5763. At the time of that land division, it was unknown how Outlot 1, now Jordan Meadows Subdivision, would develop and be accessed; therefore, in staff's opinion, the additional setback requirement was likely required because future access to Outlot 1 was unknown and may have been needed through the subject property.

In 1998, with the development of the Jordan Meadows Subdivision, access to Outlot 1 was provided via Elm Court and Mallard Court. As such, the 60-foot setback is no longer needed for access purposes.



**Staff Recommendation:**

City Development Staff recommends approval of the release of the 60-foot side yard building setback for the property located at 8685 West Puetz Road, subject to compliance with all R-3 Suburban/Estate Single-Family Residence District Development Standards as well as maintaining a 50-foot building setback from the east property line for drainage purposes.

Note that the Plat of Survey incorrectly shows the building setback lines extending into the 50-foot drainage easement on the east side of the property. Structures are not allowed within drainage easements and that restriction will remain with the approval of the draft resolution.

## RESOLUTION NO. 2016-\_\_\_\_

A RESOLUTION TO RELEASE THE 60-FOOT SIDE YARD SETBACK RESTRICTION  
SET FORTH ON CERTIFIED SURVEY MAP NO. 5763, PREVIOUSLY  
APPROVED BY RESOLUTION NO. 92-3875  
(8685 WEST PUETZ ROAD)  
(RAFAL CHMURA, APPLICANT; BEATA CHMURA, OWNER)

---

WHEREAS, Certified Survey Map No. 5763, previously approved by Common Council Resolution No. 92-3875, specifies greater setback restrictions than otherwise required by the R-3 Suburban/Estate Single-Family Residence District Development Standards, particularly a minimum 60 foot side yard setback from the west property line, and the property is also subject to 50 foot drainage easement on the east side of the property, the property being located at 8685 West Puetz Road and zoned R-3 Suburban/Estate Single-Family Residence District, which requires a minimum side yard setback of 10 feet, and said property is subject to all R-3 Suburban/Estate Single-Family Residence District Development Standards; and

WHEREAS, the property subject to the aforesaid restriction is more particularly described as follows:

Parcel 2 of Certified Survey Map No. 5763, Recorded on November 9, 1992, Reel 2903, Image 1158-1160, being a part of the Northeast 1/4 of the Northwest 1/4 of Section 21, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, the 60 foot side yard setback from the west property line restriction was imposed by the Franklin Common Council; and

WHEREAS, Wis. Stats. § 236.293 provides in part that any restriction placed on platted land by covenant, grant of easement or in any other manner, which was required by a public body vests in the public body the right to enforce the restriction at law or in equity and that the restriction may be released or waived in writing by the public body having the right of enforcement; and

WHEREAS, the Common Council having received an application request on behalf of the owner of the property subject to the restriction, Beata Chmura, for the release of the 60 foot side yard setback restriction aforesaid to allow for construction of a detached accessory building with an 11 foot side yard setback, the R-3 Suburban/Estate Single-Family Residence District minimum side yard setback of 10 feet being maintained.

RESOLUTION NO. 2016-\_\_\_\_

Page 2

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the "60 foot minimum side yard setback restriction" set forth on Certified Survey Map No. 5763, be and the same is hereby waived and released.

BE IT FINALLY RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of this Resolution with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

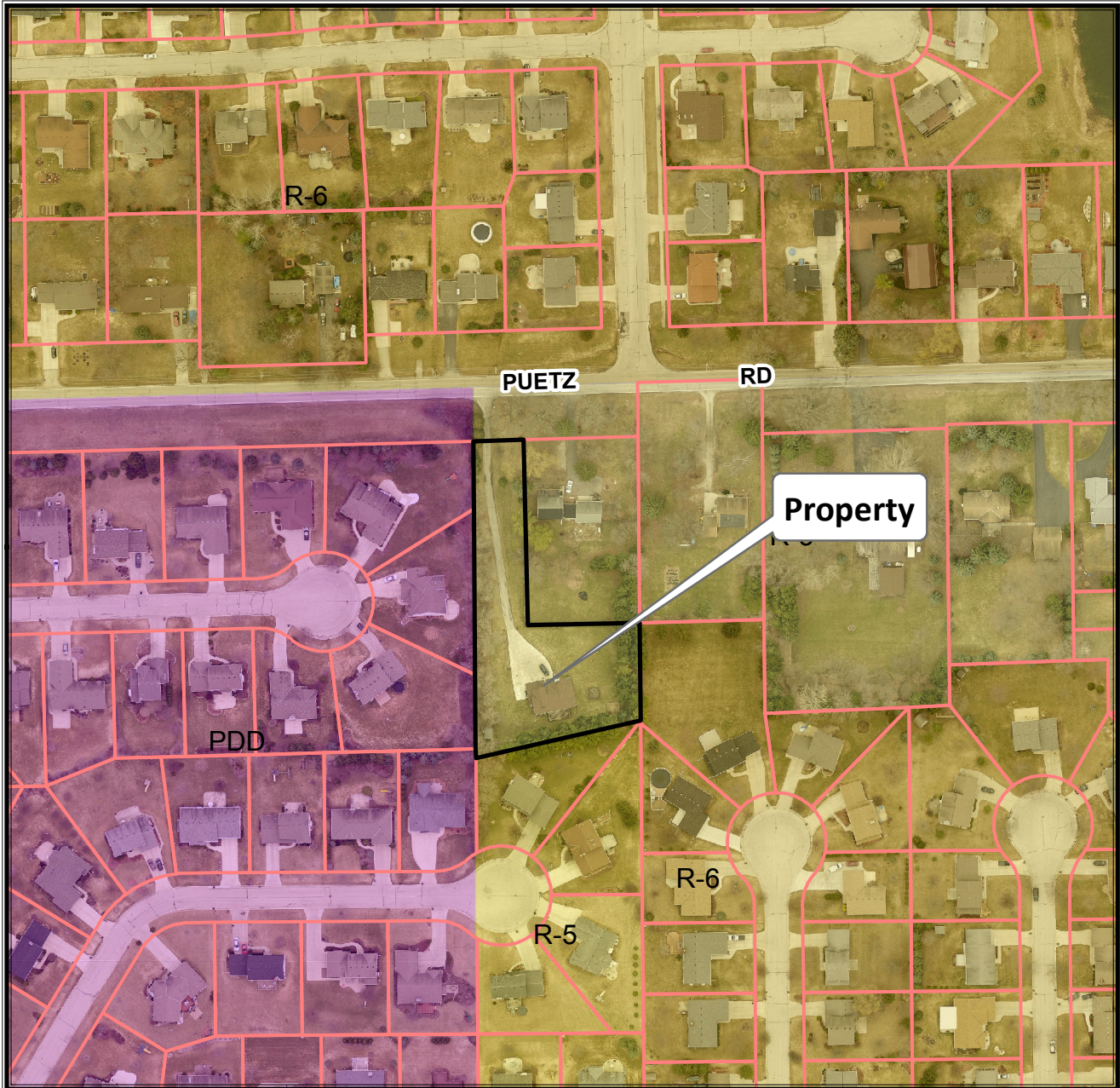
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

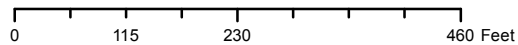
\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

8685 W. Puetz Rd.  
TKN: 848 9992 003

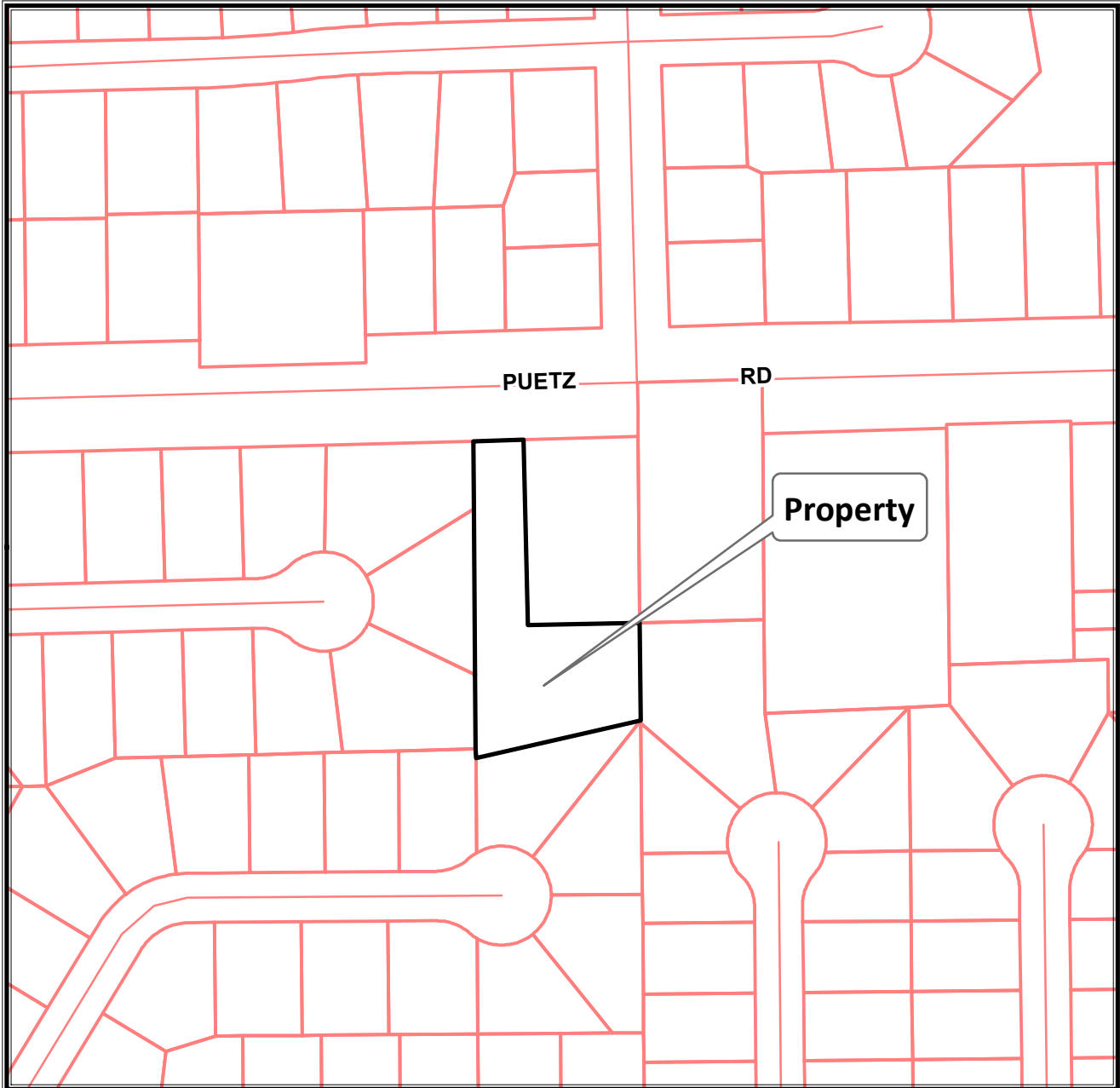


**Planning Department**  
**(414) 425-4024**

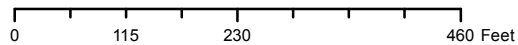


*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*

8685 W. Puetz Rd.  
TKN: 848 9992 003



**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.*



8685 W Puetz Rd Franklin WI 53132.

Requesting release of the 60 foot minimum

side yard building setback on CSM No. 5763

In order to construct a garage with the minimum  
10 foot side yard setback of the R-3 District.

Franklin

SEP 07 2016

City Development

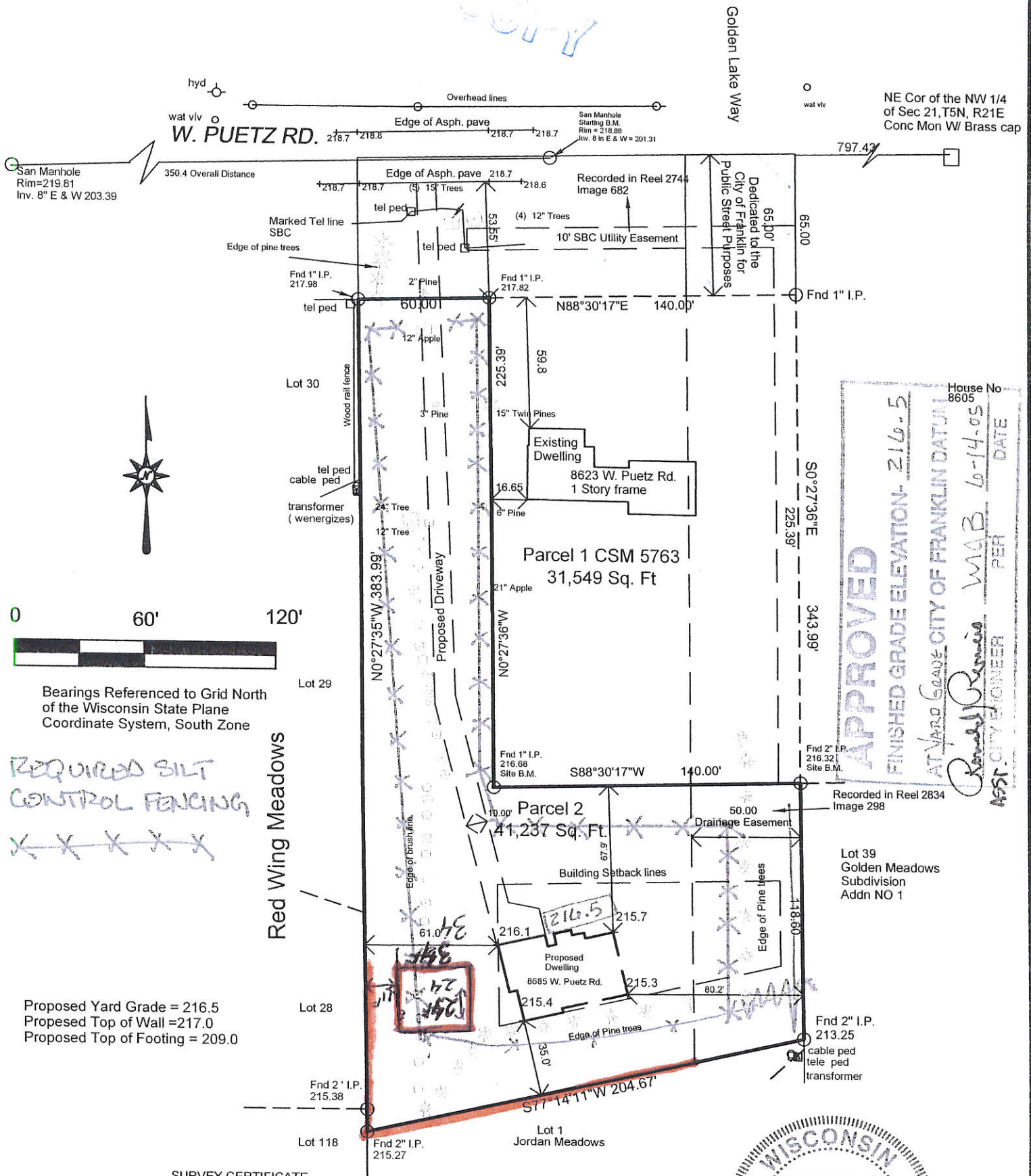
# PLAT OF SURVEY

## LEGAL DESCRIPTION

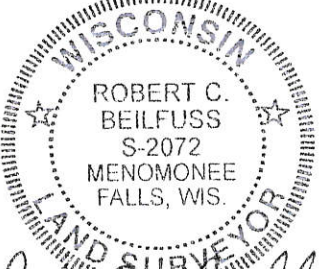
For: Rafal Chumra  
 Location: 8685 W. Puetz Rd. Franklin Wis  
 Prepared By: LandMark Surveying, LLC

3021 Minot Lane, Suite 100  
 Waukesha, WI 53188-4453  
 (414)-719-2769

Parcel 2 of CSM 5763, Recorded 11-9-92 Reel 2903  
 Image 1158-1160, Being Part of the Northeast 1/4  
 of the Northwest 1/4 of Section 21, Town 5 North,  
 Range 21 East, in the City Franklin,  
 Milwaukee County Wisconsin



APPROVED  
 FINISHED GRADE ELEVATION - 216.5  
 AT YARD GRADE CITY OF FRANKLIN DATUM  
 House No. 8605  
 W.A.B. 6-14-05  
 PER DATE  
 ASSIST. CITY ENGINEER



*Robert C. Beilfuss*  
 5/1/05

This is an original copy only if the Surveyor's Seal is in Red. Copies other than the originals may contain unauthorized revisions or alterations for which the surveyor accepts no responsibility.

### SURVEY CERTIFICATE

I certify that I have surveyed the above described property and that to the best of my knowledge and belief, the above plat is an accurate survey and a true representation thereof and correctly shows the exterior boundary lines and locations of buildings and other improvements on said property and the correct measurements thereof.

This survey is made for the exclusive use of the present owners of the property, and is warranted to those who purchase, mortgage, or guarantee the title thereto from the Date of issuance of this survey or the date of last revision.

This survey is copyrighted and reproduction without the written permission of the land surveyor is prohibited

Dated this 1st day of May, 2005

Signed: *Robert C. Beilfuss*

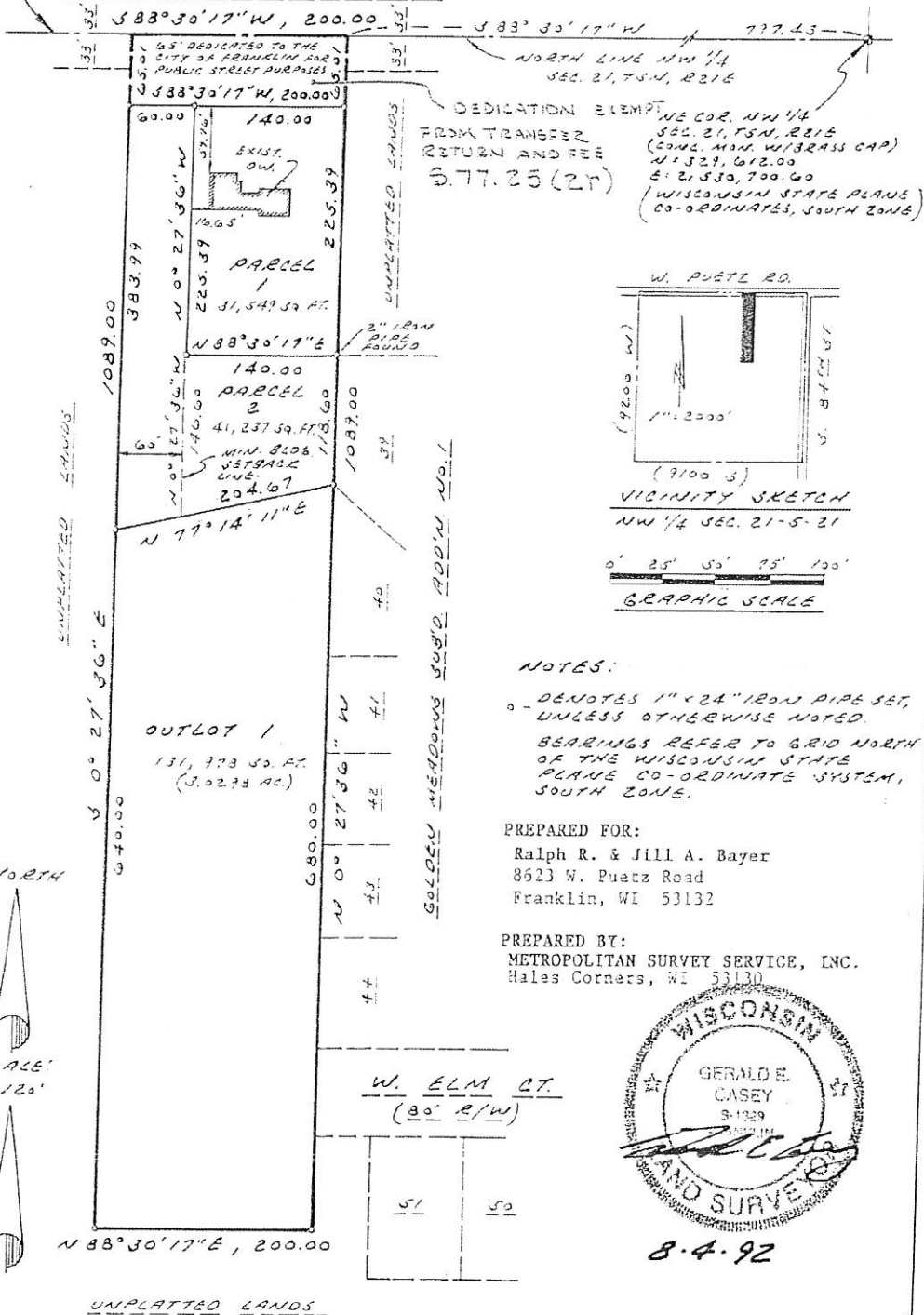
Robert C. Beilfuss, R.L.S  
 Wisconsin Registered Land Surveyor S-2072

CERTIFIED SURVEY MAP NO. 5763

Being a part of the Northeast 1/4 of the Northwest 1/4 of Section 21, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

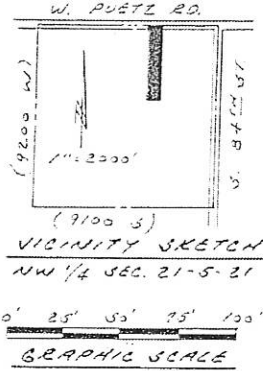
UNPLATTED LANDS

W. PUETZ RD.



DEDICATION EXEMPT FROM TRANSFER RETURN AND FEE \$77.25 (21)

WE COR. NW 1/4 SEC. 21, T5N, R21E (CONC. MON. W/BRASS CAP) N 132.1, 612.00 S 12, 530, 700.00 (WISCONSIN STATE PLANS CO-ORDINATES, SOUTH ZONE)



NOTES:

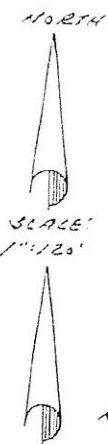
- DENOTES 1" x 24" IRON PIPE SET, UNLESS OTHERWISE NOTED.
- BEARINGS REFER TO GRID NORTH OF THE WISCONSIN STATE PLANE CO-ORDINATE SYSTEM, SOUTH ZONE.

PREPARED FOR:  
 Ralph R. & Jill A. Bayer  
 8523 W. Puetz Road  
 Franklin, WI 53132

PREPARED BY:  
 METROPOLITAN SURVEY SERVICE, INC.  
 Hales Corners, WI 53130



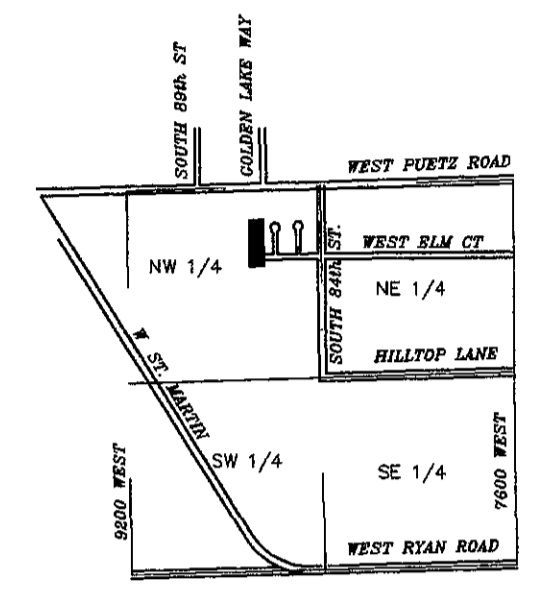
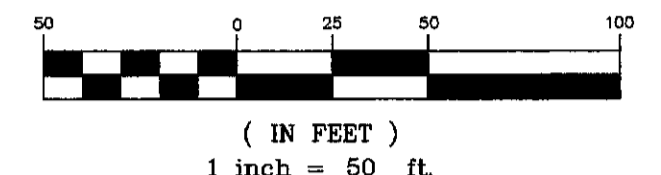
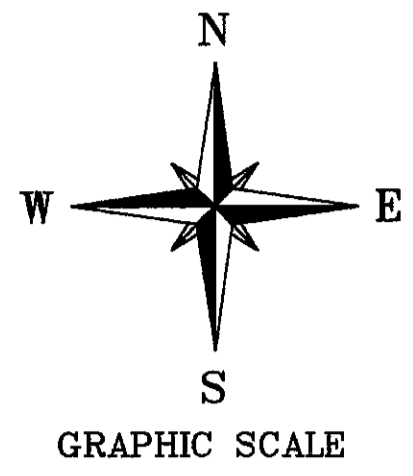
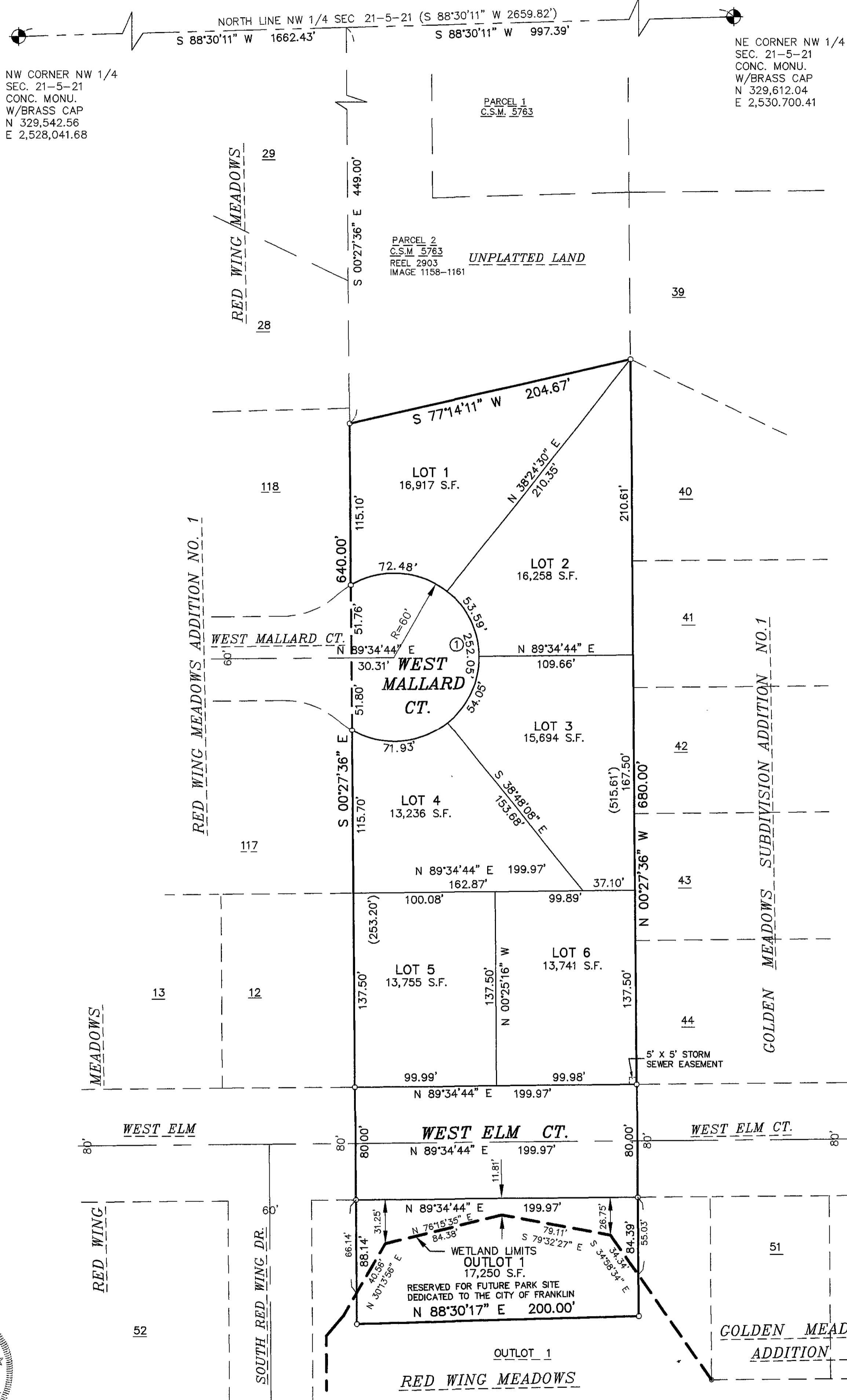
Franklin  
 SEP 07 2016  
 City Development





# JORDAN MEADOWS

BEING A SUBDIVISION OF PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 21 EAST CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN



*Jerome G. Wegner*  
JEROME G. WEGNER - Wis. Reg. No. S - 1122  
DATED THIS 28<sup>TH</sup> DAY OF August, 1998  
REVISED THIS 6<sup>TH</sup> DAY OF October, 1998

REFERENCE BEARING:  
THE NORTH LINE OF THE NW 1/4 OF SECTION 21, T5N, R21E WAS USED AS THE REFERENCE BEARING AND HAS A BEARING OF S 88°30'11" W BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) NAD 1927.

LEGEND:  
○ - INDICATES IRON PIPE 30" LONG BY 2" DIA.-3.65 LBS. PER LINEAL FOOT. ALL OTHER LOT CORNERS MARKED BY IRON PIPE 24" LONG BY 1" DIA.-1.13 LBS. PER LINEAL FOOT.

NOTES:  
ALL DISTANCES HAVE BEEN MEASURED TO THE NEAREST HUNDREDTH OF A FOOT AND COMPUTED TO HUNDREDTHS OF A FOOT. ANGLES HAVE BEEN MEASURED TO THE NEAREST 3 SECONDS AND COMPUTED TO THE NEAREST HALF-SECOND.

CURVE TABLE

LOT	MAIN CURVE NO.	RADIUS	LENGTH	CHORD	BEARING	CENTRAL ANGLE (I)	1/2	TANGENT BEARINGS
	1	60.00'	252.05'	103.56'	S 00°27'36" E	240°41'16"	120°20'38"	N 59°11'46" E N 60°06'58" W
1		60.00'	72.48'	68.15'	S 86°11'53" E	69°12'42"	34°36'21"	
2		60.00'	53.59'	51.82'	S 26°00'23" E	51°10'18"	25°35'09"	
3		60.00'	54.05'	52.24'	S 25°23'18" W	51°37'04"	25°48'32"	
4		60.00'	71.93'	67.70'	S 85°32'26" W	68°41'12"	34°20'36"	

# JORDAN MEADOWS

BEING A SUBDIVISION OF PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 21 EAST CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

### SURVEYORS CERTIFICATE

I, Jerome G. Wegner, registered land surveyor, being first duly sworn on oath, hereby depose and say that I have surveyed, divided and mapped Jordan Meadows, being a subdivision of part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 21, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

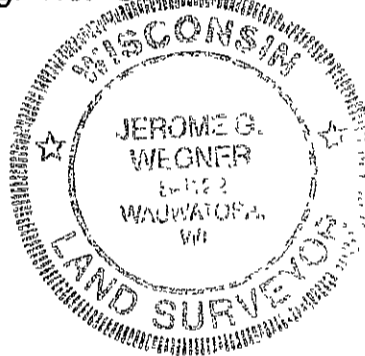
Commencing at the northeast corner of the Northwest Quarter (NW 1/4) of said Section 21, being marked by a concrete monument with a brass cap; thence South 88°30'11" West along the north line of said Northwest Quarter (NW 1/4) 997.39 feet to the northeast corner of Red Wing Meadows, a recorded subdivision, being recorded on December 6, 1996 in Reel 3942, Images 1140-1142 as Document No. 4299921, Milwaukee County, Wisconsin; thence South 00°27'36" East along the easterly line of said Red Wing Meadows and the easterly line of Red Wing Meadows Addition No. 1, a recorded subdivision, being recorded on August 12, 1998, as Document No. 7581453, Milwaukee County, Wisconsin, 449.00 feet to the southwest corner of Parcel 2, Certified Survey Map No. 5763, being recorded on November 9, 1992 in Reel 2903, Images 1158-1161 as Document No. 6686527, Milwaukee County, Wisconsin and the place of beginning of the lands hereinafter described; thence continuing South 00°27'36" East along said easterly lines 640.00 feet to a point on the northerly line of Red Wing Meadows; thence North 88°30'17" East along said northerly line 200.00 feet to a point on the westerly line of said Red Wing Meadows; thence North 00°27'36" West along the westerly line of said Red Wing Meadows and Golden Meadows Subdivision Addition No. 1, a recorded subdivision, being recorded on January 10, 1992 in Reel 2690, Image 1302 as Document No. 6558721, Milwaukee County, Wisconsin 680.00 feet to the southeast corner of Parcel 2, Certified Survey Map No. 5763; thence South 77°14'11" West along the south line of said Parcel 2 204.67 feet to the southwest corner of said Parcel 2 and the place of beginning. Containing an area of 131,978 square feet (3.030 acres) of land.

I hereby certify that I have made said survey, land division and plat by the direction of the owner of said land; that such plat is a correct representation of the exterior boundaries of the land surveyed and subdivision thereof made; and that I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the subdivision regulations of the City of Franklin in surveying, dividing and mapping the same.

Dated this 28th day of August, 1998.  
REVISED THIS 6th DAY OF October, 1998



Jerome G. Wegner  
JEROME G. WEGNER - Wis. Reg. No. S-1122



STATE OF WISCONSIN )ss  
COUNTY OF WAUKESHA)

The above certificate subscribed and sworn to me this 28th day of August, 1998.

My commission expires August 26, 2001.

Mary K. Cooney  
MARY K. COONEY - NOTARY PUBLIC

### COUNTY TREASURER'S CERTIFICATE

STATE OF WISCONSIN)ss  
COUNTY OF MILWAUKEE)

I, THOMAS W. MEAUX, being the duly elected Treasurer of the County of Milwaukee, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of \_\_\_\_\_, 1998, affecting the lands included in the plat of JORDAN MEADOWS.

Dated \_\_\_\_\_, 1998.

\_\_\_\_\_  
THOMAS W. MEAUX - COUNTY TREASURER

### CORPORATE OWNER'S CERTIFICATE

KAEREK BUILDERS INC., a Wisconsin Corporation, duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

KAEREK BUILDERS INC. further certifies that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: Department of Administration, the City of Franklin and Milwaukee County Department of Public Works.

In witness whereof, KAEREK BUILDERS INC. has caused these presents to be signed by MICHAEL J. KAEREK, President, and its Corporate Seal to be hereunto affix this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

KAEREK BUILDERS INC.

\_\_\_\_\_  
MICHAEL J. KAEREK - PRESIDENT

STATE OF WISCONSIN)ss  
COUNTY OF WAUKESHA)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 1998, MICHAEL J. KAEREK, President, to me known to be the person who executed the foregoing instrument and acknowledged the same.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC -

### CITY OF FRANKLIN CERTIFICATE

"Resolved that a plat know as JORDAN MEADOWS, a subdivision in the City of Franklin, which has been filed for approval, be and hereby is approved as required by Chapter 236 of the Wisconsin State Statutes."

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Common Council of the City of Franklin on the \_\_\_\_\_ day of \_\_\_\_\_, 1998 which action becomes effective upon receipt of approval of all other reviewing agencies and all conditions of the City of Franklin's approval were satisfied as of the \_\_\_\_\_ day of \_\_\_\_\_, 1998.

Dated \_\_\_\_\_, 1998.

\_\_\_\_\_  
PATRICK F. MURRAY - MAYOR

\_\_\_\_\_  
JAMES C. PAYNE - CITY CLERK

### CITY OF FRANKLIN TREASURER'S CERTIFICATE

STATE OF WISCONSIN)ss  
COUNTY OF MILWAUKEE)

I, VERNON LOS, being the duly appointed, qualified and acting City of Franklin Treasurer, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or special assessments as of this \_\_\_\_\_ day of \_\_\_\_\_, 1998, on any of the land included in the plat of JORDAN MEADOWS.

Dated \_\_\_\_\_, 1998.

\_\_\_\_\_  
VERNON L. LOS - CITY TREASURER