

ORDINANCE NO. 2012-2090

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE FUTURE LAND USE MAP USE DESIGNATION FOR PROPERTY LOCATED AT THE EASTERN CORNER OF WEST LOOMIS ROAD AND WEST ST. MARTINS ROAD (STH 100), FROM MIXED USE TO COMMERCIAL USE AND TO CHANGE THE CITY OF FRANKLIN CROSSROADS TRADE AREA REGULATING PLAN TO ALLOW FOR SUCH COMMERCIAL USE
 (APPROXIMATELY 29.48 ACRES)
 (DAVID W. BEHRENS, PRINCIPAL OF GREENBERGFARROW ARCHITECTURE INC., APPLICANT)

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

WHEREAS, David W. Behrens, Principal of GreenbergFarrow Architecture Inc. has applied for an amendment to the Comprehensive Master Plan to change the proposed use of certain property from Mixed Use to Commercial Use and to change the City of Franklin Crossroads Trade Area Regulating Plan to allow for such Commercial Use; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on July 5, 2012, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property located at the eastern corner of West Loomis Road and West St. Martins Road (STH 100), from Mixed Use to Commercial Use and to change the City of Franklin Crossroads Trade Area Regulating Plan to allow for such Commercial Use; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on July 10, 2012; and

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

SECTION 1: The City of Franklin 2025 Comprehensive Master Plan is hereby amended to change the Future Land Use Map use designation for the property located at approximately the eastern corner of West Loomis Road and West St. Martins Road (STH 100), from Mixed Use to Commercial Use and to change the City of Franklin Crossroads Trade

Area Regulating Plan to allow for such Commercial Use. Such property is more particularly described as follows:

LEGAL DESCRIPTION: PARCEL 1 (VACANT): THAT PART OF THE SOUTHEAST 1/4 OF SECTION 17, IN TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE EAST ALONG THE SOUTH LINE OF SAID 1/4 SECTION 954.26 FEET TO A POINT, SAID POINT LYING ON THE CENTERLINE OF STH 100 (ST. MARTINS ROAD); THENCE NORTH 36°37' WEST ALONG THE CENTERLINE OF SAID STH 100, 668.50 FEET; THENCE NORTH 54°57' EAST 60.00 FEET; THENCE NORTH 36°37' WEST 160.58 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT OF WAY LINE OF WEST LOOMIS ROAD (SAID POINT BEING 100 FEET SOUTHERLY OF THE CENTERLINE OF WEST LOOMIS ROAD); THENCE NORTH 54°58'55" EAST ALONG SAID RIGHT OF WAY LINE 10.00 FEET TO THE POINT OF BEGINNING OF THE LAND TO BE CONVEYED; THENCE CONTINUING NORTH 55°58'55" EAST ALONG SAID RIGHT OF WAY LINE 120.01 FEET; THENCE SOUTH 12°15'45" WEST 159.24 FEET TO A POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF STH 100 AND 70.00 FEET EASTERLY OF THE CENTERLINE OF SAID STH 100; THENCE NORTH 36°37' WEST ALONG SAID RIGHT OF WAY LINE OF STH 100, 108.08 FEET TO THE POINT OF BEGINNING.

PARCEL 2 (9821 W. LOOMIS ROAD): THAT PART OF THE SOUTHEAST 1/4 OF SECTION 17, IN TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE EAST ALONG THE SOUTH LINE OF SAID 1/4 SECTION 954.26 FEET TO THE CENTERLINE OF THE ST. MARTINS ROAD (HIGHWAY 100); THENCE NORTH 36°37' WEST ALONG THE CENTER LINE OF SAID ROAD, 668.50 FEET TO A POINT; THENCE NORTH 54°57' EAST 60 FEET TO THE POINT OF BEGINNING OF THE LAND ABOUT TO BE DESCRIBED; THENCE NORTH 54°57' EAST 248.94 FEET TO A POINT; THENCE NORTH 36°37' WEST 199.5 FEET TO A POINT IN THE WEST LOOMIS ROAD (60 FEET FROM THE CENTERLINE); THENCE SOUTH 54°57' WEST ALONG THE SOUTH LINE OF WEST LOOMIS ROAD, 75.6 FEET TO A POINT;

THENCE SOUTH 12°15'45" WEST 229.94 FEET TO A POINT IN THE EASTERLY LINE OF ST. MARTINS ROAD; THENCE SOUTH 36°37' EAST ALONG SAID ROAD 43.52 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART TAKEN BY AWARD OF DAMAGES RECORDED ON NOVEMBER 14, 1967 IN REEL 390, IMAGE 2066, AS DOCUMENT NO. 4357556.

PARCEL 3 (9824 W. ST. MARTINS ROAD): THAT PART OF THE SOUTHEAST 1/4 OF SECTION 17, IN TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THE SAID 1/4 SECTION; RUNNING THENCE EAST ALONG THE SOUTH LINE OF SAID 1/4 SECTION 954.26 FEET TO THE CENTERLINE OF THE ST. MARTINS ROAD; THENCE NORTH 36°37' WEST ALONG THE CENTER LINE OF SAID ROAD 527.50 FEET TO THE PLACE OF BEGINNING OF THE LAND ABOUT TO BE DESCRIBED; CONTINUING THENCE NORTH 36°37' WEST ALONG THE CENTER LINE OF THE ST. MARTINS ROAD 141 FEET TO A POINT; THENCE NORTH 54°57' EAST 308.94 FEET TO A POINT; THENCE SOUTH 36°37' EAST 141 FEET; THENCE SOUTH 54°57' WEST 308.94 FEET TO THE PLACE OF BEGINNING.

PARCEL 4 (9745 W. LOOMIS ROAD): THAT PART OF THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 17; THENCE NORTH 89°57'44" EAST 1321.62 FEET; THENCE NORTH 01°20'04" EAST 475.107 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 80°01'08" WEST 311.842 FEET TO A POINT; THENCE NORTH 36°39'00" WEST 524.937 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF STH 36; THENCE NORTH 54°57'00" EAST ALONG SAID RIGHT OF WAY LINE 251.367 FEET TO A POINT OF CURVE; THENCE ALONG THIS CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 2391.831 FEET WITH A LONG CHORD BEARING NORTH 54°24'06.9" EAST 45.759 FEET, 45.760 FEET; THENCE SOUTH 35°03'00" EAST 657.30 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PART DESCRIBED IN WARRANTY DEED NO. 2905120 AND AGAIN IN QUIT CLAIM DEED NO. 3200027.

PARCEL 5 (9760 W. ST. MARTINS ROAD): THAT PART OF THE SOUTHEAST 1/4 OF SECTION 17, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 17; THENCE NORTH 89°57'44" EAST 954.002 FEET; THENCE NORTH 36°39'00" WEST ALONG THE CENTERLINE OF STH 100, 205.500 FEET; THENCE NORTH 89°57'44" EAST 87.207 FEET TO THE EASTERLY LINE OF STH 100, BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 36°39'00" WEST 372.845 FEET TO A POINT IN THE SOUTHERLY LINE OF PROPERTY DESCRIBED IN WARRANTY DEED RECORDED AS DOCUMENT NO. 4954582; THENCE NORTH 54°57'00" EAST 238.913 FEET TO A POINT; THENCE SOUTH 36°39'00" EAST 224.476 FEET TO A POINT; THENCE NORTH 80°01'08" EAST 311.842 FEET; THENCE SOUTH 01°20'04" WEST 310.107 FEET TO A POINT; THENCE SOUTH 9°57'44" WEST 406.921 FEET TO THE POINT OF BEGINNING.

PARCEL 6 (9710 W. ST. MARTIN ROAD): THAT PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 17, IN TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, COMMENCING AT A POINT ON THE SOUTH LINE OF SAID 1/4 SECTION 954 FEET EAST OF THE SOUTHWEST CORNER OF SAID 1/4 SECTION, SAID POINT BEING THE CENTER LINE OF STH 100; THENCE NORTH 37°04' WEST ALONG THE CENTER LINE OF STH 100, 205.28 FEET TO A POINT; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION 493.78 FEET TO A POINT IN THE 1/8 SECTION LINE; THENCE SOUTH ALONG THE 1/8 SECTION LINE 165 FEET IN THE SOUTH LINE OF SAID 1/4 SECTION; AND THENCE WEST ALONG THE SOUTH LINE OF SAID 1/4 SECTION 367.50 FEET TO THE PLACE OF BEGINNING.

PARCEL 7 (9661 W. LOOMIS ROAD): THAT PART OF THE SOUTHEAST 1/4 OF SECTION 17, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 17; THENCE NORTH 89°57'44" EAST 1321.62 FEET; THENCE NORTH 01°20'04" EAST 475.107 FEET TO THE POINT OF BEGINNING; THENCE NORTH 35°03'00" WEST 657.30

FEET TO A POINT OF CURVE ON THE SOUTHERLY RIGHT OF WAY LINE OF STH 36; THENCE ALONG THIS CURVE BEING THE SOUTHERLY RIGHT OF WAY LINE, CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 2391.831 FEET WITH A LONG CHORD BEARING NORTH 47°20'57.4 FEET EAST 541.904 FEET, 543.070 FEET; THENCE SOUTH 01°20'04" WEST 905.50 FEET TO THE POINT OF BEGINNING.

PARCEL 8 (9530 W. PUETZ ROAD): LOT ONE (1), CERTIFIED SURVEY MAP NO. 7785 RECORDED JULY 12, 2006 IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN, AS DOCUMENT NUMBER 9267685; BEING ALL THAT PART OF THE SOUTH 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

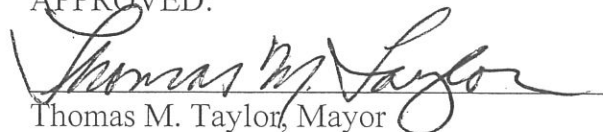
SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this 4th day of September, 2012, by Alderman Olson.

Passed and adopted by a majority vote of the members-elect of the Common Council at a regular meeting of the Common Council of the City of Franklin this 4th day of September, 2012.

APPROVED:


Thomas M. Taylor, Mayor

ATTEST:



Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0