



CITY OF ST. FRANCIS
PLANNING COMMISSION MEETING

September 25, 2018
6:00PM

NOTICE

There will be a Planning Commission meeting on **Tuesday, September 25, 2018 at 6:00pm** in the West Committee Room at the St. Francis City Civic Center located at 3400 E. Howard Avenue.

PLANNING COMMISSION AGENDA

1. Call to Order
2. Minutes
September 12, 2018 Meeting
3. Correspondence
4. Discussion and Possible Action
 - A. Initial PUD Application – 4200 S. Lake Dr., Campbell Capital Group, LLC
Referred from September 12, 2018 meeting
 - B. Special User Permit Application – 2227 E. St. Francis Avenue from R-3
to B-1 SU, Lester Billodeau
 - C. Amendment to City of St. Francis Zoning Code, Chapter 455-48, Special Use Review
and Approval
5. Adjourn.

Upon reasonable notice, a good faith effort will be made to accommodate the needs of individuals to participate in public meetings, who have a qualifying disability under the Americans with Disabilities Act. Request should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the St. Francis City Clerk at 414-481-2300. The meeting room is wheelchair accessible from the East and West entrances.

Note: There is the potential that a quorum of the Common Council and/or other Committees, Commissions, or Boards may be present.

MINUTES OF THE PLANNING COMMISSION MEETING HELD SEPTEMBER 12, 2018, 6:00 PM

Planning Commission Members Present: Mayor Ken Tutaj, Alderman Steve Wattawa, Commission Members Darin Frerichs, Tim Niemiec, Charles Buechel, and Tom Kiepczynski.

Planning Commission Members Excused: Eric Stemwell.

Also present: City Administrator Mark Johnsrud, City Engineer/Director of Public Works Melinda Dejewski; City Attorney Paul Alexy, John Siepmann representing Siepmann Reality Corp., Mike Campbell of Campbell Capital Group, Paul McIlheran and Tom Mortensen of RA Smith all representing Campbell Capital Group, LLC., and other interested citizens and members of the media.

1. Call to Order

The meeting was called to order by Mayor Tutaj at 6:00 PM.

2. Minute Approval

A motion was made by Alderman Wattawa, seconded by Commissioner Kiepczynski to approve the minutes of the August 8, 2018 meeting. Motion carried.

3. Correspondence

None.

4. Discussion and Possible Action

1. Plat of Survey – Sivyer Avenue Lost, Siepmann Development

City Engineer Dejewski stated that this final plat is the conclusion of the development of the lots that were created in 2008 by a preliminary plat submitted by Siepmann Reality. Siepmann Reality had done the final plat of the first 6 lots in 2008 and now that those lots are sold, Siepmann Reality has submitted the final plat for the balance of the lots. Mr. Siepmann stated that there has been a renewed interest in these lots from people outside of St. Francis. Most of the lots in Trestle Creek and on E. Sivyer Avenue have been sold to people who either already lived in St. Francis or had lived in St. Francis previously and wanted to move back. There were questions regarding the drainage easement and how it impacted the lots. City Engineer Dejewski and Mr. Siepmann responded that the drainage easement was on the preliminary plat and the final plat also shows what has been planned and platted previously.

A motion was made by Commissioner Buechel, seconded by Alderman Wattawa to recommend to the Common Council to approve the Final Plat for the Sivyer East Plat contingent upon the minor technical corrections being made. Motion carried.

2. Initial PUD Application – 4200 S. Lake Dr., Campbell Capital Group, LLC.

Mr. Campbell handed out a booklet showing pictures of 3 development that they have done in Wisconsin – 2 from the Madison area and one from Wauwatosa. He stated that he has the same team working on this project as the other 3 Wisconsin projects. This development is also proposed as a high-end luxury apartment project. There will be one level of underground parking since some of the land is fill material that is not suitable for construction. The building will be one building with 4 stories and 236 unites. The center will have a fitness center, coffee area and a sitting area as well as the management offices. They believe that the project is a good fit for the area.

Commissioner Kiepczynski asked for clarification of “Class AA” development. Mr. Campbell stated that to him that means that the apartments will be as nice as apartments downtown but the rents will not be as much as downtown. Commissioner Kiepczynski stated that they need to make sure all the plumbing and fixtures are quality. Mr. Campbell stated that they are using institutional funding and those investors will not allow for cutting corners. Commissioner Kiepczynski then requested that the developer provide a view of the proposed development from the vantage point of the St. Francis High School which is directly across S. Lake Drive from the proposed development. Mr. Campbell stated that as S. Lake Drive heads north, the developments are at street grade, however, on this site, the developable area is about 10 feet below the street grade meaning that the normal 50-60 foot tall building will only be 40-50 feet tall. In addition, the high school is uphill of the proposed development and is situated so that it is mostly looking at the over 100 foot wide view corridor proposed on the north side of the proposed building.

Alderman Wattawa asked if Mr. Campbell thought there was a big demand for 1 and 2 bedroom units and was that why they are proposing 75% one bedroom and 25% two bedroom units. Mr. Campbell responded that he believed that this was the proper balance of units. He would actually propose all one bedroom units if he could, but knew that there needed to be some two bedroom units in the proposed development. Alderman Wattawa questioned the parking ratios. Mr. Campbell stated that he thought the 1.6 parking stalls/unit and the 1.29 parking stalls/bedroom ratios were adequate. In the Brookfield development that they are currently working on, they are proposing 1.8 parking stalls/units and 1.29 parking stalls/bedroom. The Mayfair development in Wauwatosa has a 1.4 parking stalls/unit ratio. He is confident that the parking ratio for the development proposed for St. Francis is correct. Alderman Wattawa then asked which units would be having the fireplaces mentioned in the narrative. Mr. Campbell stated that the 2 bedrooms would probably have them but it has not been completely decided yet.

Commissioner Buechel if the air conditioning units were going to be located on the roof of the proposed building with the high school overlooking the proposed development. Mr. Campbell stated that those types of details had not been completely designed.

The Commission was reminded that this was just the initial PUD, not the detailed PUD. Many of the questions will be addressed in the second submittal if the project moves forward.

Mayor Tutaj inquired about the wetlands and water table on the site. Mr. Campbell stated that RA Smith has a good understanding of the site geotechnical conditions and can address any concerns.

Commissioner Frerichs stated that the view corridors have been a big issue for the City in the past. He believes that the building massing is too much and needs to be broken up to not lose the pedestrian scale. He thinks it will look like a 3 story wall. He thinks the building looks nice but is concerned about how massive it will look. Mr. Campbell stated that the topography of the site is helpful to reducing the mass appearance and that there are very large view corridors on either side of the building. Commissioner Niemiec stated that he agreed with Commissioner Frerichs about the massing of the building. There was discussion on the center portion of the proposed building over the common area. It was suggested that the units above this area be removed to create another view corridor.

City Administrator Johnsrud stated that staff had indicated to Mr. Campbell that public access and view corridors were very important to the City. Staff was aware that the building would be one longer building to be able to create 2 large view corridors and the 2 public access points. The Bear development to the north has several approximately 30 foot wide view corridors which give small glimpses of the lake compared to 100 foot or more wide view corridors with the proposed development. These larger corridors provide an opportunity to really see the lake. Also, E. Lunham Avenue will have a view of the lake from the stop at S. Lake Drive. The trade-off is one longer building. He also cautioned that there may be negative effects of changing the building design such as lengthening the building to have the same number of units which impacts the view corridors on the ends. There was additional discussion on some of the impacts of changing the configuration of the building.

City Attorney Alexy stated that the new State Statue that applies to special uses also applies to PUD zoning as well. It has similar limitations on what the City can impose as conditions on a PUD application. The conditions have to be supported with substantial evidence, not personal opinions. The conditions that exist within the code can be used to review an application but nothing subjective. The Aesthetic Control Committee has some additional conditions that they are allowed to review and have input as to the design of a building.

City Administrator Johnsrud added that the Commission needs to keep the proposed development in perspective. The cost of the proposed development is approximately 44 million dollars with approximately 33 million dollars of assessed value. The proposed development can increase the assessed value of the City by approximately 10%.

A motion was made by Alderman Wattawa, seconded by Commissioner Kiepczynski to refer the item to the September 25, 2018 Planning Commission meeting. Motion carried.

3. Special Use Permit Application – 3849 S. Packard Avenue from R-3 SU (multifamily rental) to R-3 SU (multifamily condominium), JP Minchello

City Administrator Johnsrud stated that the existing special use permit would allow the property to change over to condominiums but since the parcel that the building exists on cannot meet the parking requirement, that fact would have to be reflected on any title search that was to come into the City. There was a review of how the building came to be a 4-family multifamily building. The special use states that the City was granting the parking reduction on the lot with the building but when the second vacant lot from the CSM develops, it must provide the balance of the required parking for the lot with the building in addition to any parking requirements for the proposed development on the second currently vacant lot.

City Attorney Alexy stated that when the owner converts the building to condos, they will have to figure out how to create an individual interest on the lot that will provide the parking to be in compliance with the zoning code.

There was no action taken on this item.

5. Adjourn

A motion was made by Alderman Wattawa, seconded by Commissioner Frerichs to adjourn. Motion carried. Meeting adjourned at 7:00pm.

City of St. Francis

3400 E Howard Ave
St. Francis, WI. 53235

APPLICATION FOR CHANGE OF ZONING ORDINANCE, PLANNED UNIT DEVELOPMENT OR SPECIAL USE

Important: No application for a change of zoning will be given consideration by the City Planning Commission or Common Council, unless made on this form. This application form will be the permanent record in this case. Applicant should use care in setting forth clearly and completely all facts relied upon to support the zoning change applied for. Be sure property description given in petition and on accompanying survey(s) is correct.

Note: All applications must be accompanied by a check or cash in the sum of \$195.00 for regular change of zoning or \$300.00 for Planned Development or Special Use (Plus .00065 per dollar of development cost to be paid at permit application)

To the Honorable Mayor and Common Council of the City of St. Francis,

We (I - We) the under signed owner(s), representative(s) (check one) of all or part of real property described below, hereby petition your Honorable Body to change, alter, and amend the boundaries of use districts by changing from the _____ District to the _____ District the following described property, a plat of which, as well as a statement of facts pertaining to the change requested are attached hereto and made part of this petition.

Address(s) 2227 E. St. Francis Ave.

Current use RESIDENTIAL MIXED USE (R3)

Proposed use LIMITED BUSINESS (B1) WITH SPECIAL USE - TAVERN

Tax Key Nos. 546-1012-000

Lester Billodeau 9/13/18 owner
Signed Date Title
Lester Billodeau
Print name

State of Wisconsin)
Milwaukee County) SS.

NOTE: CC: Applicant - City Engineer
Zoning Administrator

ACKNOWLEDGMENT

FEE \$ _____

Personally came before me this 13th day of September, 2018, the above named Lester Billodeau and _____ to me known to be the persons who executed this document, and I hereby acknowledge the same.



Maurice Schaus
(Signed)
Maurice Schaus
(Print name)

Notary Public, Wisconsin

My Commission (expires) (is permanent) 8/2/2020
(Strike one) (Date)

STATEMENT OF FACTS PERTAINING TO THE ACCOMPANYING REQUEST FOR A
CHANGE OF
ZONING ORDINANCE

The following deed restrictions are in effect on the above property: (Here set out restrictions or state none exist. If there were ever restrictions and some have expired or have been removed state former restrictions and date of expiration or removal.)

None to Partitioner's Knowledge

The following deed restrictions are in effect on property immediately opposite above property. (Here set out restrictions or state none exist. If there were ever restrictions and some have expired or have been removed state former restrictions and date of expiration or removal.)

None to Partitioner's Knowledge

Property in the block in which the above described property is situated is now devoted to the following uses: (Describe fully all existing uses.)

Limited Business: Rails Inn, Red Bar, Stage
Unites

Petitioner proposes to erect on the above property: (State fully, proposed building, structure or other improvements and accompany with site, grading, parking, landscape and building plans.)

See Attached

If you are petitioning for a change to a Business District:

1. What percentage of lots within a radius of 1000 feet is now improved with buildings:

Not applicable

2. How far is your property from the two nearest local Business Districts, and the extent of each district?

4-10 blocks

Owners of property(s) actually included in the proposed change to sign below.

Lester Billodeau 9/13/18 _____ / /
(Signed) (Date) (Signed) (Date)

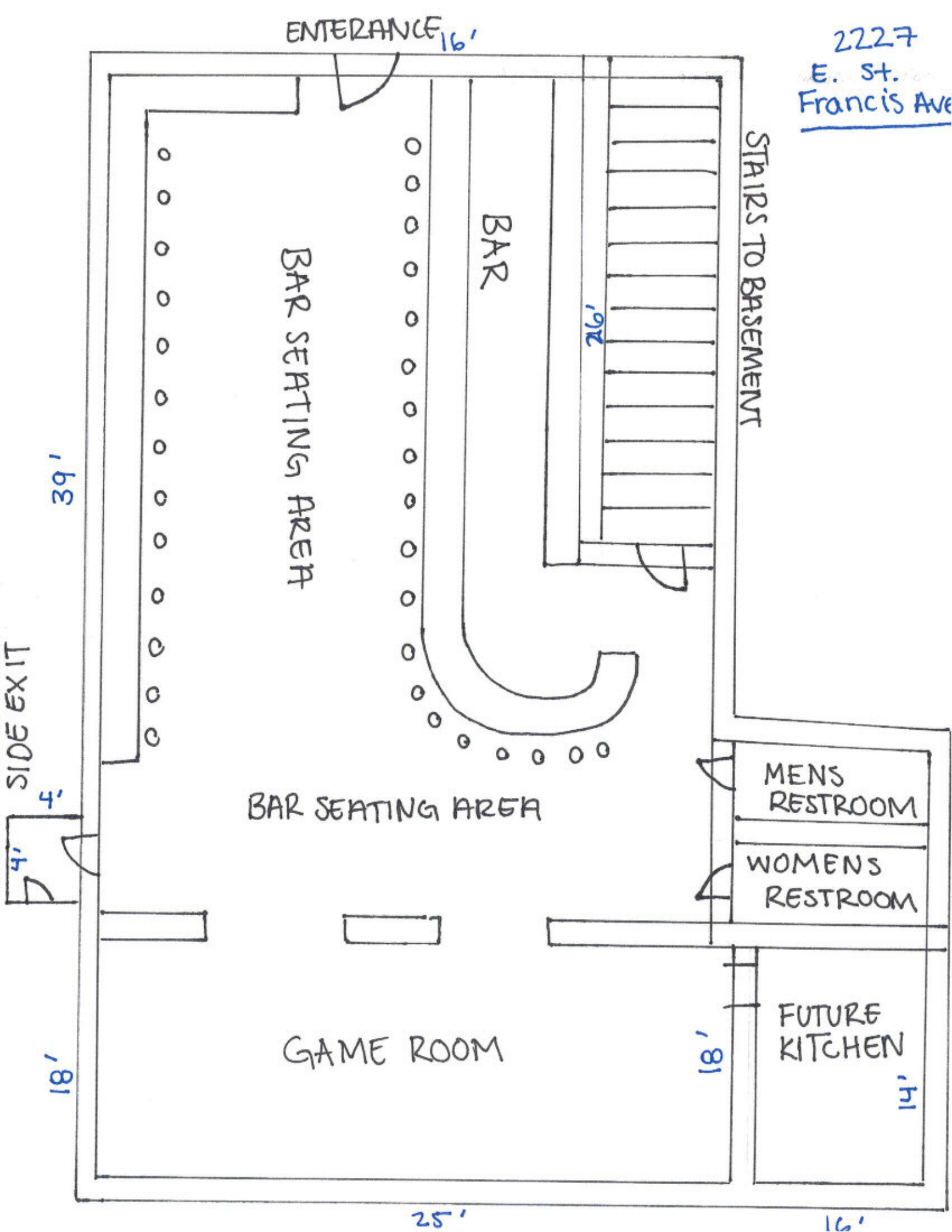
Lester B. Billodeau _____
(Print Name) (Print Name)

(Signed) _____ / / _____ / /
(Date) (Signed) (Date)

(Print Name) _____
(Print Name)

(Signed) _____ / / _____ / /
(Date) (Signed) (Date)

2227
E. St.
Francis Ave



§ 455-48. Special use review and approval.

A. Special uses established. A special use is a land use or activity that is not suited to all locations in a zoning district but may be authorized following review and approval, provided that it meets specific conditions set out in this chapter as well as the chapter's general purpose.

B. Prior existing special uses. When a use is classified as a special use in a particular zoning district and exists as either a permitted use or special use on the effective date of this chapter, it shall be considered a legal use, without further action of the Common Council, the Zoning Administrator, or the Zoning Board of Appeals. Any proposed change in the existing operation shall be subject to the procedures and provisions of this section. In the case where a use is classified as a special use on the effective date of this chapter and is no longer permitted in that district as such under the terms of this chapter, it shall be deemed a nonconforming use. The conditions of approval that apply to any special use established prior to the effective date of this chapter continue to apply following its adoption. Prior existing special uses are listed in Appendix A. [1]

[1] Editor's Note: Appendix A is included at the end of this chapter.

C. Approval required. Any special use listed in this chapter shall be permitted only when authorized by the Common Council, following a public hearing and receipt of Planning Commission recommendations.

D. Application. Applications for a special use shall be made to the Zoning Administrator. The following shall be provided at the time of application:

(1) Completed application form.

(2) A written description of the special use, describing its unique characteristics, and a plan of operations describing the character of the operation in terms of its impact upon traffic facilities, storm drainage, sewage disposal, potable water supply, hours of operation and environmental character, with particular emphasis on control of any possible noise, dust, odor, or other undesirable operating characteristics.

(3) All information required under § 455-47.

(4) Additional information as required by the City Engineer, Zoning Administrator, Planning Commission or the Common Council.

(5) Payment of appropriate fee according to the currently adopted fee schedule as amended from time to time.

E. Review. Prior to making a recommendation to the Common Council regarding special use approval, the Planning Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, street access, traffic generation and circulation, drainage, sanitary and storm sewer, water systems, landscaping, park requirements and proposed plan of operation in relation to the standards and considerations detailed in this section.

F. General standards for all special uses. No special use permit shall be recommended or granted pursuant to this chapter unless the applicant shall establish the following:

(1) Chapter and Comprehensive Smart Growth Plan purposes and intent. The proposed use and development will be in harmony with the general and specific purposes for which this chapter 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 St. Francis Comprehensive Smart Growth Plan or element thereof.

- (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 will not substantially 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 interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.
- (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.
- (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.
- (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.
- (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 Planning Commission.

G. Special standards for specified special uses. When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having use-specific standards, as set forth in § 455-44 or 455-45, a special use permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such standards.

H. Considerations. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Planning Commission and the Common Council shall consider the following:

- (1) Public benefit. Whether and to what extent the proposed use and development at the particular location requested are necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.
- (2) Alternative locations. Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.
- (3) Mitigation of adverse impacts. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.
- (4) Establishment of precedent of incompatible uses in the surrounding area. Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

I. Conditions on special use permits. The Planning Commission may recommend, and the Common Council may impose, such conditions and limitations concerning use, construction, character, location, landscaping, maintenance, screening, operation, hours of operation, and other matters relating to the purposes and objectives of this chapter upon the premises benefited by the issuance of a special use permit as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property and upon such public facilities and services, to provide protection of the public interest, and to secure compliance with the standards and requirements specified in this chapter. Such conditions shall be expressly set forth in the ordinance granting the special use permit, and the Common Council may require the

unconditional consent of the applicant to such conditions. Violation of any such condition or limitation shall be a violation of this chapter and shall constitute grounds for revocation of the special use permit.

J. Affidavit of compliance with conditions. In all cases in which special uses are granted, the Common Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with. Whenever any special use permit granted pursuant to this chapter is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Zoning Administrator so stating.

K. Effect of issuance of a special use permit. The grant of a special use permit shall not authorize the establishment or extension of any such use nor the development, construction, reconstruction, alteration, or moving of any building or structure but shall merely authorize the preparation, filing, and processing of applications for any other permits or approvals that may be required by the ordinances and codes of the City of St. Francis, including but not limited to building permit, certificate of occupancy, land division approval, site plan approval, or other type of permit or approval.

L. Limitations on special use permits.

- (1) Time limitations. Subject to an extension of time granted by the Common Council, upon recommendation of the Planning Commission, no special use permit shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a certificate of occupancy is issued and a use commenced within that period.
- (2) Use discontinuance. A special use permit shall be deemed to authorize only the particular use for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six consecutive months or more.
- (3) Special use permit runs with land and not the applicant. Except when otherwise provided in the resolution granting a special use permit, a special use permit shall be deemed to relate to, and to be for the benefit of, the use and lot in question rather than the applicant, owner, or operator of such use or lot.
- (4) Additions and enlargements to legal special uses. Any additions or enlargements of an existing legally granted special use for which a special use permit has been issued may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this chapter for its original approval.
- (5) Additions and enlargements to illegal special uses. Any additions or enlargements of an existing illegal special use for which a special use permit has not been issued shall not be allowed unless the entire use is made to conform to all the regulations of the zoning district in which it is located and pursuant to the procedures and subject to the standards and limitations provided in this chapter.

M. Amendments to special use permits. A special use permit may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this chapter for its original approval.