



FRANKLIN CITY HALL CHAMBERS
9229 W. LOOMIS ROAD
FRANKLIN, WISCONSIN

PLAN COMMISSION MEETING AGENDA
Thursday, October 3, 2024 at 6:00 P.M.

A. Call to Order and Roll Call

B. Approval of Minutes

1. Approval of the regular meeting of September 19, 2024.

C. Public Hearing Business Matters

1. **Chudada, Area Exception.** Request to allow for a detached accessory structure with an approximate 40-foot front yard setback, opposed to the R-3 District minimum front yard setback of 45-feet, on property located at 11250 Mayers Drive (799 0033 000).
2. **Salam Private High School, Major Planned Development District Amendment and Site Plan.** Request to amend Section 15-3.0434 of the Unified Development Ordinance Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.) to allow “Educational Services” as a Permitted Use and to allow for building and site changes, including a building addition, parking lot modifications, and installation of new landscaping, upon property located at 8910 S 102nd Street Road (846 9987 003).
3. **Loomis & Ryan Inc., Special Use Amendment.** Request to remove condition of approval requiring installation of trail or sidewalk, for property located at 9524 S. Sophia Court (891 9054 000).

D. Citizen comment period. Citizens may comment upon the Business Matter items set forth on this Meeting Agenda.

E. Business Matters

None

F. Adjournment

The YouTube channel “City of Franklin WI” will live stream the Plan Commission meeting so the public can watch and listen to it at <https://www.youtube.com/c/CityofFranklinWIGov>. Any questions on this agenda may be directed to the Department of City Development’s office at 414-425-4024, Monday through Friday, 8 AM – 4:30 PM.

*Supporting documentation and details of these agenda items are available at City Hall during regular 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 17, 2024.

City of Franklin
Plan Commission Meeting
September 19, 2024
Minutes

unapproved

A. Call to Order and Roll Call

Mayor John Nelson called the September 19, 2024 Plan Commission meeting to order at 6:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor John Nelson, Alderwoman Courtney Day and Commissioners Michael Shawgo and Rebecca Specht. Excused was Commissioners Kevin Haley and Patrick Leon. Also, present were City Attorney Jesse Wesolowski, Planning Manager Régulo Martínez-Montilva, Principal Planner Marion Ecks and Houseal Lavigne Associates, Jackie Berg.

B. Approval of Minutes – Regular Meeting of August 22, 2024

Alderwoman Day moved and Commissioner Shawgo seconded a motion to approve the August 22, 2024 meeting minutes. On voice vote, all voted ‘aye’; motion carried (4-0-2).

C. Public Hearing Business Matters

1. **None.**

D. Citizen comment period. Citizens may comment upon the Business Matter items set forth on this meeting agenda.

The citizen comment period opened at 6:01 p.m. and closed at 6:02 p.m.

E. Business Matters

1. **ReCraft & Relic, Temporary Use.** Request to allow for a two-day indoor ticketed, curated shopping event on three separate weekends, November 9-10, February 1-2, 2025 and April 5-6, 2025, on property located at 6000 W Ryan Road (882 9987 001 & 852 9999 001).

Principal Planner Ecks presented the Temporary Use application.

Commissioner Specht moved and Alderwoman Day seconded a motion to adopt a Resolution imposing conditions and restrictions for the approval of a Temporary Use for a Recraft and Relic market ticketed, curated shopping event for property located at 6000 West Ryan Road (Milwaukee County Sports Complex). On voice vote, all voted ‘aye’; motion carried (4-0-2).

2. **Unified Development Ordinance (UDO) Rewrite Task Force.** Article 9, Administrative Standards and Procedures. Session prepared by planning staff and project consultants Houseal Lavigne Associates and Birchline Planning, LLC.

Houseal Lavigne Associates, Jackie Berg presented the UDO Rewrite Task Force.

Discussion only, no action taken.

F. Adjournment

Commissioner Shawgo moved and Alderwoman Day seconded to adjourn the meeting at 6:45 pm. On voice vote, all voted 'aye'; motion carried (4-0-2).

DRAFT



REPORT TO THE PLAN COMMISSION

Meeting of October 3, 2024

Area Exception

RECOMMENDATION: City Development staff recommends approval of the Area Exception request to allow for a reduced front yard setback.

Table with 2 columns: Field Name and Value. Fields include Project name, Property Owner, Applicant, Property Address/TKN, Aldermanic District, Zoning District, Staff Planner, and Application number.

Introduction

The applicant, Zachary Chudada, filed an Area Exception and Variance applications to allow for a detached garage that encroaches into the front yard setback and exceeds the maximum size allowed.

More specifically, the Area Exception requests an exception from Table 15-3.0203 of the Unified Development Ordinance to allow for a detached accessory structure with an approximate 40-foot front yard setback, opposed to the R-3 District minimum front yard setback of 45-feet.

The applicant has concurrently requested a Variance from Section 15-3.0801C.1. of the Unified Development Ordinance to allow for an approximately 945 square foot detached accessory structure, opposed to the maximum size allowed of 720 square feet for properties not exceeding 40,000 square feet in area.

Note the Plan Commission action is requested only on the Area Exception application, as the Variance application is solely reviewed and approved by the Board of Zoning and Building Appeals.

Area Exception

The subject accessory structure has a setback from the front or street property line from West Mayers Drive that ranges between 40.69-feet to 45.71-feet. As indicated, the R-3 District minimum front yard setback is 45-feet.

Section 15-10.0209 permits area exceptions including a reduction of the required front yard setback as long as it is not reduced to less than three feet. This section also states that “bulk” requirements, which includes size, height, area, density, intensity and location of structures, not be reduced by more than 20%. The proposed setback reduction meets both of these standards.

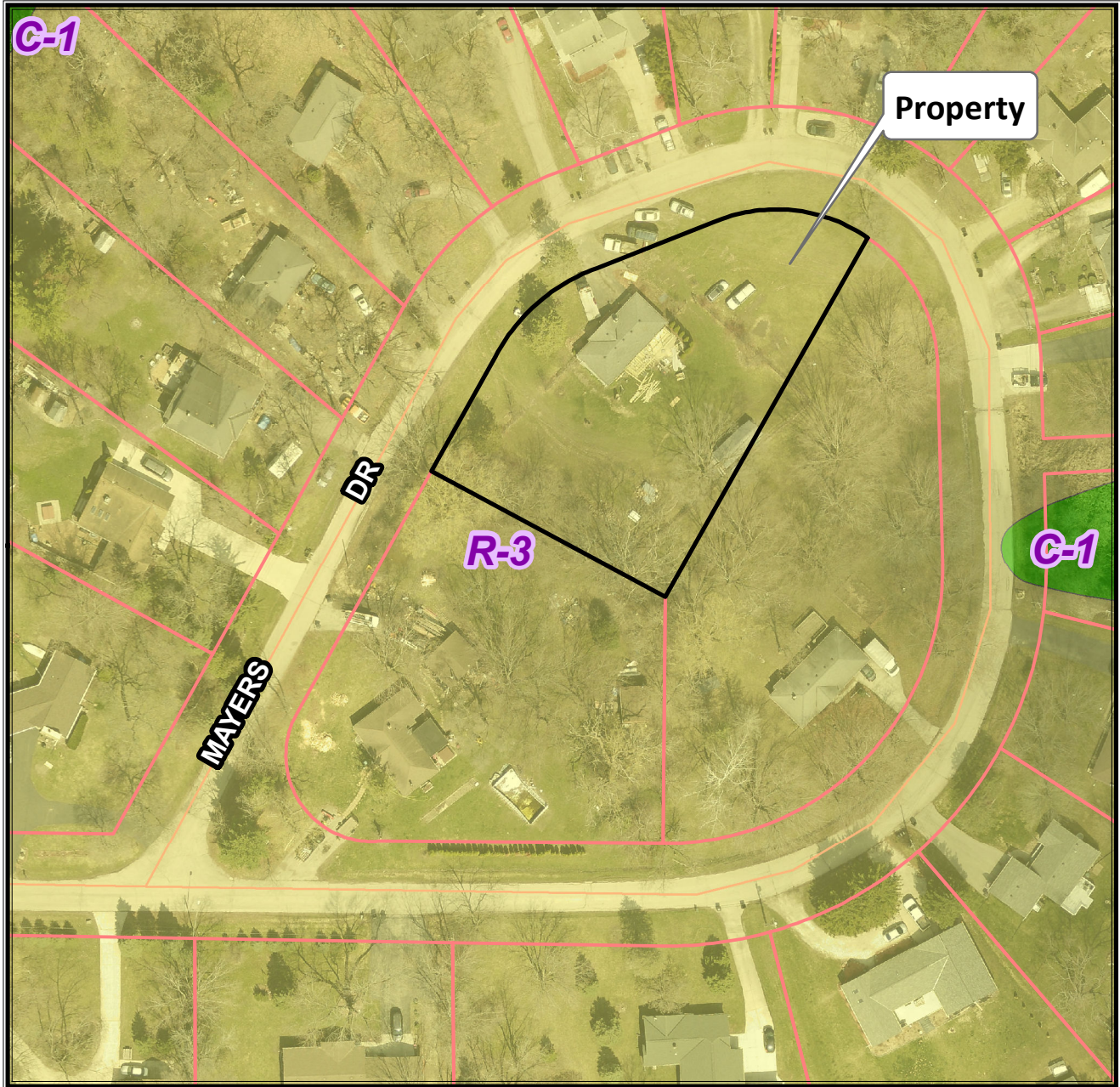
Section 15-10.0209.G. of the Unified Development Ordinance (UDO) specifically lists Standards to be reviewed to grant or deny an Area Exception, which the Plan Commission and Board of Zoning and Building Appeals must use to consider the request.

The applicant has provided responses to these standards for Plan Commission and BZBA review.

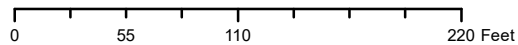
Staff Recommendation

Considering the garage location does not extend closer to the street than the home and is within the allowable standards for an area exception, City Development staff recommends approval of the Area Exception request to allow for a reduced front yard setback

11250 W. Mayers Drive
TKN 799 0033 000

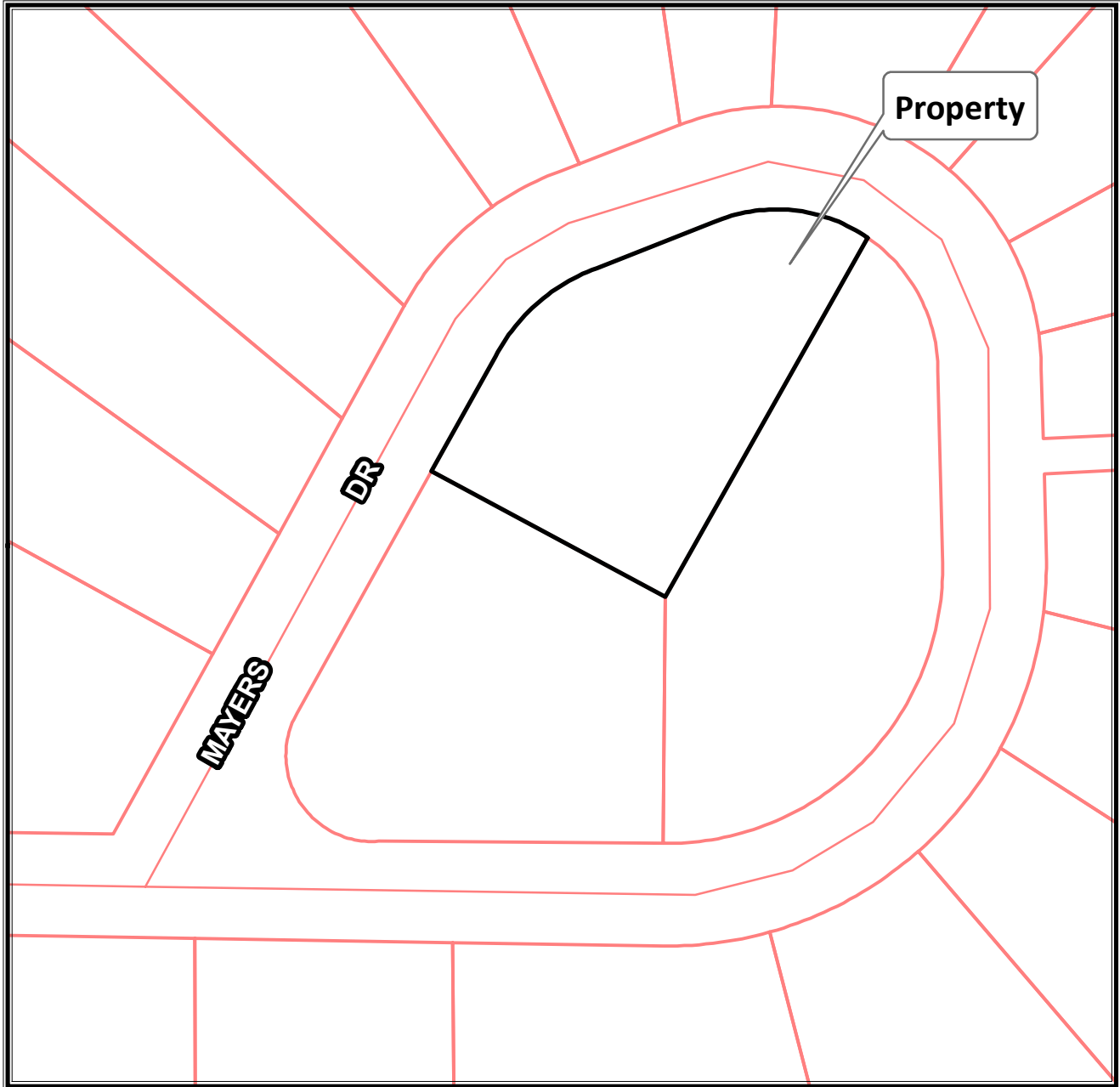


Planning Department
(414) 425-4024

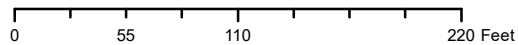


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

11250 W. Mayers Drive
TKN 799 0033 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.



PLAT OF SURVEY

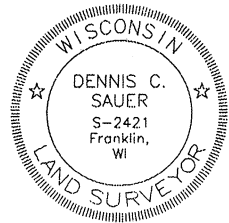
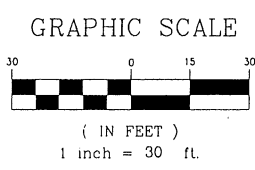
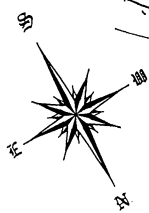
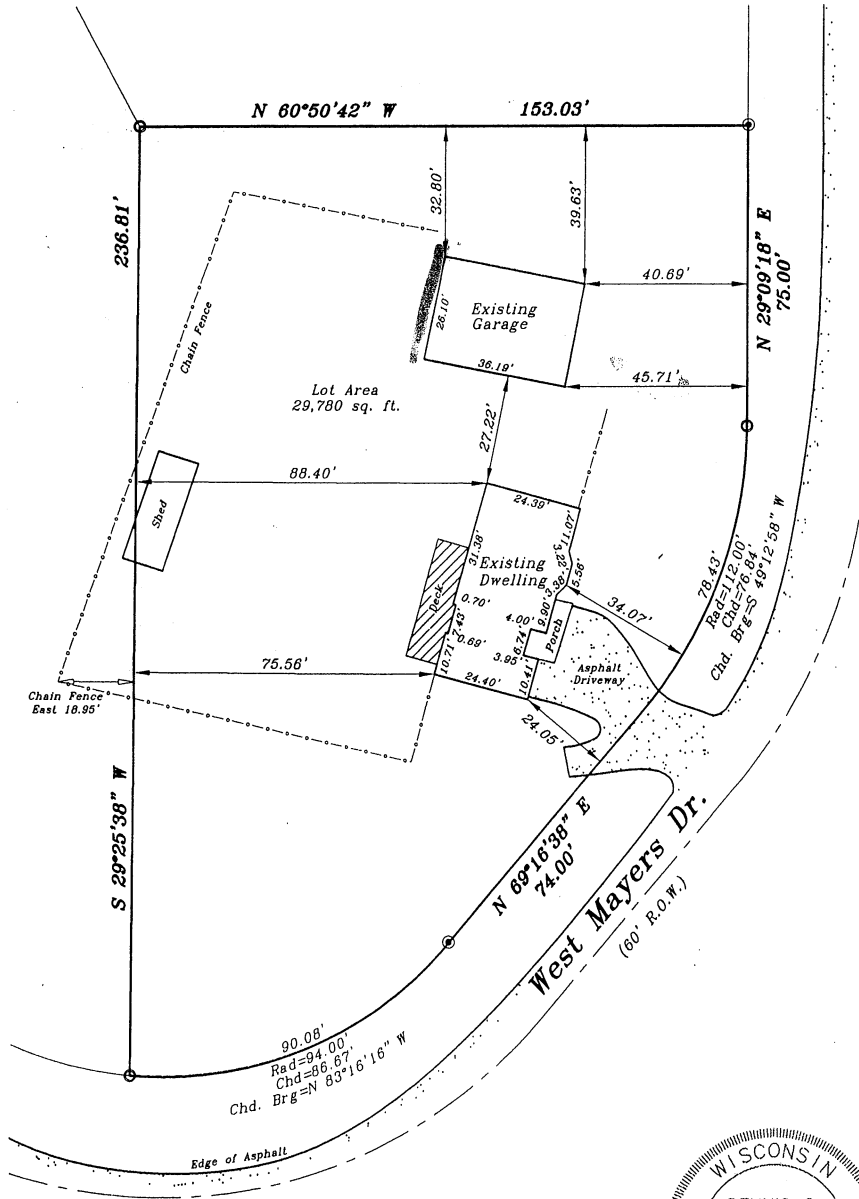
LOCATION: 11250 West Mayers Drive, Franklin, Wisconsin

LEGAL DESCRIPTION:

Lot 2 in Block 2 in FLORENTINE MANOR, being a Subdivision of a part of the West 1/2 of the Northeast 1/4 of Section 18, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

October 14, 2022

Survey No. 113861



METROPOLITAN SURVEY SERVICE, INC.
PROFESSIONAL LAND SURVEYORS

9415 West Forest Home Avenue, Suite 202
 Hales Corners, Wisconsin 53130
 PH. (414) 529-5380
 survey@metropolitansurvey.com
 www.metropolitansurvey.com



- ⊙ — Denotes Iron Pipe Found
- — Denotes Iron Pipe Set

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.

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

Planning Department
 9229 West Loomis Road
 Franklin, Wisconsin 53132
 (414) 425-4024
franklinwi.gov



APPLICATION DATE: _____
 STAMP DATE: _____ city use only

BOARD OF ZONING AND BUILDING APPEALS REVIEW APPLICATION

PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
NAME: <i>Zachary J Chudown</i>	NAME:
COMPANY: <i>NA</i>	COMPANY:
MAILING ADDRESS: <i>11250 W Mayers DR</i>	MAILING ADDRESS:
CITY/STATE: <i>FRANKLIN WI</i> ZIP: <i>53132</i>	CITY/STATE: ZIP:
PHONE: <i>414 366-8835</i>	PHONE:
EMAIL ADDRESS: <i>Zachary.Chudown@ccclsu1.org</i>	EMAIL ADDRESS:

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: <i>11250 W Mayers DR</i>	TAX KEY NUMBER:
PROPERTY OWNER: <i>ZAC Chudown</i>	PHONE:
MAILING ADDRESS: <i>11250 W Mayers DR</i>	EMAIL ADDRESS:
CITY/STATE: <i>FRANKLIN WI</i> ZIP: <i>53132</i>	DATE OF COMPLETION: office use only

APPLICATION TYPE

Please check the application type that you are applying for

- Area Exception
 Minor Variance
 Sign Variance and Appeals
 Variance and Appeals

Most requests require Board of Zoning and Building Appeals approval.

Applicant is responsible for providing Board of Zoning and Building Appeals resubmittal materials up to 12 copies pending staff request and comments.

SIGNATURES

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).

I, the applicant, certify that I have read the following page detailing the requirements for BZBA approval and submittals and understand that incomplete applications and submittals cannot be reviewed.

PROPERTY OWNER SIGNATURE: <i>[Signature]</i>	APPLICANT SIGNATURE:
NAME & TITLE: <i>prop owner</i> DATE: <i>8/4/24</i>	NAME & TITLE: DATE:
PROPERTY OWNER SIGNATURE: <i>[Signature]</i>	APPLICANT REPRESENTATIVE SIGNATURE:
NAME & TITLE: DATE:	NAME & TITLE: DATE:

Planning Department
9229 West Loomis Road
Franklin, Wisconsin 53132
Email: generalplanning@franklinwi.gov



Phone: (414) 425-4024
Fax: (414) 427-7691
Web Site: www.franklinwi.gov

Questions to be Answered by the Applicant for Zoning Appeal or Variance

Date: 6/24/2024 Case No. _____

Property Owner: Zachary Chudada

Property Address: 11250 W Mayers Dr + Parcel No. 799-0033-000

Section 15-9.0105 / Section 15-9.0106 of the City of Franklin Unified Development Ordinance specifically lists Questions to be Answered by the Applicant to be reviewed by the Board of Zoning and Building Appeals to grant or deny a Variance or an Appeal. The Questions to be Answered are:

1. Indication of the section(s) of the Ordinance being *appealed* or from which a *variance* is requested.

Area exception, UDO 15-3.080 | C2

Variance, UDO Section 15-3.080 | B1

2. Statement regarding the *appeal* requested, giving distances and dimensions where appropriate; or, in the case of an *appeal* of a decision of the Zoning Administrator or Building Inspector, the circumstances and appeal being requested.

Statement regarding the *variance* requested, giving distances and dimensions where appropriate.

Area exception - accessory structure maximum area in R-3 zoning 720 sqft, actual building is approx 944 sqft = 224 over. Variance for building setback 40.69' and 45.71' actual, 45' allowed

3. Statement of the reason(s) for the request.

The building exceeds the maximum area and building setback allowed.

4. Statement of the 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 and which cause the hardship. [Note: Economic hardship and self-imposed hardship are not grounds for the granting of a variance.]

The lot is irregularly shaped and has over 239 feet of street frontage and the garage can only be constructed in the southern side of yard.

5. Date of any previous application for an appeal/variance and the disposition of the previous application (if any).

N/A

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Standards in the Review of Area Exceptions

Date: 6/21/2024

Case No. _____

Property Owner: Zachary Chudada

Property Address: 11250 W Mayers Dr. + Parcel NO. 1799-0033-000

Section 15-10.0209G of the City of Franklin Unified Development Ordinance specifically lists Standards to be reviewed by the Board of Zoning and Building Appeals to grant or deny an Area Exception. The Standards are:

1. That the area exception will not be detrimental to or endanger the public health, safety, comfort or general welfare.

It will not. The nearest point is 40.69 feet from the street right-of-way and approximately 60 feet from the street pavement.

2. That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the area exception.

They will not be. Lot coverage = 9.2%, 15% allowed
Lot size = 29,780 sqft = .6836 acre
Dwelling, Deck, Patches, shed, and garage = 2,745 sqft

3. That the area exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

It will not. All surrounding lots are already developed.

4. That the area exception will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire within the neighborhood.

It will not.

5. That the area exception shall be in harmony with the general purpose and intent of this Unified Development Ordinance.

It will not. Area of garage allowed is 720 sqft, garage is approximately 945 sqft = 225 sqft exception.

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Franklin, Wisconsin 53132
Email: generalplanning@franklinwi.gov



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Findings and Factors in the Review of Variances

Date: 6/21/2024

Case No. _____

Property Owner: Zachary Chudada

Property Address: 11250 W Mayers Dr. + Parcel No. 799-0033-000

Section 15-10.0206C(1) of the City of Franklin Unified Development Ordinance specifically lists Findings and Factors to be reviewed by the Board of Zoning and Building Appeals to grant or deny a Variance or an Appeal. The Findings and Factors are:

1. The granting of the Variance is not contrary to the public interest.

The variance provides a garage for my vehicle and yard equipment. My nearest neighbor supports this, and has provided a letter of support.

2. A literal enforcement of the Ordinance provisions would result in practical difficulties or unnecessary hardship due to special conditions.

Yes, it would. I need this structure to secure my equipment.

3. The spirit of the Ordinance is preserved if the Variance is granted.

The ordinance serves to provide safe and orderly development of this residential neighborhood. My residence and building are compatible with this goal.

4. The granting of the Variance retains the protection of public safety and welfare.

The structure's setback only exceeds the standard by 0.71 feet on one corner, and retains the protection of public safety and welfare.

In reviewing the application and evidence relating to a variance the Board of Zoning and Building Appeals shall consider the findings statements set forth in Section 15-10.0211 of the Unified Development Ordinance. No variance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings. The Findings are:

(see Page 2)

1. Variances shall be consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or special use in that particular district.

This is a residential garage and will be used for my use and no other.

2. There shall be 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 and the granting of the variance would not be of so general or recurrent nature as to suggest that the Unified Development Ordinance or Chapter 92 "Building Code" of the City of Franklin Municipal Code should be changed.

Granting a variance for being 0.71 feet too close to the street will not provide a basis to suggest changes to the UPO or building code.

3. Variance shall not be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of the variance.

The variance required is based on my functional needs with no basis in economic gain or loss.

4. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

I need the structure to adequately utilize my property.

5. Variances shall not be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

This structure creates no substantial detriment to adjacent property. My nearest neighbor has provided a letter of support and other neighbors have offered their support.

6. Additional Requirements in Floodland Districts. Variance shall not be granted where: 1) Filling and development contrary to the purpose and intent of the FW Floodway District and the FC Floodplain Conservancy District would result; 2) A change in the boundaries of the FW Floodway District, FC Floodplain Conservancy District, or the FFO Floodplain Fringe Overlay District would result; 3) A lower degree of flood protection than a point two (2) feet above the one hundred (100) year recurrence interval flood for the particular area would result; 4) Any action contrary to the provisions of Chapter NR 116 of the Wisconsin Administrative Code as amended would result.

N/A



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of October 3, 2024

Planned Development District Amendment and Site Plan Amendment

RECOMMENDATION: City Development Staff recommends approval of the Planned Development District Amendment and Site Plan applications related to the Salam Private High School use and development project.

Project Name:	Salam Private High School Planned Development District Amendment and Site Plan Amendment
Project Address/Tax Key:	8910 South 102 nd Street / 846 9987 003
Property Owner:	ISLAMIC FOUNDATION OF GREATER MILWAUKEE, INC
Applicant:	Othman Atta, Executive Director, Islamic Foundation of Greater Milwaukee, Inc. (d/b/a Islamic Society of Milwaukee)
Aldermanic District:	District 1
Zoning District:	Planned Development District No. 29
Staff Planner:	Nick Fuchs, Planning Associate

Introduction

Please note:

- Recommendations are *underlined, in italics* and are included in the draft resolution.
- Suggestions are underlined and not included in the draft resolution.

The applicant has filed a Major Planned Development District Amendment and Site Plan Amendment applications for a proposed school use and associated site modifications for property located at 8910 S. 102nd Street.

The applicant is also proposing interior changes to create a second floor consisting of classrooms and administrative offices.

Project Description/Analysis

Planned Development District (PDD) Amendment

The requested PDD Amendment proposes to amend Section 15-3.0434 of the Unified Development Ordinance Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.) to allow “Educational Services” as a Permitted Use and to allow for the requested building and site changes, which are also part of the Site Plan Amendment Application.

The subject property is located within Area A of PDD No. 29. The requirements for Area A lists “Wellness Center” and “Indoor Movie Theater” as the only permitted uses and further states, “Any other uses within Area A shall only be permitted after a public hearing to amend this Planned Development District.”

The addition of “Educational Services” will allow the proposed high school use. Furthermore, the PDD Amendment updates applicable references and exhibits to this project, opposed to the former movie theater use and site plan.

Note that this is being proposed as a Major Amendment. Staff concurs that this should be a major amendment as it includes a change of use.

Site Plan

The subject property has an area of approximately 13.449 acres with three existing retention ponds. The proposed site plan requests approval of building and site changes, including a 29,404 square foot building addition, parking lot modifications, and installation of new landscaping. The site includes about 43.3% greenspace. According to the applicant, the proposed improvements result in an increase of approximately 800 square feet of impervious surface.

The trash enclosure is located to the southwest of the building. Material details have not been provided; however, the applicant indicated that it will be constructed of decorative split face masonry or maintenance free simulated wood fencing, whichever the Plan Commission prefers. Staff suggests masonry to match that of the building. Staff recommends that the applicant provide dumpster enclosure details, such as height and building materials, to the Planning Department for review and approval.

The applicant has indicated that the parking lot will be repaired as needed, resealed, and restriped as part of this project.

Access and Traffic

The property has multiple access locations at 102nd Street, which connects to Falcon Lane and to W. Loomis Road. Staff did not require a Traffic Impact Analysis considering the design and capacity of W. Loomis Road and the previous use of a 14 screen, 2,338 seat movie theater.

With that said, the applicant did reach out to the Wisconsin Department of Transportation and will have to comply with any State requirements for a traffic impact analysis and access improvements along W. Loomis Road, if any.

The applicant has provided a bus route plan in addition to the site plan. This plan illustrates the location for bus queuing. Considering the large parking lot, it is anticipated that this site provides sufficient area for queuing busses as well as accommodating parent drop-off and pick-up and student and faculty parking.

Natural Resources

The Site Plan illustrates wetlands and the associated wetland buffer and setbacks that are located on the property. These are the original delineations, likely dating back to around the year 2000 when the PDD was created. The applicant anticipates having updated delineations in October. As such, staff recommends that the applicant provide current wetland delineations and show the updated delineations on the Site Plan, prior to any land disturbance. The Site Plan shall also include the date of the delineation and name of the person that completed the delineations. All wetland protection standards, including those applicable to the wetland buffers and wetland setbacks shall be met, unless otherwise approved through the Natural Resource Special Exception process.

It can be noted that the applicant is removing existing parking that is located within the wetland buffer and setback on the east side of the site. There is existing parking to the west of the building located within the wetland buffer and setback that will remain.

Parking

The UDO suggests a parking ratio for high schools of 0.3/gym or auditorium seat, or 0.3/student, whichever is greater and 12 queuing spaces.

Based on the above standard, the 800-seat auditorium would require 240 parking spaces. The enrollment of 600 students requires 180 parking spaces.

According to the applicant, there are 518 parking spaces provided. The drive along the front of the building satisfies the queuing standard. This is demonstrated on the attached Bus Route Plan.

Parking spaces are 9' wide and 180 square feet in compliance with the Unified Development Ordinance.

Landscape Plan

The applicant is proposing to replace missing and/or dead landscaping. This will include thirty-nine maple trees and five honey locust trees.

The applicant has noted in their narrative that they agree to a 2-year planting guaranty for the proposed plantings.

The species provided are consistent with the existing plantings and original landscape plan. Staff suggests that a minimum number of species be provided in accordance with Section 15-5.0302F. of the Unified Development Ordinance.

Lighting Plan

The applicant is not proposing any new parking lot lighting. The existing decorative lighting on the building will be replaced with new light fixtures and the new prayer hall will have ground mounted up lighting within the front landscaping.

Architecture

The exterior building materials consist of decorative CMU and precast architectural panels to match that of the existing building. The new entrance also mimics the design of the existing entrance.

Signage

The school intends to utilize the existing freestanding sign located at the corner of Loomis Road and Falcon Drive. A wall sign on the front or north side of the building is also anticipated. Sign details have not yet been provided; however, any signage will require separate sign review and sign permits prior to installation. All signage must comply with the PDD No. 29 sign regulations, which refers to City Sign Requirements in place at the time the sign is erected.

Engineering and Storm Water Management

The applicant is not proposing changes to storm water management. The Site Plan notes that the storm water pond located on the east side of the property will be reconfigured and expanded to the north if needed.

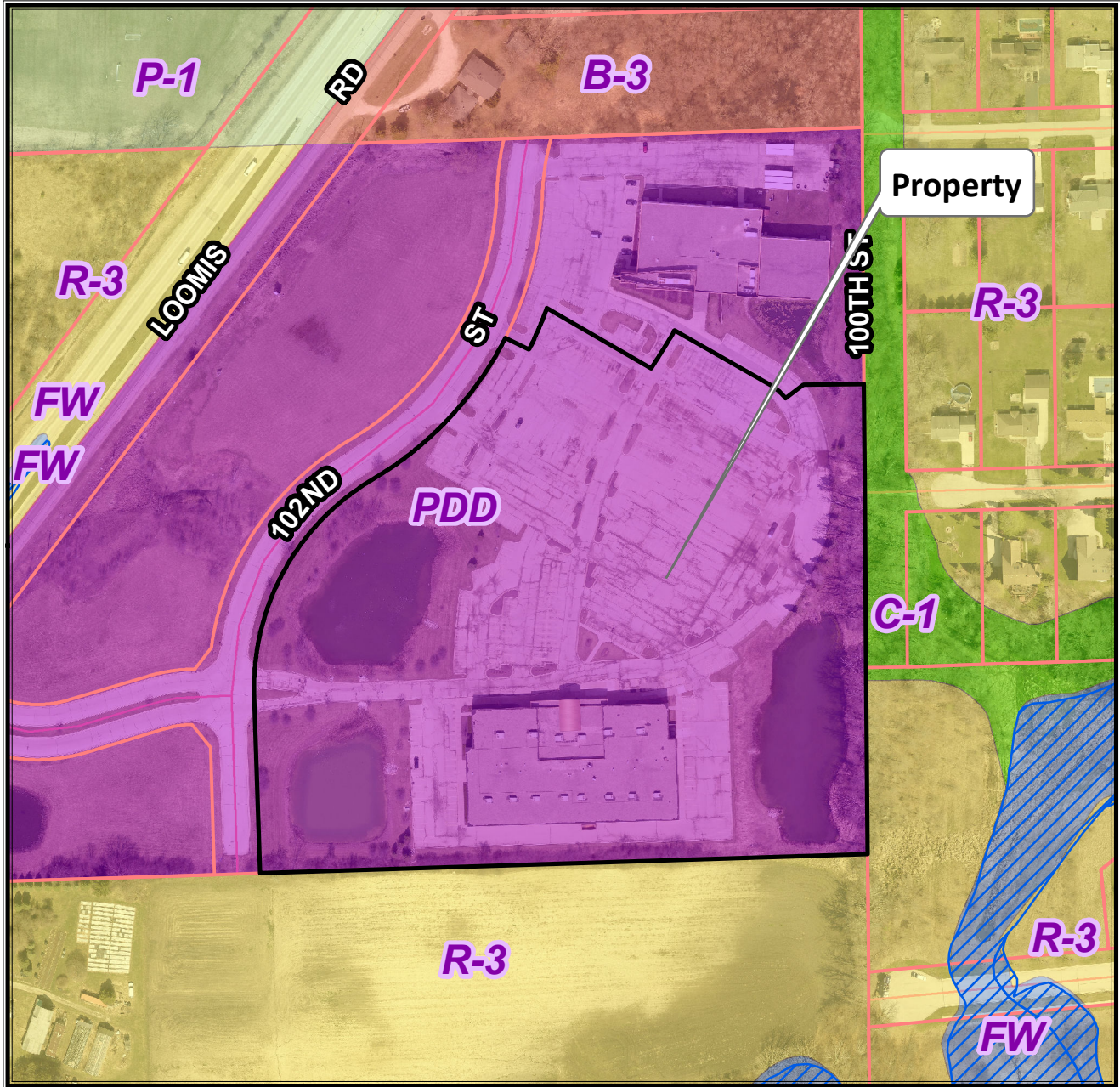
It is recommended that final approval of grading, erosion control, storm water management, and utilities, as may be applicable, be granted by the Engineering Department prior to any land disturbance activities.

A plat of survey will also be submitted as requested by the Engineering Department.

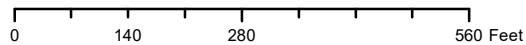
Staff Recommendation:

City Development Staff recommends approval of the PDD Amendment and Site Plan applications for the Salam Private High School project.

8910 S. 102nd Street
TKN 846 9987 003



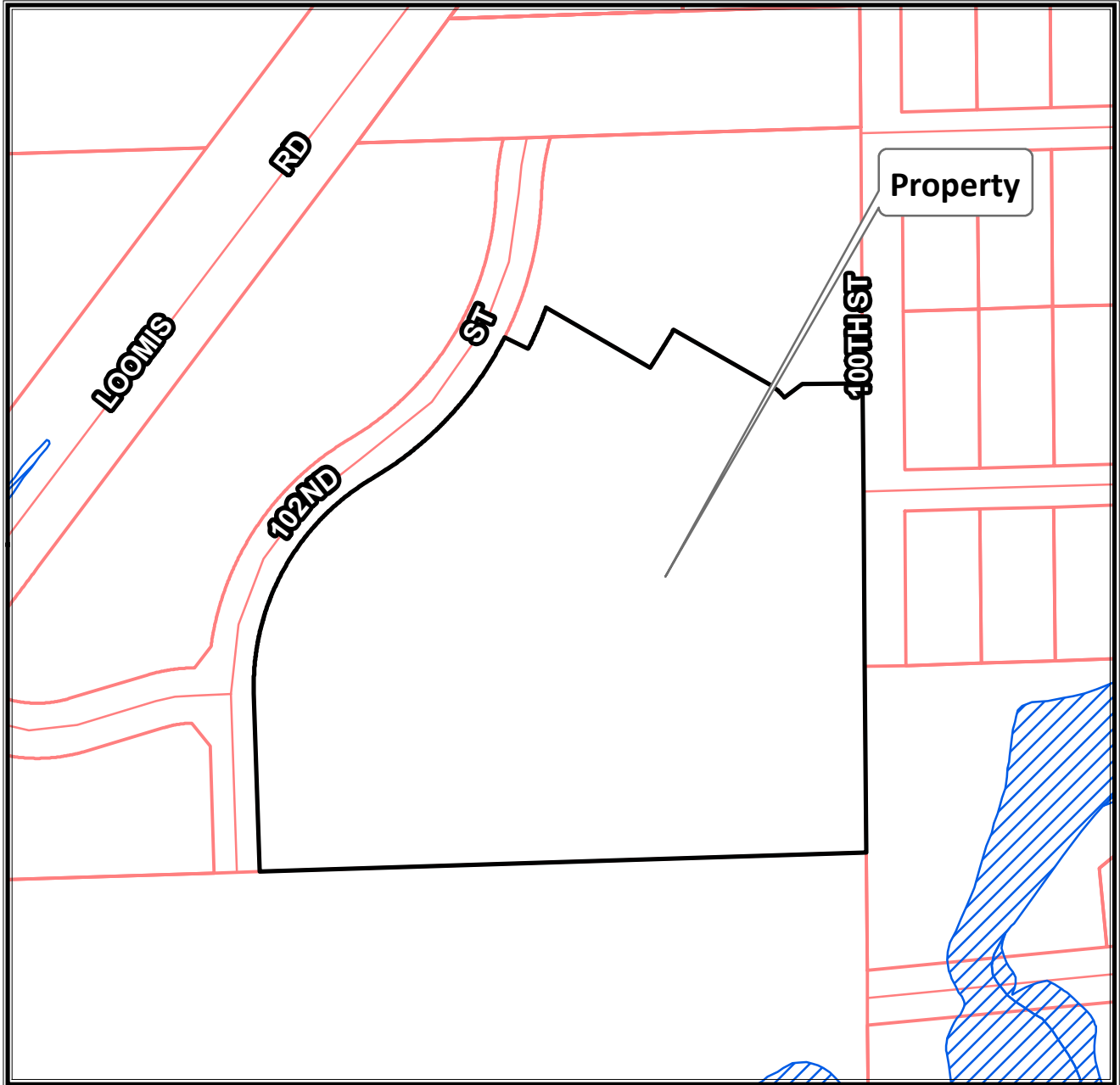
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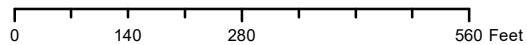
2021 Aerial Photo

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.

8910 S. 102nd Street
TKN 846 9987 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.



ORDINANCE NO. 2024-_____

AN ORDINANCE TO AMEND SECTION 15-3.0434 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 29 (WELLNESS CENTER – MARK E. CARSTENSEN INC.) TO ALLOW EDUCATIONAL SERVICES AS A PERMITTED USE AND TO ALLOW A BUILDING ADDITION AND SITE CHANGES (ISLAMIC SOCIETY OF MILWAUKEE, APPLICANT) (ISLAMIC FOUNDATION OF GREATER MILWAUKEE, PROPERTY OWNER) (8910 SOUTH 102ND STREET)

WHEREAS, Section 15-3.0434 of the Unified Development Ordinance provides for and regulates Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.), same having been created by Ordinance No. 2000-1626, and amended via Ordinance Nos. 2001-1657, 2002-1711, 2003-1746, and 2019-2351, with such District being located along West Loomis Road, properties bearing Tax Key Nos. 846-9987-001, 846-9987-002, 846-9987-003, and 846-9987-004;

WHEREAS, Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.) includes those lands more particularly described below; and

Parcel Number 3 of CSM Number 7099, being the Northwest 1/4 of Section 20, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; containing approximately 13.446-acres.

WHEREAS, Islamic Society of Milwaukee having petitioned for an amendment to Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.), to allow Educational Services as a Permitted Use and to allow a building addition and site changes; and

WHEREAS, the City of Franklin Plan Commission having considered the application on the 3rd day of October, 2024, and the Plan Commission having determined that the proposed amendment was a major amendment related to the change in use and having recommended to the Common Council that the proposed amendment to Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.) be approved; and

WHEREAS, the Common Council having considered the application and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment to Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.) is consistent with the 2025 Comprehensive Master Plan of the

City of Franklin, Wisconsin and that it 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: §15-3.0434 Section 2.0B. Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.), of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to add “10. Exhibit J: Proposed Site Plan, Landscaping, and Elevations for the Salam High School modifications, with a date of _____, 2024; prepared by Stack Design Group.

SECTION 2: §15-3.0434 Section 2.0D2.b. Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.), of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to delete “Indoor Movie Theater” and in its place substitute “Educational Services.”

SECTION 3: §15-3.0434 Section 2.0D3. Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.), of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to add “and Exhibit J.” following “Exhibit B.”.

SECTION 4: §15-3.0434 Section 2.0D4.b. Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.), of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to delete in its entirety, and in its place substitute the following language:

b. Educational Services

1) The floor plan of the educational services building shall conform to Exhibit J. Deviations to the floor plan shall be allowed subject to conformance with Building Codes and Fire Safety Codes.

2) Exterior design of the educational services building shall conform to Exhibit J.

3) Prior to issuance of a Building Permit for the educational services building, the Plan Commission shall approve of the exterior design and site modifications.

SECTION 5: §15-3.0434 Section 2.0D5.a. Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.), of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to add “and as revised per Exhibit J.” following “Exhibit B.”.

SECTION 6: All other applicable terms and provisions of §15-3.0444 Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.) not inconsistent with the terms of this Ordinance, and the Unified Development Ordinance of the City of Franklin, as amended from time to time, shall apply to the Islamic Society of Milwaukee Salam Private High School development, and all terms and provisions of §15-3.0434 Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.) as existing immediately prior to the adoption of this Ordinance and not amended by this Ordinance, shall remain in full force and effect.

SECTION 7: 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 8: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 9: 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 15th day of October, 2024.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 15th day of October, 2024.

APPROVED:

ORDINANCE NO. 2024-_____

Page 4

John R. Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____

STATE OF WISCONSIN

CITY OF FRANKLIN
PLAN COMMISSION

MILWAUKEE COUNTY

RESOLUTION NO. 2024-_____

A RESOLUTION APPROVING A SITE PLAN TO ALLOW FOR EXTERIOR BUILDING AND SITE MODIFICATIONS CONSISTING OF A BUILDING ADDITION, PARKING LOT MODIFICATIONS, AND INSTALLATION OF NEW LANDSCAPING UPON PROPERTY LOCATED AT 8910 SOUTH 102ND STREET (ISLAMIC SOCIETY OF MILWAUKEE, APPLICANT) (ISLAMIC FOUNDATION OF GREATER MILWAUKEE, PROPERTY OWNER)

WHEREAS, Islamic Society of Milwaukee, having applied for approval of a proposed site plan to allow for exterior building and site modifications consisting of an approximately 29,404 square foot building addition, parking lot modifications, and installation of new landscaping upon property located at 8910 South 102nd Street, within Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.); and

WHEREAS, the Plan Commission having reviewed such proposal and having found same to be in compliance with the applicable terms and provisions of §15-3.0434 of the Unified Development Ordinance and in furtherance of those express standards and purposes of a site plan review pursuant to Division 15-7.0100 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Site Plan to allow for exterior building and site modifications consisting of an approximately 29,404 square foot building addition, parking lot modifications, and installation of new landscaping, as depicted upon the plans City dated September 23, 2024, attached hereto and incorporated herein, is hereby approved, subject to the following terms and conditions:

1. The property subject to the Site Plan shall be developed in substantial compliance with, and operated and maintained pursuant to the Site Plans for the Islamic Society of Milwaukee Salam Privat High School development project City dated September 23, 2024.
2. Islamic Society of Milwaukee, successors and assigns, and any developer of the Islamic Society of Milwaukee Salam Private High School development project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Islamic Society of Milwaukee Salam Private High School development project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

ISLAMIC SOCIETY OF MILWAUKEE SALAM PRIVATE HIGH SCHOOL – SITE PLAN

RESOLUTION NO. 2024-_____

Page 2

3. The approval granted hereunder is conditional upon the Islamic Society of Milwaukee Salam Private High School development project, located at 8910 South 102nd Street, within Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.): (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. Dumpster enclosure details, such as height and building materials, shall be submitted to the Planning Department for review and approval.
5. Current wetland delineations shall be provided and shown on the Site Plan, prior to any land disturbance activities. The Site Plan shall also include the date of the delineation and name of the person that completed the delineations. All wetland protection standards, including those applicable to the wetland buffers and wetland setbacks shall be met, unless otherwise approved through the Natural Resource Special Exception process
6. Final approval of grading, erosion control, storm water management, and utilities, as may be applicable, shall be granted by the Engineering Department prior to any land disturbance activities.

BE IT FURTHER RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Islamic Society of Milwaukee Salam Private High School development project as depicted upon the site plans dated September 23, 2024, attached hereto as Exhibit A and incorporated herein, shall be developed and constructed within one year from the date of adoption of this Resolution, or this Resolution and all rights and approvals granted hereunder shall be null and void, without any further action by the City of Franklin; and the Site Plan for the property located at 8910 South 102nd Street (Tax Key No. 846 9987 003), as previously approved, is amended accordingly.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this 3rd day of October, 2024.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this 3rd day of October, 2024.

APPROVED:

John R. Nelson, Chairman

ATTEST:

ISLAMIC SOCIETY OF MILWAUKEE SALAM PRIVATE HIGH SCHOOL – SITE
PLAN

RESOLUTION NO. 2024-_____

Page 3

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____

ISLAMIC SOCIETY OF MILWAUKEE SALAM PRIVATE HIGH SCHOOL – SITE
PLAN
RESOLUTION NO. 2024-____
Page 4

EXHIBIT A

SITE PLANS DATED _____, 2024

ATTACHED HERETO

Existing Showtime Cinema Alteration for
SALAM PRIVATE HIGH SCHOOL
8910 S. 102nd Street
Franklin, WI 53132

September 23, 2024

Owner: Islamic Society of Milwaukee
4707 S. 13th Street
Milwaukee, WI 53221
414-282-1812

Developer: Ahmad Properties, LLC
8101 W. 123rd Street Unit C
Palos Park, IL 60464
708-997-0202

Architect: Stack Design Group
413 N. 2nd Street
Milwaukee, WI 53203
414-807-8033

Project Narrative

The owner of the former Marcus Showtime Cinema located at 8910 S. 102nd Street is proposing to redevelop the vacant movie theater with a major alteration and addition for the proposed use as a 600 student private high school and religious facility. The existing building has a footprint of 49,055 square feet and has a small mezzanine of 5,415 square feet that served as the movie projectionists stations. The mezzanine would be completely removed and a new second floor would be added throughout the majority of the existing building. Two of the existing theaters will be retained and combined to create a large lecture hall and auditorium. The construction of two additions is proposed that would consist of a new 5,000 square foot prayer hall and a 15,448 square foot gymnasium. A second addition with a 2,188 square foot footprint would be added to allow space for food service for the cafeteria on the first level and additional classroom space above. In total the footprint of the proposed expansion would be 29,404 square feet, bringing the total footprint of the facility to 78,424 square feet.

The proposed development would be subject to all applicable building codes and customary plan review and inspections. The proposed development would be conditioned upon final utility, grading, erosion control and storm water management plan approval.

The proposed site plan was sent to Kevin Koehnke of the Wisconsin Department of Transportation for review and commentary in regard to traffic impact. We do not anticipate any concerns as the use may have a lower impact than the previous movie theater occupancy conditions.

Site Plan

The property is 13.449 acres. The proposed development leaves 43.3% of the entire site unbuilt and unpaved. Since the proposed additions are planned for areas that are already paved, and there is a substantial area of the existing parking lot to be returned to greenspace, the net change in impervious area results in an increase of less than 800 square feet in total.

The proposed development involves the adaptive re-use of an existing building that was approved through the Planned Development process. The building location, parking layout and landscaping, which were approved, will all substantially remain with the proposed alteration. The proposed additions to the building do not exceed building setbacks, including setbacks from wetland delineations. The parking layout will only receive minor modifications with some of the parking being removed and returned to green space. The proposed landscaping will allow for the replacement of ash trees that are missing or unhealthy along with any other plantings that were on the original approved landscape plan but are no longer living or present. All added landscaping is proposed to be a continuation and intensification of the original intent of the approved plan.

The sweeping curve entry drive that loops past the front of the building is being relocated to the north to allow additional space at the front for the addition of the prayer hall. The character of the sweeping arc drive lane is being retained with the replacement drive. The relocation of the drive lane allows for space for the bus parking and loading without parking stalls along the edge of the drive lane. A Bus Route Site Plan is attached. The plan allows for enough room for this bus lane parking to be recessed off the main drive lane if desired as there is plenty of room to accommodate the bus cue lane with a concrete sidewalk leading to the building entrances.

The site plan shows the proposed trash dumpster enclosure in the south west corner of the parking lot, which is behind the building. The enclosure can be constructed in decorative split faced masonry or maintenance-free simulated wood fencing, whichever is the preference of the City of Franklin.

Natural Resource Protection

The wetland delineation shown is the same delineation used for the original planned development approval. The property owner has retained the services of Stephen Chu of Assured Wetland Delineation to update the actual location of the existing wetlands. We anticipate the final report to be available around mid-October. We will use the report to update our drawings so that the actual delineation will be accurate at the time of our construction plan submittal. All required setbacks from the wetland, including the restrictions within the 30 foot wetland buffer

zone, will be adhered to. A Natural Resources Protection Plan will be created based on the confirmed location of existing wetland areas. While we do not anticipate an Exception Application to be required, this can only be determined after we have the updated boundary lines that will govern the location of the required setbacks.

Parking

An agreement is not currently in place with the adjacent business, Innovative Health & Fitness, for the use of parking. The property has substantially more available parking than is anticipated to be needed. The parking ratio can be computed based on number of students: $600 \times .3 = 180$, or potential auditorium seating with a highly generous estimate even at 800: $800 \times .3 = 240$. The site has 518 parking stalls so there are more than double the number of stalls needed even with the highest calculation method.

The site has a 300 foot drive lane leading into the parking lot which easily accommodates the required 12 vehicle cue lane. The extension of Falcon Lane between 102nd Street and Loomis Road adds additional vehicle cue space prior to entering the major thoroughfare of Loomis Road.

The existing parking lot is in relatively good condition. The entire lot would be resealed and re-stripped during the final stages of the construction process. Any areas requiring repair will receive attention before the sealcoating is applied.

All parking stall dimensions meet the minimum code requirements. Drive lanes exceed the minimum 24 foot width. ADA stalls are indicated on the site plan. The path of travel from the ADA stalls will be verified to be compliant.

Landscaping

The final landscape plans will include exploded views at larger scale to show shrubbery surrounding the main facades of the building. The final quantities of plantings will exceed the total requested by the City of Franklin. The calculated quantity of 150 evergreens may be higher than what will be practical for the available land area. In any case, the owner desires an end result of the site being as heavily landscaped as is practical for the property while fitting with the original landscaping already installed under the original approval for this property. A landscape exemption will not be requested.

Owner shall provide a 2 year plant replacement guarantee for all landscaping installed.

The site has substantially more parking than will be required for the use. Therefore, snow storage is not a concern for a property of this size. The majority of the snow will be moved to the eastern part of the parking lot toward the eastern most retention pond. If required under heavy conditions, the parking stalls adjacent to this retention pond will be used for excess snow storage.

Signage

The former cinema monument sign exists along Loomis Road at the intersection of Falcon Lane. This sign will be repurposed for the high school signage. A building mounted sign will also be added on the front façade. The size and advertising restrictions will conform with signage requirements. No signage will be installed on the south and east walls of the high school building.

Lighting

The existing parking lot has light poles that will be retained. No additional pole lighting appears to be required. The existing decorative building mounted sconces will be replaced with new sconces. The new prayer hall addition will have up lighting in the landscape beds to highlight the front façade.

Engineering

Review of the storm water management will be performed with the submission of final construction documents. A Plat of Survey has been ordered and this will provide existing topography of the site. A grading plan will be created based on the information that will be obtained.

Fire Department

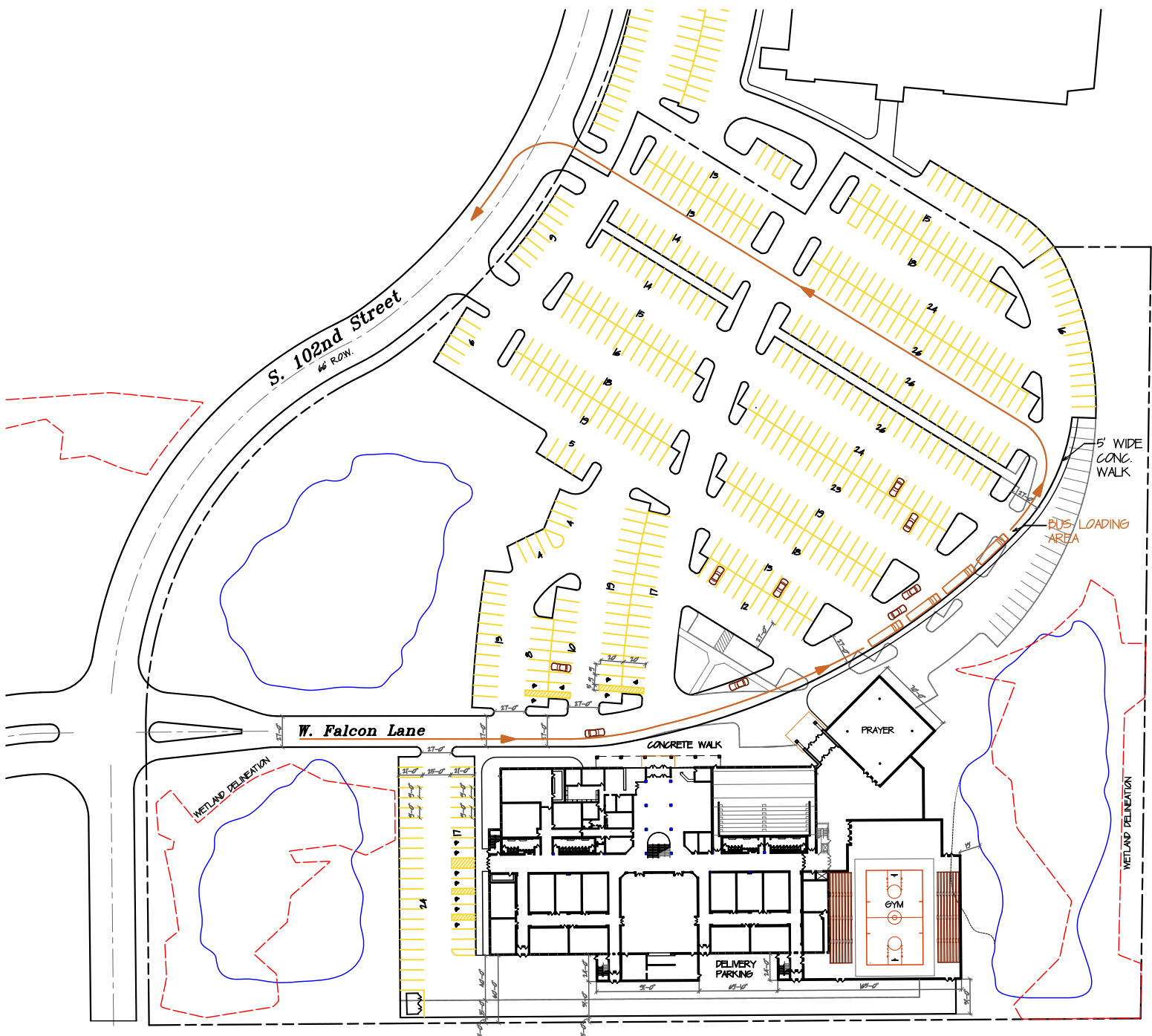
All applicable codes will be adhered to for fire protection systems. Existing fire alarm and sprinkler systems shall be maintained and updated as required. All existing fire hydrants shall remain and if required, new hydrants will be installed. A Knox Box will be provided for meter keys.

Schedule

The existing building is planned to be redeveloped for occupancy in the September 2025 school season. The addition of the gym and prayer hall will be planned for completion by middle of 2026.

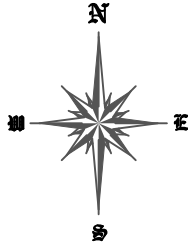
Fiscal Impact

The owner is planning an expenditure for the entire redevelopment project in excess of \$2,500,000.00 in addition to the expenditure of the land acquisition. Since the existing building currently sits vacant, the proposed redevelopment of this property is a substantial construction project that will enhance the area and stimulate local growth.



BUS ROUTE PLAN

1" = 50'-0"





ARCHITECTURE
413 NORTH LEGION STREET
MILWAUKEE, WI 53203-3111
414-487-8083 Fax 414-74-4874

Existing Showtime Cinema Alteration for
SALAM PRIVATE HIGH SCHOOL
8910 S 102nd Street
Franklin, WI 53122

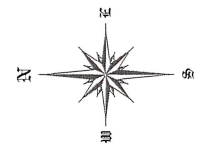
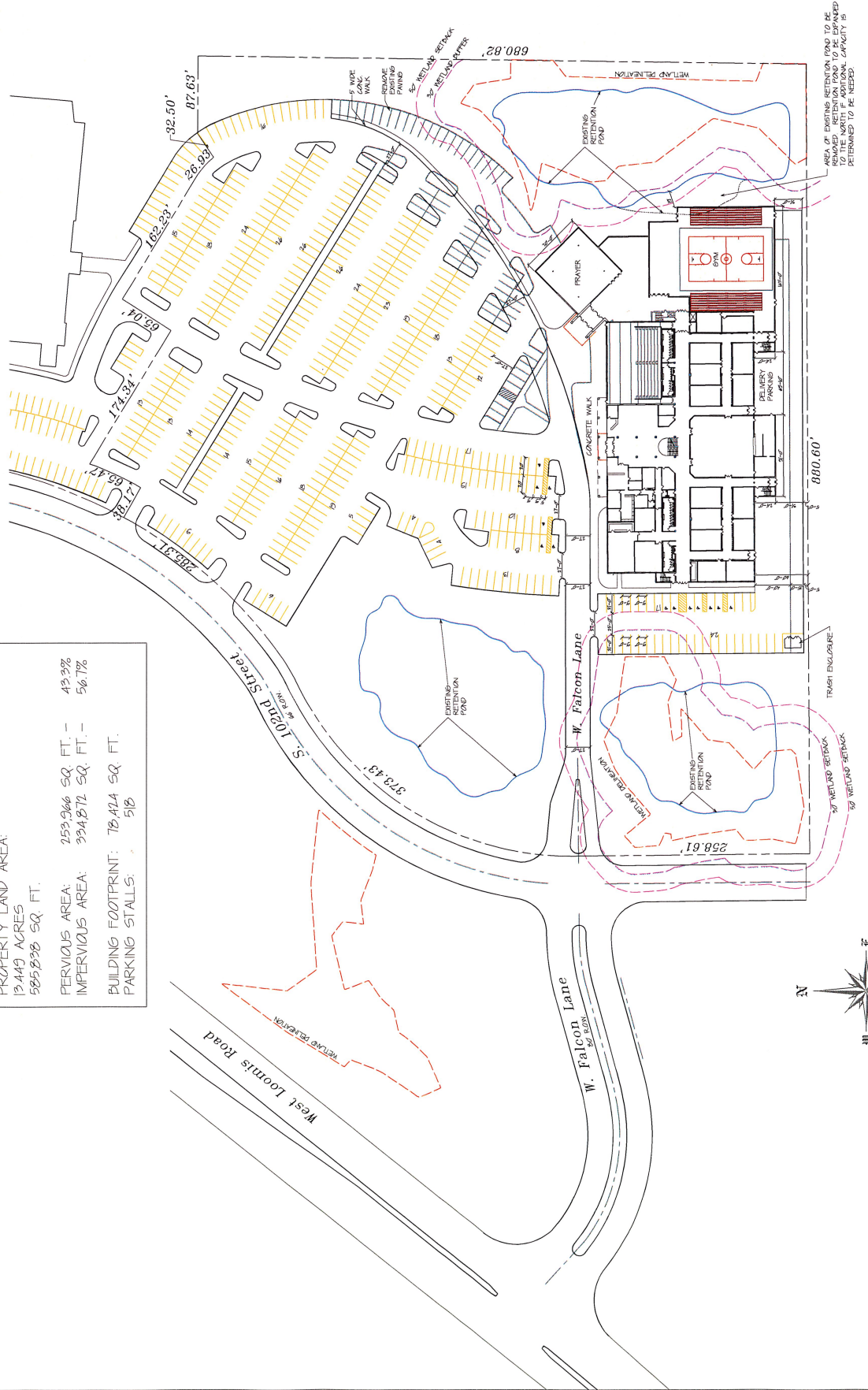
09-23-24

SITE PLAN
S-1

PROPERTY LAND AREA:
13.445 ACRES
585,838 SQ. FT.

PERVIOUS AREA: 259,966 SQ. FT. - 43.92%
IMPERVIOUS AREA: 324,872 SQ. FT. - 56.17%

BUILDING FOOTPRINT: 78,424 SQ. FT.
PARKING STALLS: 518



SITE PLAN

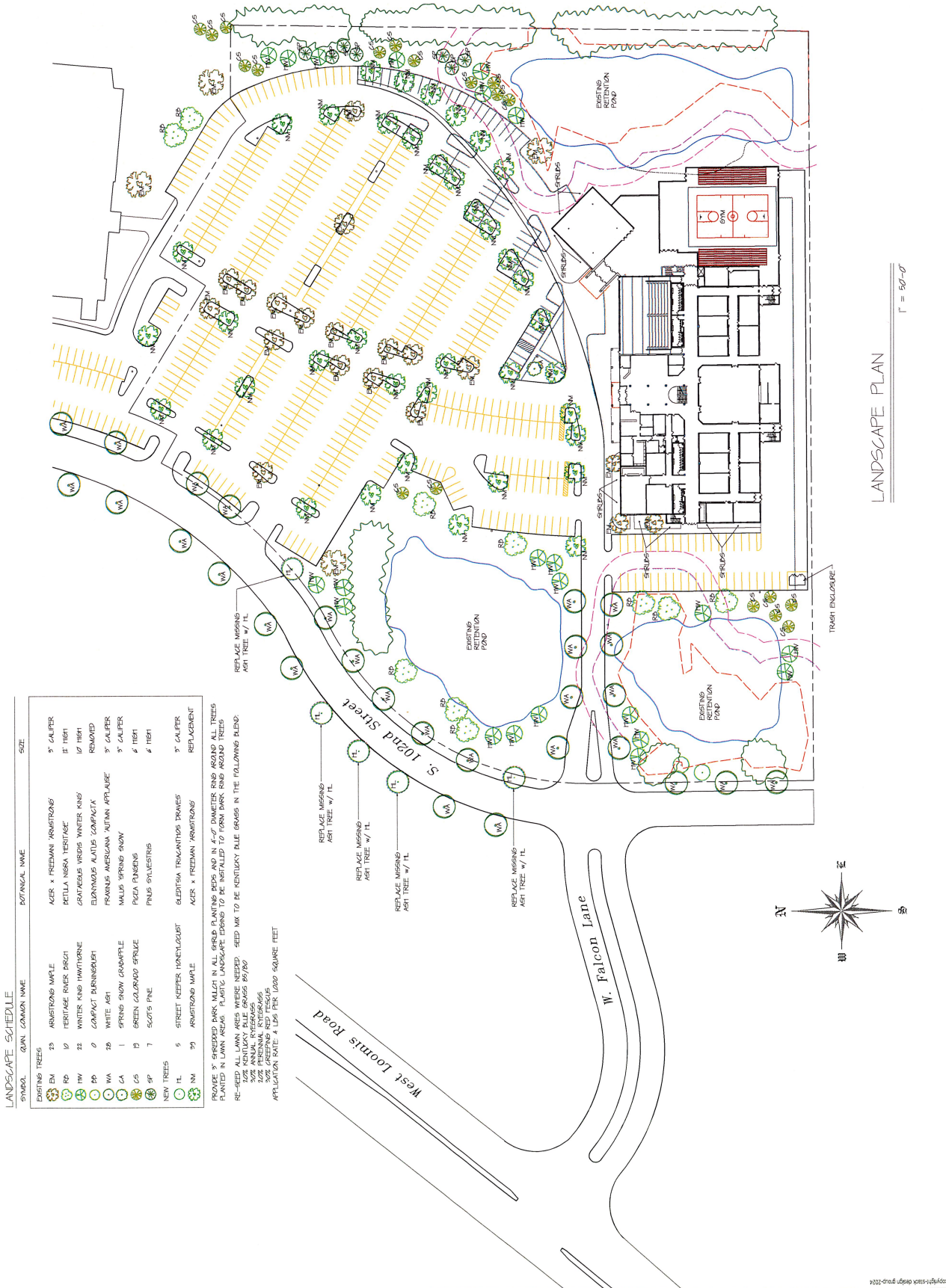


ARCHITECTURE
413 NORTH SECOND STREET
MILWAUKEE, WI 53203-3111
414-481-8810 FAX 414-244-8814

Existing Showtime Cinema Alteration for
SALAM PRIVATE HIGH SCHOOL
6910 S 12nd Street
Franklin, WI 53122

09-23-24

LANDSCAPE PLAN
L-1



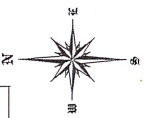
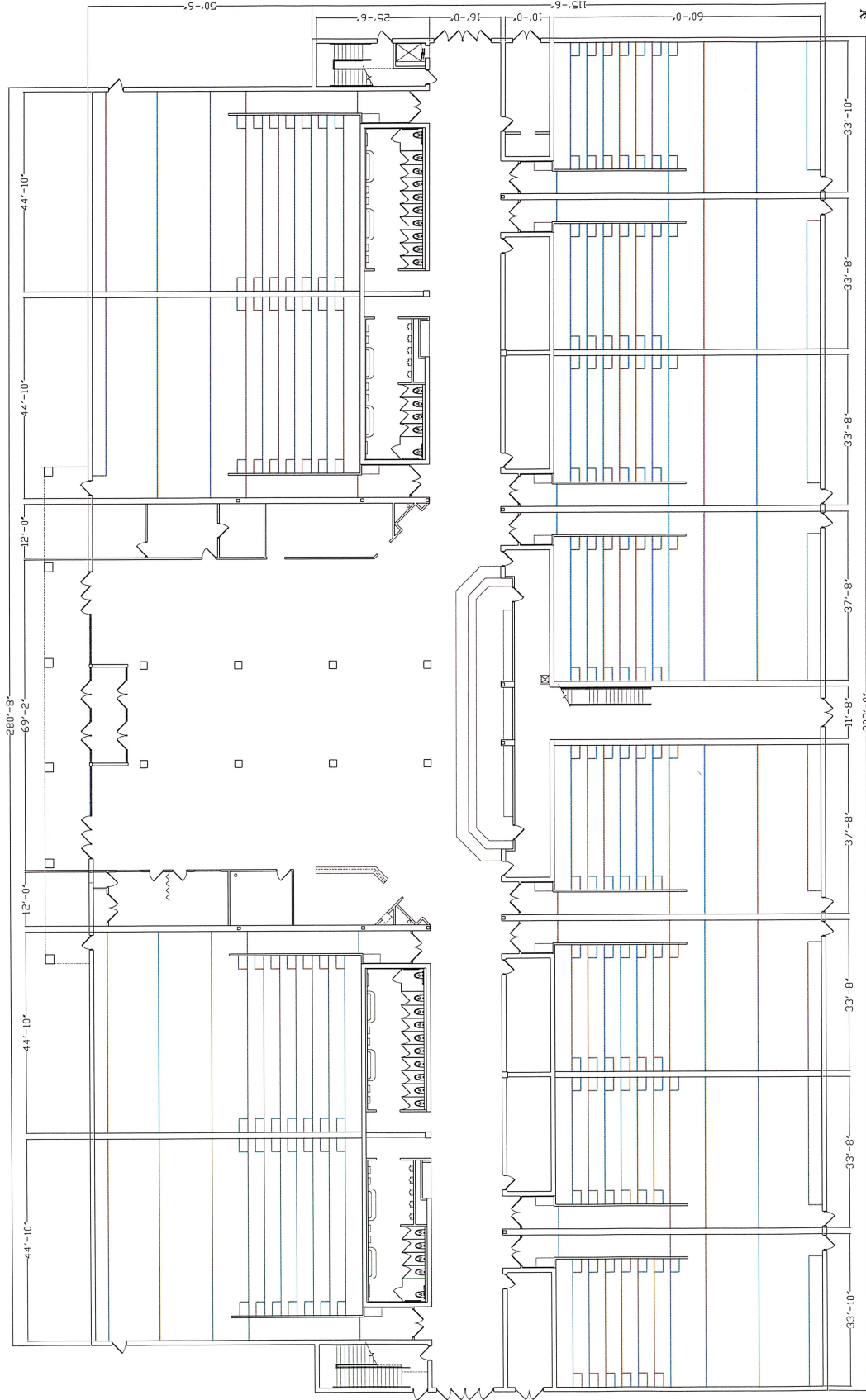


ARCHITECTURE
 413 NORTH ECHOLS STREET
 MILWAUKEE, WI 53202-1111
 (414) 601-9923 fax: (414) 251-4834

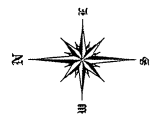
Existing Showtime Cinema Alteration for
 SALAM PRIVATE HIGH SCHOOL
 2910 S 102nd Street
 Franklin, WI 53122

08-23-24

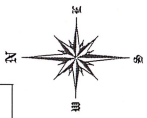
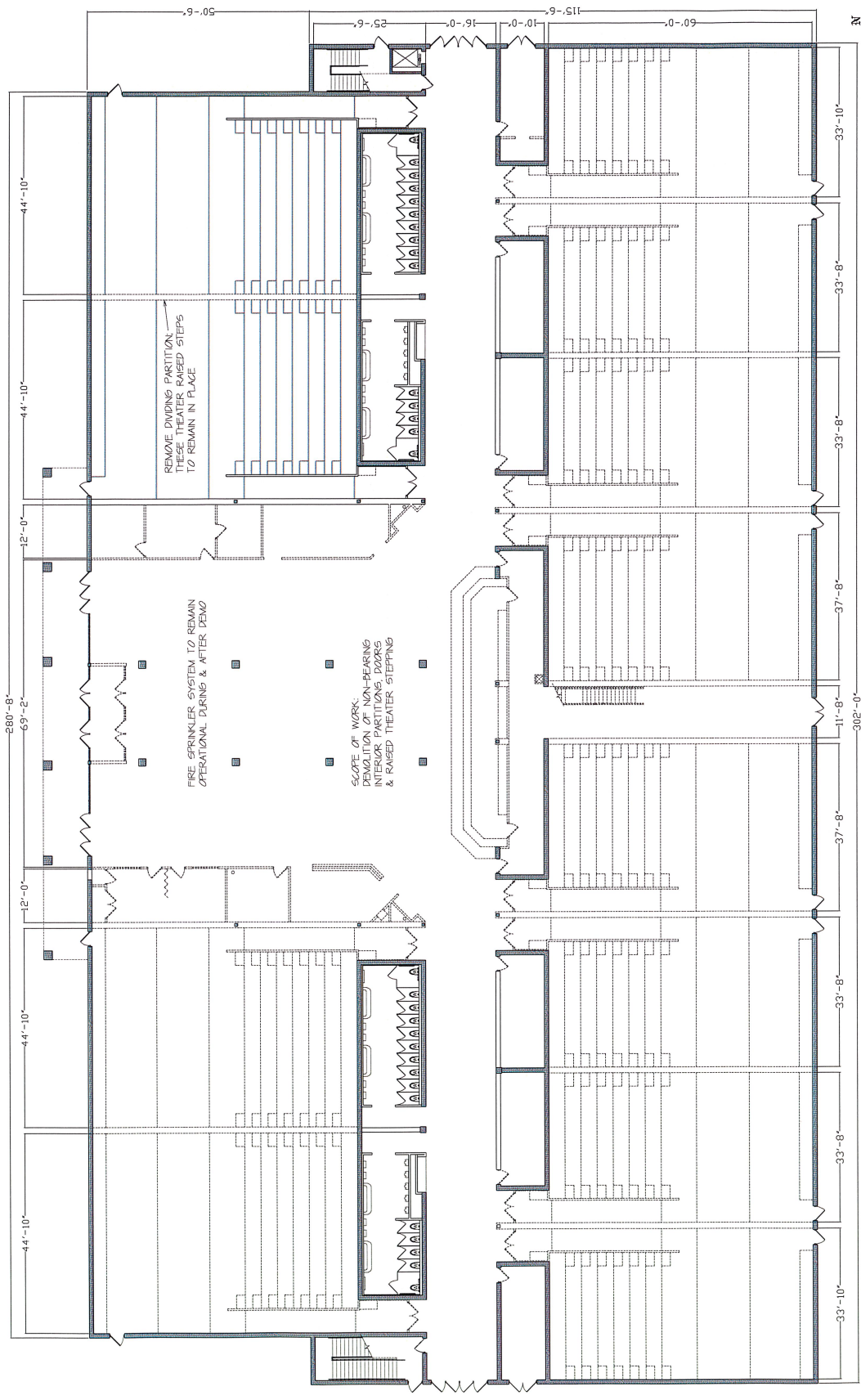
EXISTING
 MAIN LEVEL
 A-1



EXISTING MAIN LEVEL FLOOR PLAN 1/8" = 1'-0"



EXISTING MEZZANINE LEVEL FLOOR PLAN
1/8" = 1'-0"



MAIN LEVEL DEMOLITION PLAN
 49,955 SQUARE FEET
 $\frac{1}{8}'' = 1'-0''$



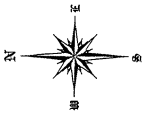
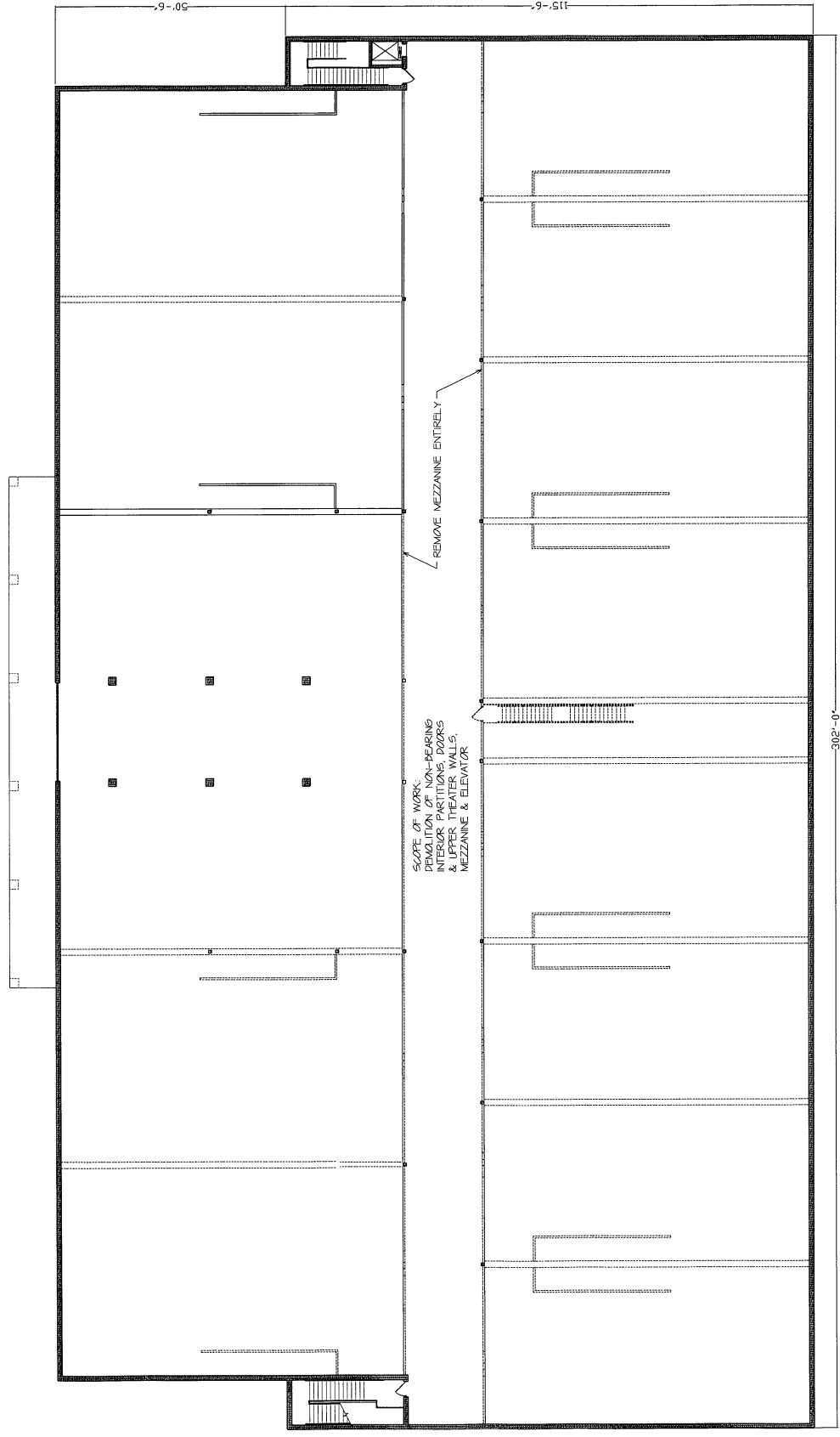
ARCHITECTURE
 413 NORTH SECOND STREET
 MILWAUKEE, WI 53203-3111
 TEL: 414.224.8822 FAX: 414.224.8821

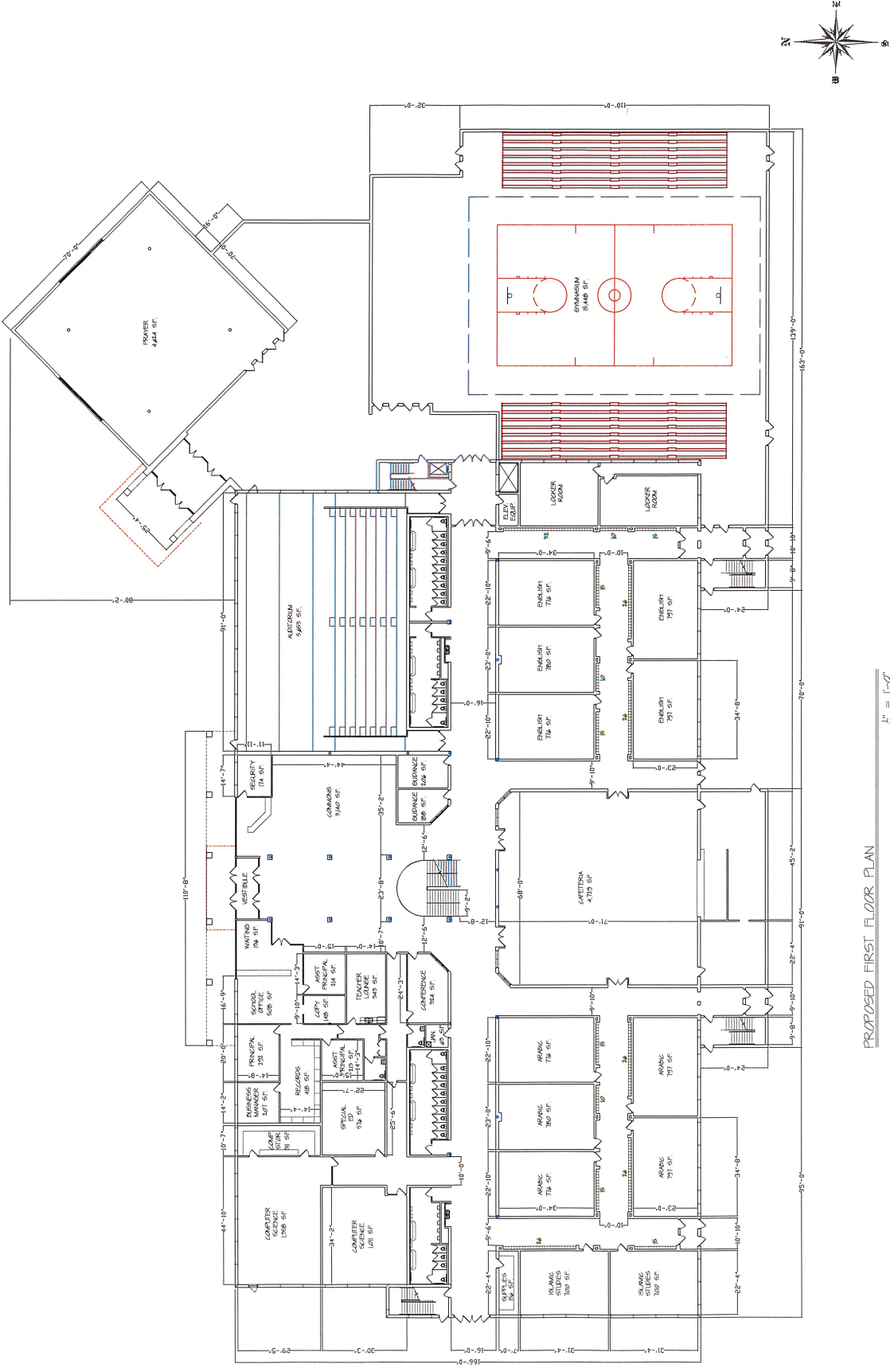
Existing Showtime Cinema
 810 S 2nd Street
 Franklin, WI 53122



08-25-24

MEZZANINE
 DEMOLITION
 A-4





PROPOSED FIRST FLOOR PLAN

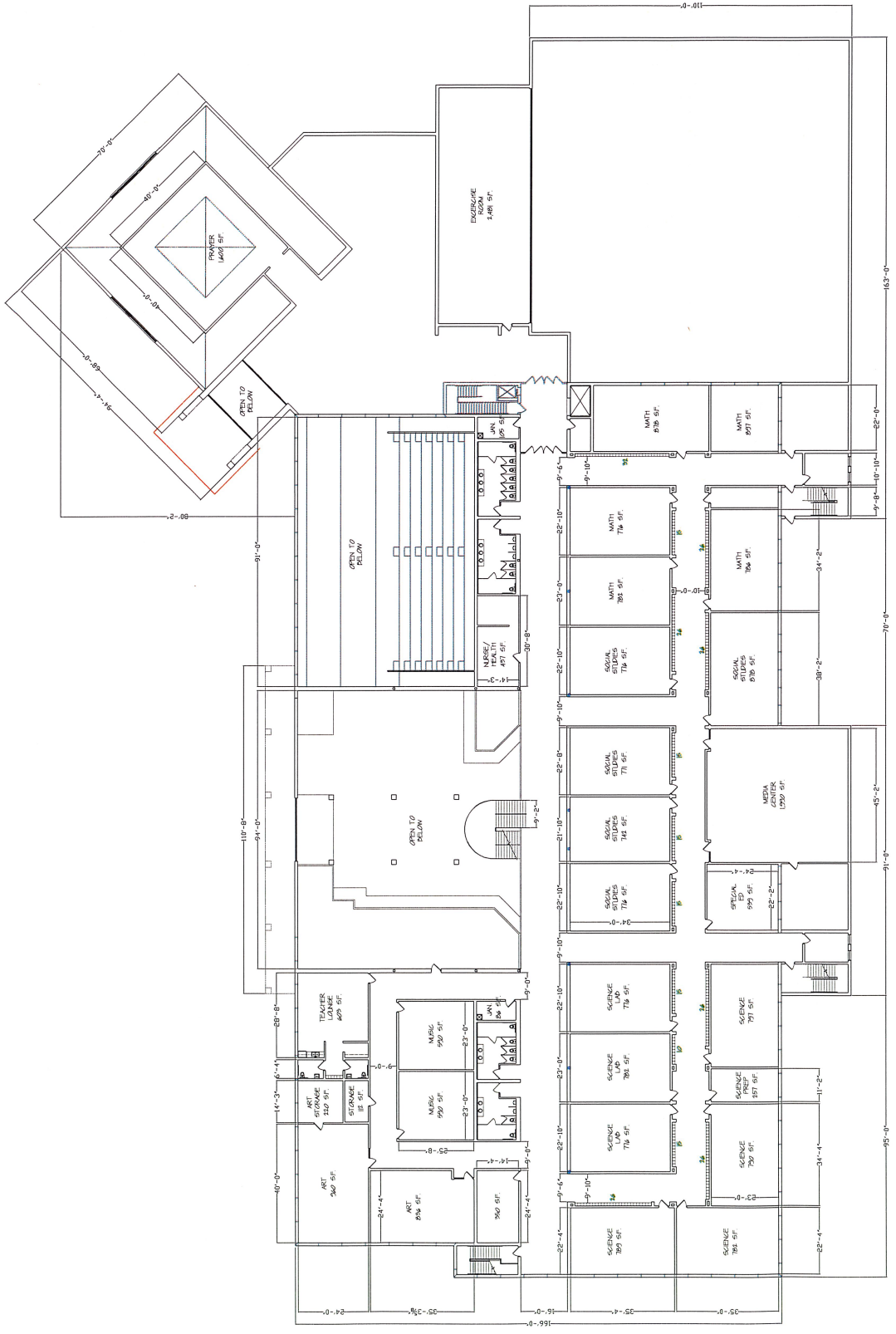
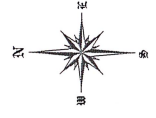
1" = 1'-0"

Existing Showtime Cinema Alteration for
 SALAM PRIVATE HIGH SCHOOL
 2910 S 12nd Street
 Franklin, WI 53122

09-23-24

PROPOSED
SECOND PLAN

A-6



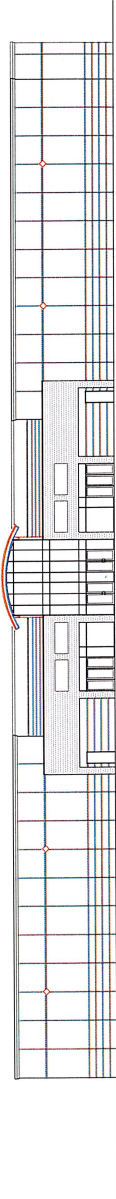
PROPOSED SECOND FLOOR PLAN
1" = 1'-0"

Existing Showtime Cinema Alteration for
 SALAM PRIVATE HIGH SCHOOL
 2910 S 102nd Street
 Franklin, WI 53122

09-23-24

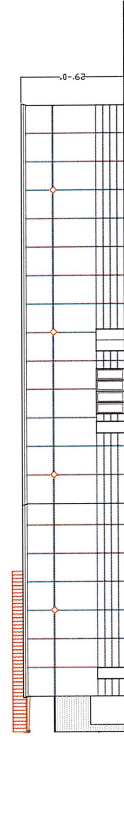
EXISTING
ELEVATIONS

A-7



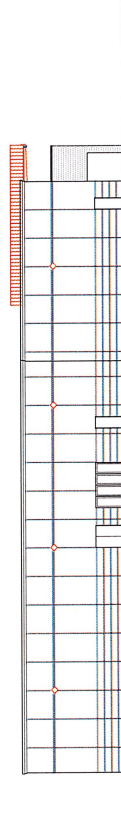
EXISTING EAST ELEVATION

$\frac{1"}{8} = 1'-0"$



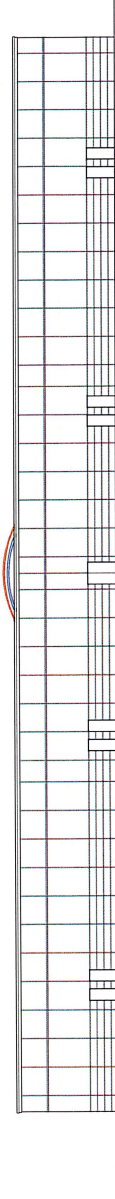
EXISTING NORTH ELEVATION

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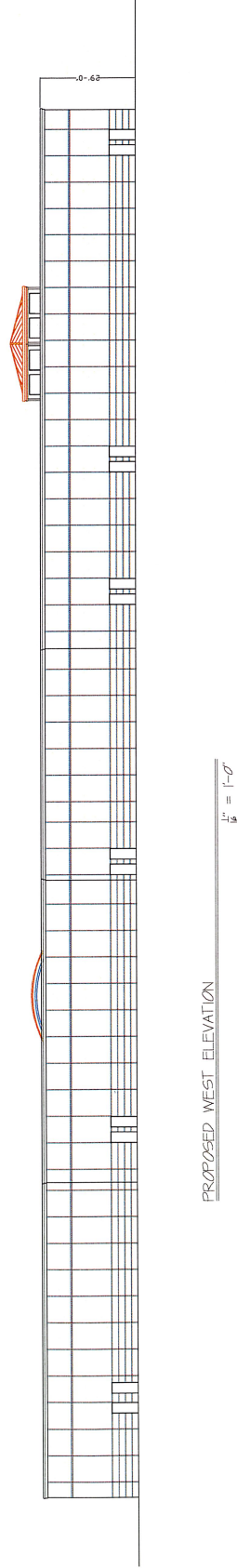
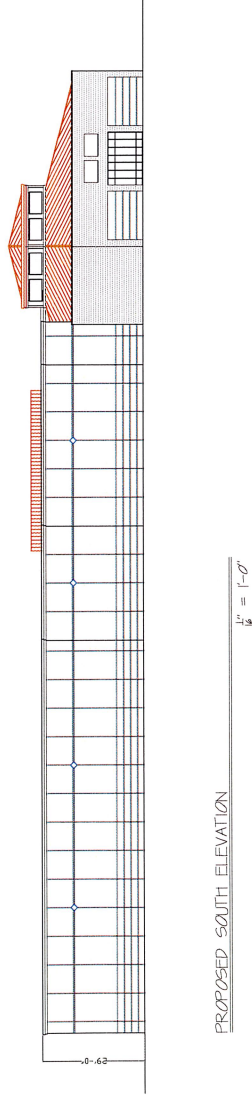
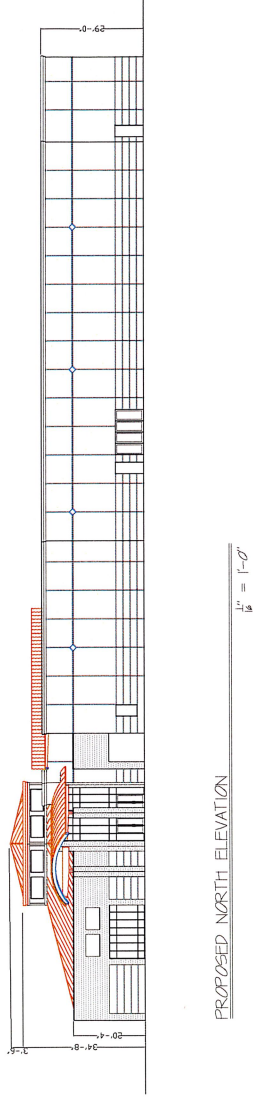
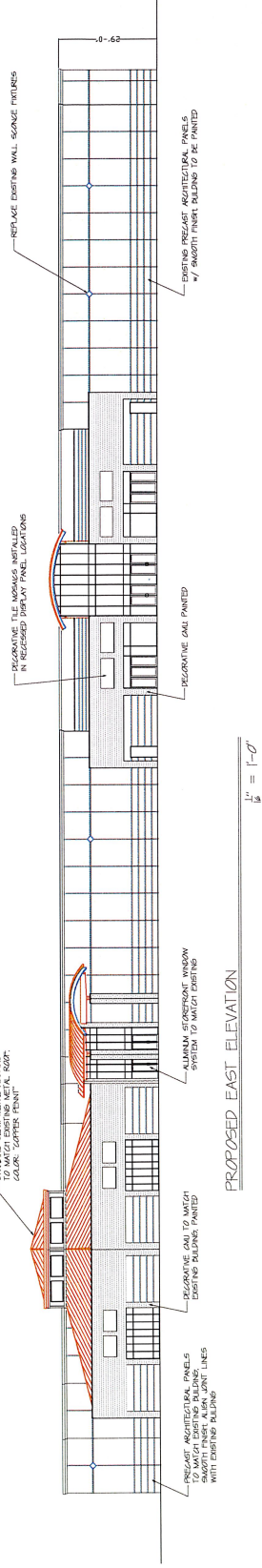
EXISTING SOUTH ELEVATION

$\frac{1"}{8} = 1'-0"$



EXISTING WEST ELEVATION

$\frac{1"}{8} = 1'-0"$





CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Item C.3.

Meeting of October 3, 2024

Special Use Amendment

RECOMMENDATION: City Development Staff recommends denial of this Special Use amendment to remove condition of approval #6 of Resolution No 2022-7873, requiring a sidewalk or trail along the frontage of the subject site, because this request is not consistent with the Comprehensive Master Plan and the Ryan Creek Pedestrian/Bicycle Trail Master Plan.

Project name: Woodfield Trail, removal of condition requiring sidewalk or trail
Property Owner: Home Path Financial Limited Partnership
Applicant: S.R. Mills. Loomis & Ryan, Inc.
Property Address/TKN: 9524 S. Sophia Court / 891 9054 000
Aldermanic District: District 6
Zoning District: R-8 Multiple-Family Residence District
Staff Planner: Régulo Martínez-Montilva, AICP, CNUa, Planning Manager
Submittal date: 07-09-2024 (deemed complete on 08-12-2024)
Application number: PPZ24-0146

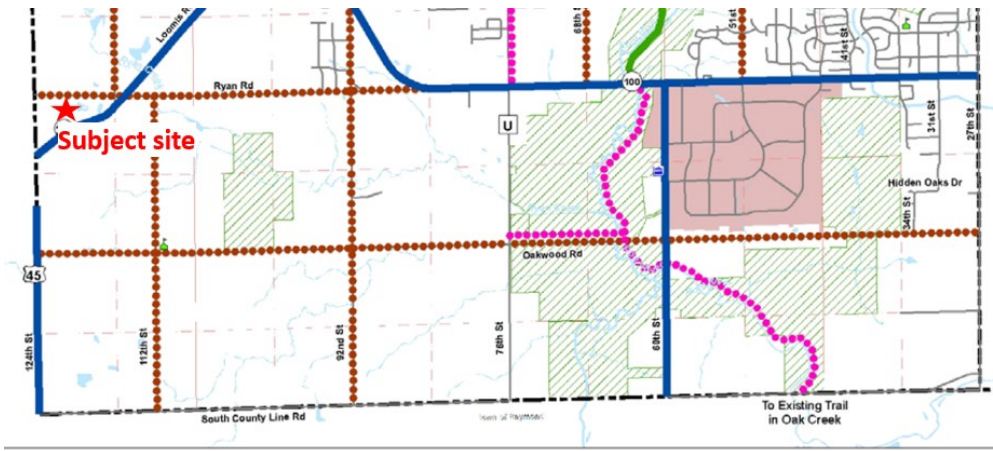
Project Description/Analysis

The Common Council granted a Special Use permit for the Woodfield Trail residential development on June 9, 2022, by Resolution No. 2022-7873. This resolution includes condition of approval #6 which states that: “The sidewalk or multi-use trail on the south side of Ryan Road, between the future Woodfield Court and the east boundary of this development, should be included in the development agreement”.

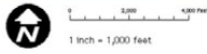
The applicant is requesting to remove this condition of approval for the reasons outlined in the project narrative.

Consistency with the Comprehensive Master Plan and other adopted city policies

During the review of the Special Use permit granted in 2022, City Development staff stated that: “Based on the Comprehensive Master Plan, Map 7.4 Bicycle and Pedestrian Circulation Facilities. City Development staff recommends the installation of a pedestrian path per City of Franklin specifications on the south side of Ryan Road. The applicant is working with Engineering Department on the location of this pedestrian facility, location within the right-of-way is preferred, or within an easement on private property as a second option. This pedestrian path should be included in the developer’s agreement” (Staff report for June 9, 2022, Plan Commission meeting).



Bicycle and Pedestrian Circulation Facilities



- Existing Bicycle/Pedestrian Facility
 - ON-STREET (Blue line)
 - OFF-STREET (Green line)
- Future Bicycle/Pedestrian Facility
 - ON-STREET (Orange dotted line)
 - OFF-STREET (Pink dotted line)

Bicycle and Pedestrian Circulation Facilities, Map 7.4 of Comprehensive Master Plan
 Note the subject site (star) and on-street bicycle/pedestrian facility planned along Ryan Road



Legend	
Trails	
Primary Trail Option	Orange dotted line
Secondary Trail Option	Yellow dotted line
County Primary Trail Option	Green dotted line
County Secondary Trail Option	Red dotted line
CORP Planned Trails	
Existing Trail	Solid blue line
Existing Snowmobile Route	Dashed blue line
Potential Crossings	
At-Grade Street Crossing	Blue cross symbol
Bridge or Overpass	Blue bridge symbol
Underpass	Blue underpass symbol
Trail Head	Blue triangle symbol
Boundaries	
Project Area	Red outline
Publicly-Owned Parcels	Blue outline
HMSD-Owned Parcels	Green outline
Natural Features	
Water Body	Blue wavy line
100-Year Floodplain	Blue shaded area
Environmental Corridor	Blue shaded area
Isolated Natural Resource Area	Blue hatched area

RYAN CREEK PEDESTRIAN/BICYCLE TRAIL MASTER PLAN



Trail route recommendations, Ryan Creek Pedestrian/Bicycle Trail Master Plan
 The subject site is labeled as “4”, note the recommended trail route adjacent to the subject site

In addition to the Comprehensive Master Plan, such trail route is also depicted in the Ryan Creek Pedestrian/Bicycle Trail Master Plan (adopted by the Common Council on June 21, 2022).

Compliance with the Unified Development Ordinance

Pursuant to the Unified Development Ordinance (UDO) Section 15-8.0109 *Bicycle Paths and Trails*, “The Subdivider or Condominium Developer shall install required bicycle paths and trails in accordance with the plans and specifications, including the City Engineer's "Standards and Specifications for Development," approved by the City”. Staff recommended this condition requiring a sidewalk or trail based on plans approved by the city, such as the Comprehensive Master Plan. The Ryan Creed Trail Master Plan was adopted shortly after the Special Use permit approval, but this plan doesn’t contradict said condition.

Compatibility with adjacent development

Staff acknowledges that pedestrian facilities were not required as conditions of approval for Certified Survey Map (CSM) No. 9050 and other CSM approved this year (Resolution 2024-8152). On the other hand, such pedestrian facilities were required for the Cape Crossing subdivision (Res. No. 2022-7839).



Requirement of pedestrian facilities along Ryan Road as condition of approval for adjacent developments.

Prepared by City Development staff.



Pedestrian facilities at Cape Crossing subdivision
 Photographs by City Development staff



Approximate location of the trail segment in question
 Photograph by City Development staff

City departments' comments

City Development staff routed this application to other city departments, comments below:

Engineering Department

Engineering has no comment.

Fire Department

No FD comments.

Inspection Services Department

Inspection Services has no comments on the proposal at this time.

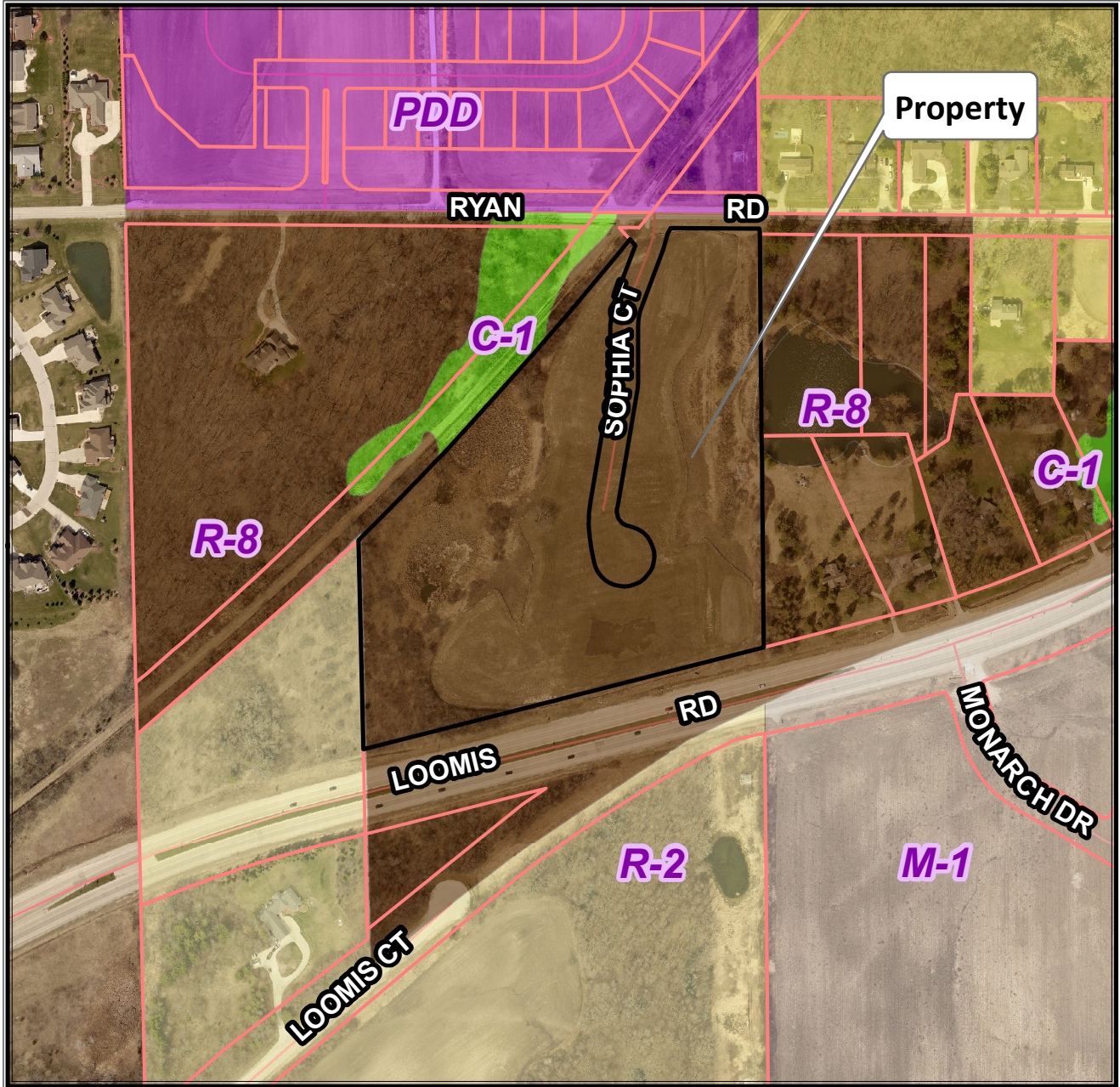
Police Department

The PD has no comments or concerns.

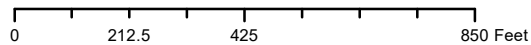
Staff Recommendation

City Development Staff recommends denial of this Special Use amendment to remove condition of approval #6 of Resolution No 2022-7873, requiring a sidewalk or trail along the frontage of the subject site, because this request is not consistent with the Comprehensive Master Plan and the Ryan Creek Pedestrian/Bicycle Trail Master Plan.

9524 S. Sophia Court
TKN 891 9054 000



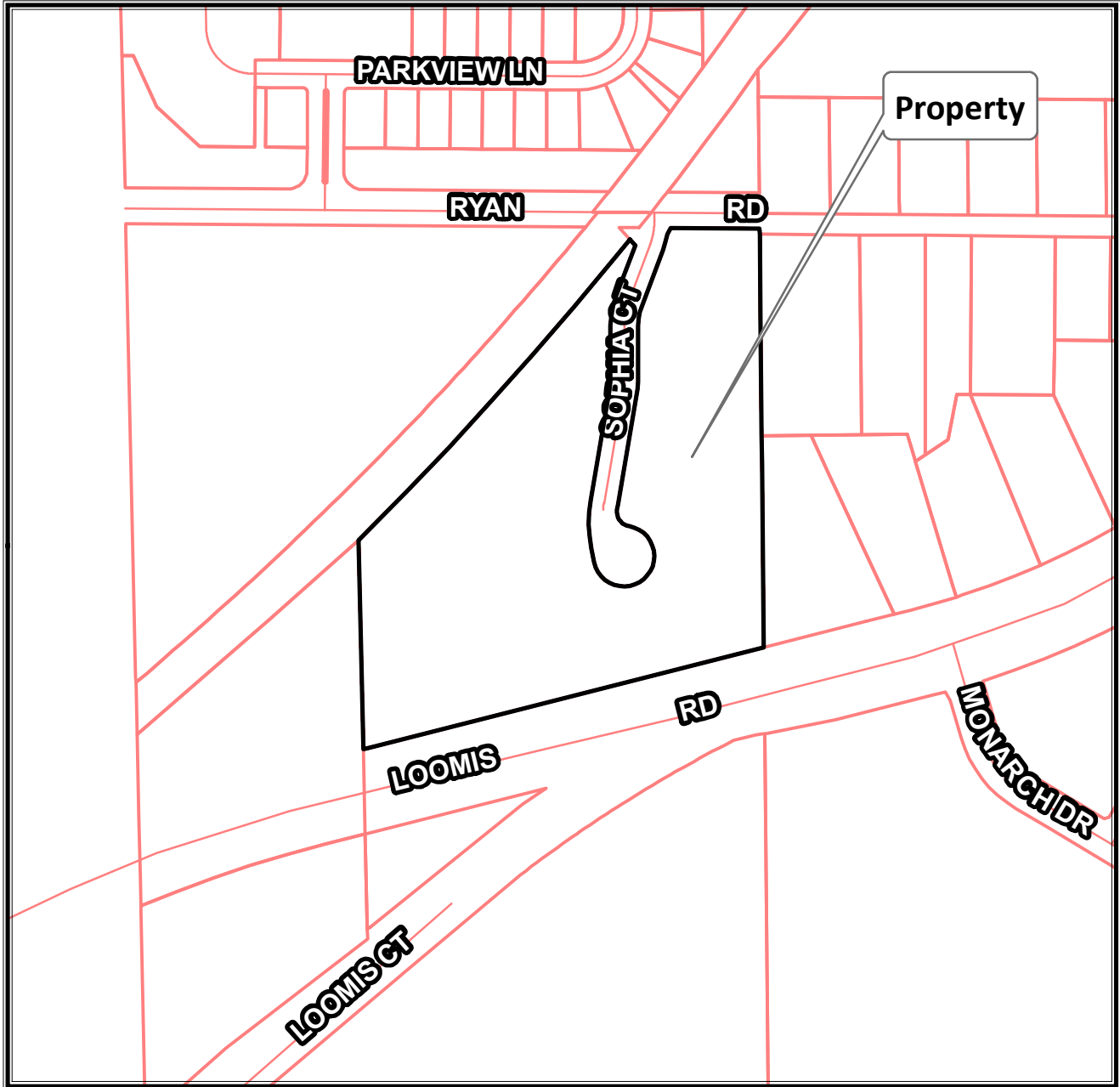
Planning Department
(414) 425-4024



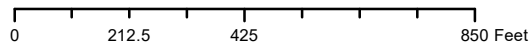
2021 Aerial Photo

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.

9524 S. Sophia Court
TKN 891 9054 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.



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 09-23-24]

RESOLUTION NO. 2024-_____

A RESOLUTION TO AMEND RESOLUTION NO. 2022-7873 IMPOSING
CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR
A CONDOMINIUM COMPLEX DEVELOPMENT USE UPON PROPERTY LOCATED
AT 9524 S. SOPHIA COURT
(STEPHEN R. MILLS, LOOMIS & RYAN, INC.,
APPLICANT, HOME PATH FINANCIAL LIMITED PARTNERSHIP, PROPERTY
OWNER)

WHEREAS, Stephen R. Mills, Loomis & Ryan, Inc. having petitioned the City of Franklin for the approval of an amendment to Resolution No. 2022-7873, to allow for the development of a condominium complex (“Woodfield Trail”), property located at 9524 S. Sophia Court, bearing Tax Key No. 891-9054-000, more particularly described as follows:

Condominium Plat of Woodfield Trail, a Condominium. Being a part of the Southwest ¼ of the Northwest ¼ of the Northwest ¼ of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.; and

WHEREAS, such proposed amendment is to remove condition of approval No. 6 which states that: “The sidewalk or multi-use trail on the south side of Ryan Road, between the future Woodfield Court and the east boundary of this development, should be included in the development agreement”; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the _____th day of _____, 2024, and the Plan Commission thereafter having determined to recommend that the proposed Special Use amendment be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use amendment, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

WOODFIELD TRAIL CONDOMINIUMS – SPECIAL USE AMENDMENT
RESOLUTION NO. 2024-_____

Page 2

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Stephen R. Mills, Loomis & Ryan, Inc., to remove condition of approval No. 6 of Resolution No. 2022-7873_which states that: “The sidewalk or multi-use trail on the south side of Ryan Road, between the future Woodfield Court and the east boundary of this development, should be included in the development agreement”, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use amendment is approved only for the use of the subject property by Stephen R. Mills, Loomis & Ryan, Inc., successors and assigns, as a condominium complex development use, which shall be developed in substantial compliance with, and operated and maintained by Stephen R. Mills, Loomis & Ryan, Inc., pursuant to those plans dated September 25, 2023 and annexed hereto and incorporated herein as Exhibit A.
2. Stephen R. Mills, Loomis & Ryan, Inc., successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Stephen R. Mills, Loomis & Ryan, Inc. condominium complex development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon Stephen R. Mills, Loomis & Ryan, Inc., and the condominium complex development use, for the property located at 12000 West Loomis Road: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

BE IT FURTHER RESOLVED, that in the event Stephen R. Mills, Loomis & Ryan, Inc., successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19 of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a

WOODFIELD TRAIL CONDOMINIUMS – SPECIAL USE AMENDMENT

RESOLUTION NO. 2024-_____

Page 3

separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be an amendment to such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance, and that all of the terms and conditions of 2022-7873, not specifically and expressly amended by or in direct conflict with this Resolution, shall remain in full force and effect.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2024.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2024.

APPROVED:

John R. Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____

Exhibit A

DRAFTED: MCC DESIGNED: MCC REVIEWED: MAC

THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PINNACLE ENGINEERING GROUP, LLC

Z:\PROJECTS\2016\809-60-W\CAD\SHEETS\809-60 SITE PLAN.DWG



PINNACLE ENGINEERING GROUP
ENGINEERING | NATURAL RESOURCES | SURVEYING

WISCONSIN OFFICE:
15850 W. AUBURN ROAD
BROOKFIELD, WI 53005
TEL: 414.231.2300 FAX: 414.231.2301

PLAN | DESIGN | DELIVER
W. W. P I N N A C L E E N G I N E E R I N G G R O U P

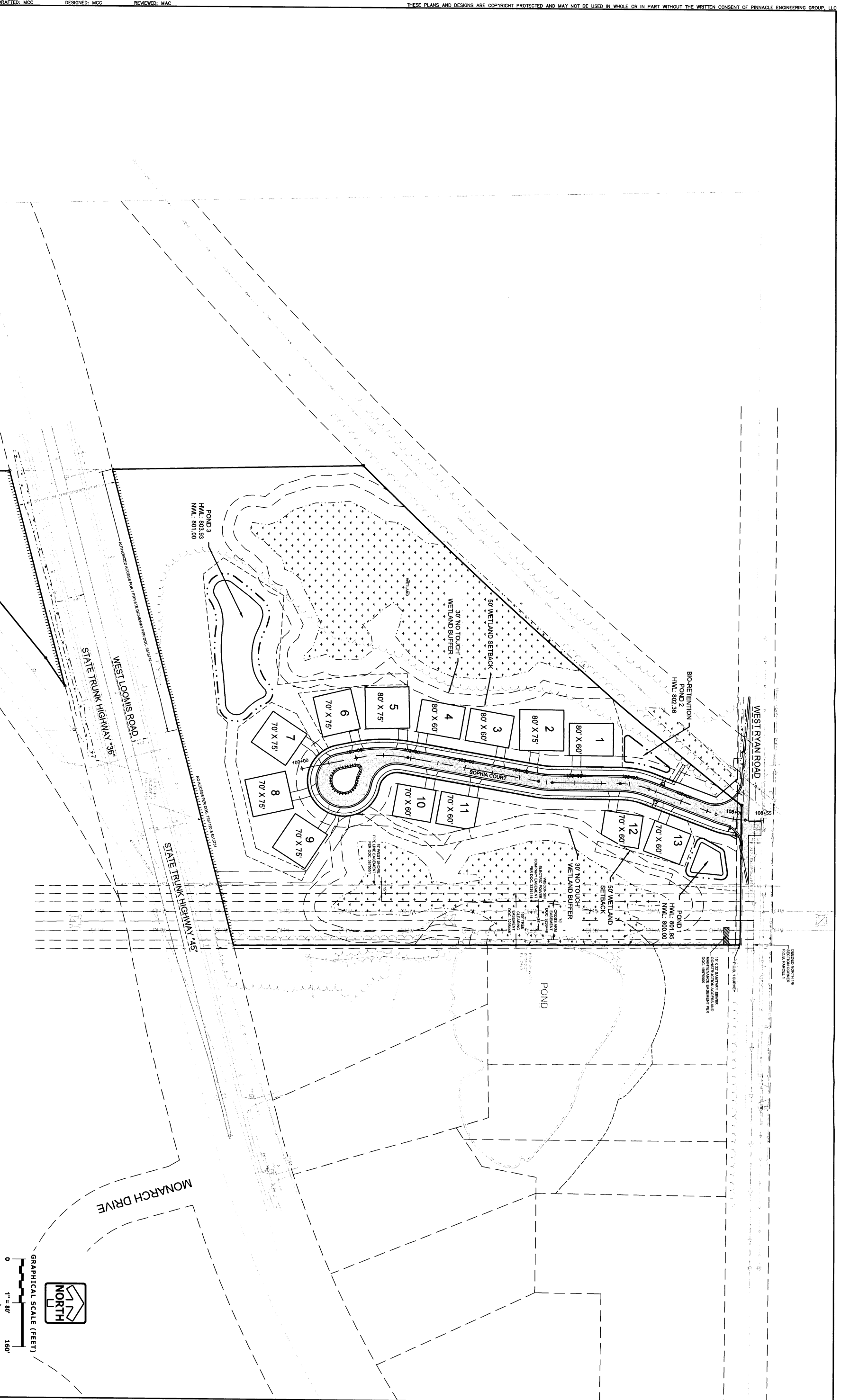
WOODFIELD TRAIL
WEST RYAN ROAD, FRANKLIN, WI 53132

SITE PLAN OVERVIEW

REVISIONS

9	CONSTRUCTION BULLETIN 2	12/6/22
10	TAPER LANE REDUCED	2/8/23
11	CONSTRUCTION BULLETIN 3	2/25/23

PEG JOB No.	809-60
PEG PM	MAC
START DATE	01-07-22
SCALE	N.T.S.
SHEET	C-3
OF	3
C-22	



July 9, 2024

Mr. Regulo Martinez-Montilva
9229 West Loomis Road
Franklin, WI 53132

Re: Special Use Amendment – Woodfield Trail

Dear Mr. Matinez-Montilva:

Please accept this letter and the enclosed materials as a formal request for a Special Use Amendment for the Woodfield Trail Condominium.

History

The City of Franklin Plan Commission recommended approval of a Special Use on June 9, 2022 which included the following condition:

- 6. The sidewalk or multi-use trail on the south side of Ryan Road, between the future Woodfield Court and the east boundary of this development, should be included in the development agreement.**

The City of Franklin Common Council passed and adopted Resolution 2022-7873 on June 21, 2022 which included the condition.

- *The purpose of this condition is unclear as there is no existing trail to connect with on the east side of the Woodfield Trail property.*
- *It is possible that the Plan Commission was not aware of the obstacles and hardships involved in constructing a trail in this location.*
- *The requested trail does not correspond to the approved trail plans found in the City of Franklin Comprehensive Plan or the Comprehensive Outdoor Recreation Plan.*

Loomis & Ryan, Inc. entered into a Development Agreement on September 28, 2023. The Development Agreement was recorded on October 12, 2023.

All design engineering plans for Woodfield Trail were reviewed and approved by City of Franklin.

Loomis & Ryan received all required permits for the construction of Woodfield Trail. The project was developed under the supervision of the City of Franklin.

Loomis & Ryan, Inc. sold the finished project to a third party.



Phone: 262.694.2327



beardevelopment.com



4011 80th Street, Kenosha, WI 53142

Request

Loomis & Ryan, Inc., respectfully requests an amendment to the Woodfield Trail Special Use and/or Development Agreement to remove this condition for the following reasons:

- 1) The Special Use language is unclear as it states the sidewalk “***should*** be included in the development agreement”. This is not mandatory language.
- 2) The Woodfield Trail Development Agreement which was approved by the City of Franklin Common Council includes the following language:

2. Pedestrian

- a) **The public recreational trails shall be constructed and installed in accordance with the plans approved by the City Engineer.**
 - b) **The edge of the walk shall be at least one (1) foot from either side of the easement.**
- 3.) The approved engineering plans for Woodfield Trail referenced in the Development Agreement do not include any provisions, plans or specifications for a trail.
 - 4.) There is no existing trail on the east side of Woodfield Trail for the proposed sidewalk or multi-use trail to connect with.
 - 5.) The City of Franklin adopted Planning Documents do not call for a trail in this location:
 - a. Comprehensive Master Plan, Map 7.4 Bicycle and Pedestrian Circulation Facilities shows an On-Street Trail within W. Ryan Road. This indicates the use of the existing road for trail connections and would not require a trail to be constructed on or adjacent to Woodfield Trail. Please see attached.
 - b. The Comprehensive Outdoor Recreation Plan, Map 7.1 does not show a trail on or adjacent to Woodfield Trail. Please see attached.
 - 6.) There is no planned or existing trail facility in the location at which the City of Franklin is requesting a trail. Please see attached.
 - 7.) There are recorded easements in favor of Buckeye Partners (high-pressure gas main) and ATC (high voltage overhead electric) within the alignment. Both easement holders must grant permission for encroachment. Buckeye Partners Encroachment guidelines specifically prohibit sidewalks to cross their facilities. Please see attached.



- 8.) The City of Franklin approved Certified Survey Map No, 9050 in 2018 directly east of the Woodfield Trail property. The City of Franklin did not require a trail or trail easement for this land division.
- 9.) On May 21, 2024, the City of Franklin adopted Resolution 2024-8152 which approved a Certified Survey Map on the south side of W. Ryan Road, 650 feet east of Woodfield Trail. After much discussion, the City of Franklin Plan Commission and Common Council did not require a trail or trail easements for this land division.

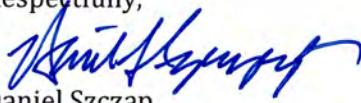
For all the reasons above, we respectfully request a Special Use Amendment and or Development Agreement Amendment to remove the implied requirement for trail construction at Woodfield Trail by Loomis & Ryan, Inc.

We ask that this matter be placed on the next available Plan Commission meeting agenda for consideration and approval.

Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 949-3788 or by email, dan@beardevelopment.com.

Thank you for your time and consideration.

Respectfully,



Daniel Szczap
Bear Development, LLC



General Standards. No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1.

Ordinance and Comprehensive Master Plan Purposes and Intent. The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

The proposed amendment is consistent with the City of Franklin Comprehensive Plan and Comprehensive Outdoor Recreation Plan.

2.

No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

The proposed amendment will have no adverse or detrimental impacts on adjacent lands.

The proposed amendment will have no adverse or detrimental impacts on the character of the area

The proposed amendment will have no adverse or detrimental impacts on public health, safety, morals, comfort and general welfare.

The proposed amendment will not diminish and impair property values within the community or neighborhood.

3.

No Interference with Surrounding Development. The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

The proposed amendment will not interfere with adjacent lands or impair their ability to develop in the future.

4.

Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

The proposed amendment will not affect public facilities.

5.

No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The proposed amendment will have no impact on traffic.

6.

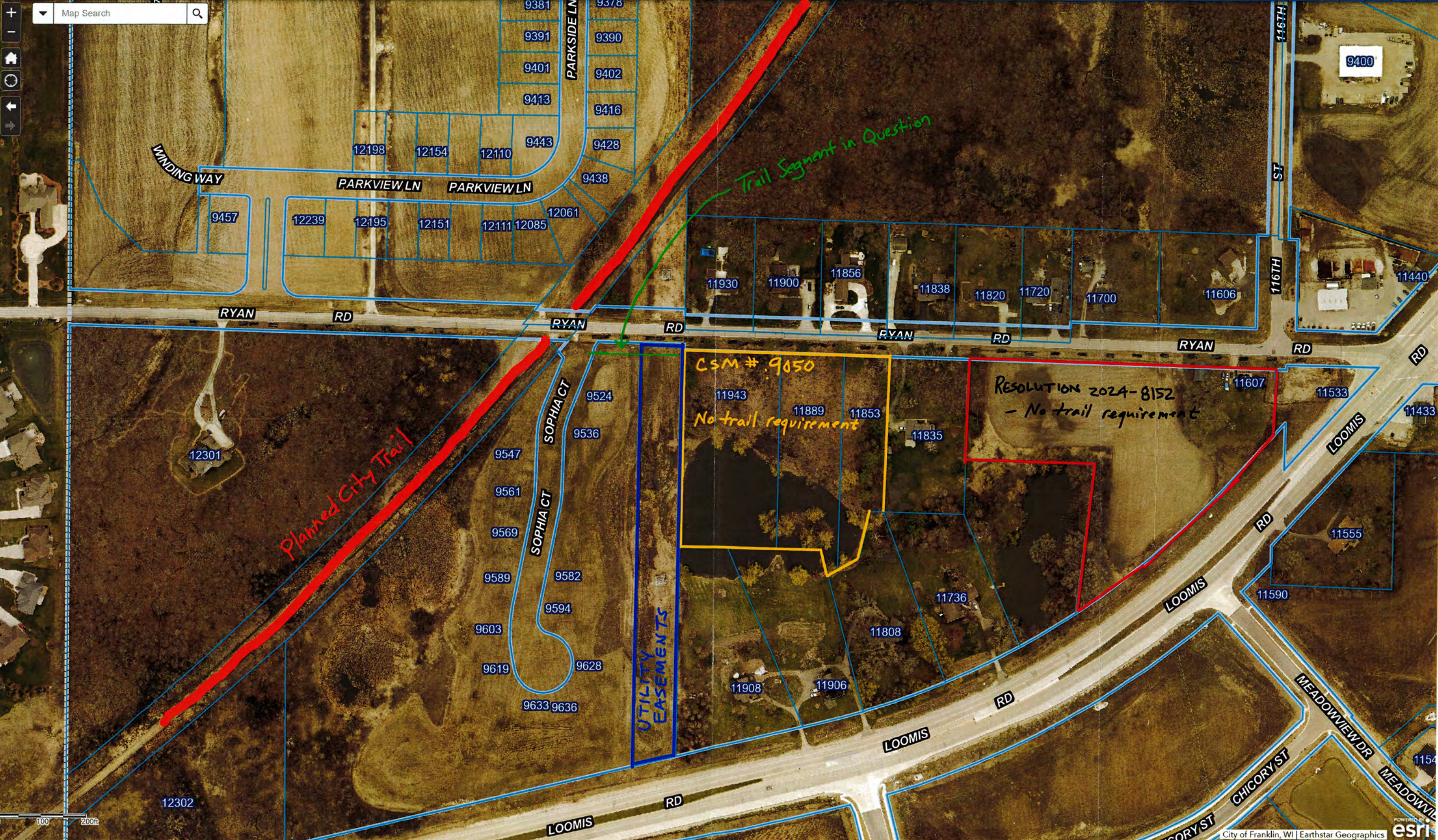
No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

The proposed amendment will not impact any of the natural resources on the site.

7.

Compliance with Standards. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

The proposed amendment has no effect on any applicable regulations of the R-8 zoning District.



^

RESOLUTION NO. 2022-7873



Doc18:20029176

Tx:40907016

Document Number

DOC # 11266614

RECORDED:

07/18/2022 08:51 AM

ISRAEL RAMON

REGISTER OF DEEDS

MILWAUKEE COUNTY, WI

AMOUNT: 30.00

Recording Area

Name and Return Address

Shirley J. Roberts, Deputy City
Clerk

City of Franklin

9229 West Loomis Road

Franklin, Wisconsin 53132

891-9011-000

Parcel Identification Number (PIN)

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document.

WRDA Rev. 12/22/2010

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2022-7873

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL
OF A SPECIAL USE FOR A CONDOMINIUM COMPLEX DEVELOPMENT USE UPON
PROPERTY LOCATED AT
12000 WEST LOOMIS ROAD
(STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC,
APPLICANT, BOOMTOWN, LLC, PROPERTY OWNER)

WHEREAS, Stephen R. Mills, President of Bear Development, LLC having petitioned the City of Franklin for the approval of a Special Use in an R-8 Multiple-Family Residence District, to allow for the development of a condominium complex ("Woodfield Trail"), consisting of 26 dwelling units arranged in 13 side-by-side duplex structures, property located at 12000 West Loomis Road (15.6 acres), bearing Tax Key No. 891-9011-000 [a Special Use permit is required in the R-8 Multiple-Family Residence District for all residential uses, either single-family, two-family or multi-family], more particularly described as follows:

PARCEL 1: A part of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East in the City of Franklin, County of Milwaukee, State of Wisconsin bounded and described as follows: Beginning at the 1/8 post of the North line of said Northwest 1/4 which post is 1325.63 feet West of the Northeast corner of said Northwest 1/4, thence West on and along said North line of said Northwest 1/4, 223.1 feet to the point in the right of way of the Milwaukee Electric Railway and Light Company, thence on and along the line of said right of way, 260.01 feet to a point on the arc of the curve of said right of way, said curve being to the convex Southeasterly center radius of 7877.6 feet and said point in said arc being on the long chord 260 feet and South 39°21' West from the intersection of said line of said right of way and the North line of said Northwest 1/4, South 0°17' East 1094.52 feet to a point in the centerline of the Loomis Road, thence Northeasterly on a 2° curve along said centerline 463.83 feet to a point, said point being on the long chord of 463.52 feet and North 59°29' East from the first mentioned point on the centerline of the Loomis Road; thence North 0°47' West, 1055.3 feet to the place of beginning. The 24.75 feet along the North line of said Northwest 1/4 being excepted therefrom and the 45 feet perpendicular to the center line of the Loomis Road being excepted therefrom further excepting therefrom that part hereof described in Deed recorded as Document 7391120; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 9th day of June, 2022, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to

WOODFIELD TRAIL CONDOMINIUMS – SPECIAL USE
RESOLUTION NO. 2022-7873

Page 2

§15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Stephen R. Mills, President of Bear Development, LLC, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Stephen R. Mills, President of Bear Development, LLC, successors and assigns, as a condominium complex development use, which shall be developed in substantial compliance with, and operated and maintained by Stephen R. Mills, President of Bear Development, LLC, pursuant to those plans City file-stamped May 31, 2022 and annexed hereto and incorporated herein as Exhibit A.
2. Stephen R. Mills, President of Bear Development, LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Stephen R. Mills, President of Bear Development, LLC condominium complex development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon Stephen R. Mills, President of Bear Development, LLC, and the condominium complex development use, for the property located at 12000 West Loomis Road: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. The applicant must submit a conservation easement for City staff review, Common Council approval, and recording with the Milwaukee County Register of Deeds Office, prior to the issuance of grading permits.

WOODFIELD TRAIL CONDOMINIUMS – SPECIAL USE

RESOLUTION NO. 2022-7873

Page 3

5. The applicant must submit a landscape bufferyard easement for City staff review, Common Council approval, and recording with the Milwaukee County Register of Deeds Office, prior to the issuance of building permits.
6. The sidewalk or multi-use trail on the south side of Ryan Road, between the future Woodfield Court and the east boundary of this development, should be included in the development agreement.
7. This Special Use is not accepting any dedication of land for right-of-way purposes. A separate instrument, such as Certified Survey Map, shall be required for dedication of land for right-of-way purposes.
8. Pursuant to the Unified Development Ordinance Section 15-7.0601, a condominium plat shall be required for the establishment of a condominium.

BE IT FURTHER RESOLVED, that in the event Stephen R. Mills, President of Bear Development, LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19 of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

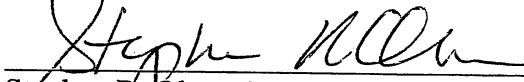
BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this 21st day of June, 2022.

WOODFIELD TRAIL CONDOMINIUMS – SPECIAL USE
RESOLUTION NO. 2022-7873
Page 4

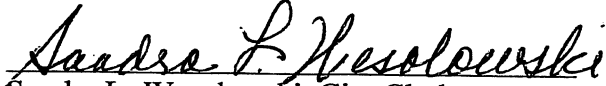
Passed and adopted at a regular meeting of the Common Council of the City of Franklin
this 21st day of June, 2022.

APPROVED:



Stephen R. Olson, Mayor

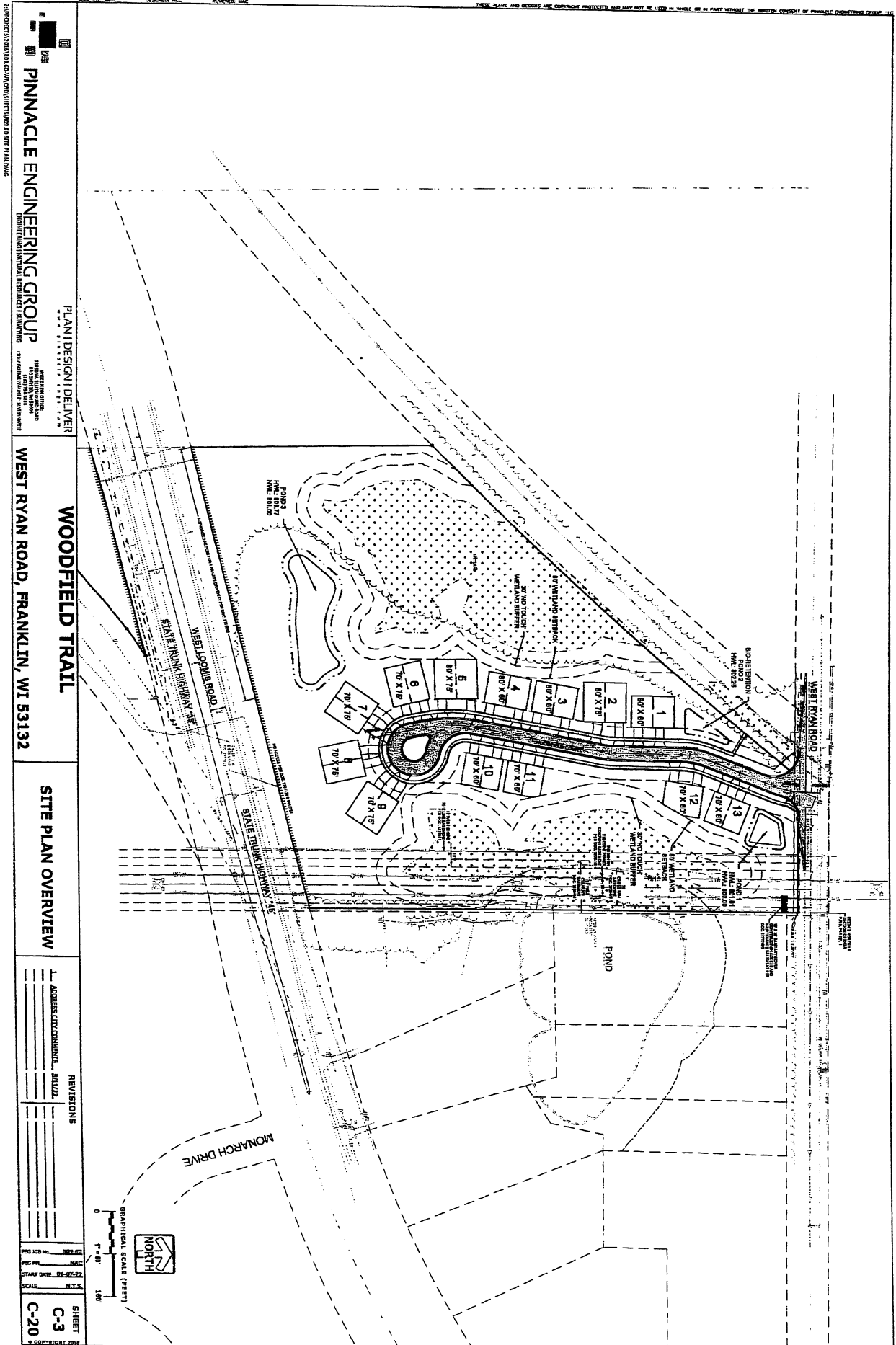
ATTEST:



Sandra L. Wesolowski, City Clerk

AYES 4 NOES 0 ABSENT (Ald. Holpfer and Ald. Barber)

Exhibit A



PINNACLE ENGINEERING GROUP
 1000 WEST RYAN ROAD, FRANKLIN, WISCONSIN 53132
 TEL: 608.785.1100 FAX: 608.785.1101
 WWW.PINNACLE-ENGR.COM

PINNACLE ENGINEERING GROUP
 ARCHITECTURAL ENGINEERING
 CONSULTING ENGINEERING

PLAN DESIGN DELIVER
 PRELIMINARY DESIGN

WOODFIELD TRAIL
 WEST RYAN ROAD, FRANKLIN, WI 53132

SITE PLAN OVERVIEW

NO.	REVISIONS	DATE
1.	ADDRESS CITY COMMENT, SUTZ	

SHEET
C-3
 C-20
 SCALE: 1/4" = 10'
 START DATE: 02-07-22
 PER: JCB
 DATE: 02-07-22
 SCALE: 1/4" = 10'
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SITE PLAN OVERVIEW

FOR REVIEW ONLY

www.pinnacle-engr.com