

CITY OF FRANKLIN
COMMON COUNCIL MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA**
TUESDAY, AUGUST 16, 2011, 6:30 P.M.

- A. Call to Order and Roll Call
- B. Citizen Comment Period
- C. Approval of Minutes
 - 1. Approval of regular meeting of August 2, 2011.
- D. Hearings
- E. Organizational Business
 - 1. Boards and Commissions Appointments
 - a. Michael Sweeney-Forward Franklin Economic Development Commission-Ald. Dist. #6.
- F. Letters and Petitions
- G. Reports and Recommendations
 - 1. Consent Agenda
 - a. Population estimate as of January 1, 2011.
 - b. Trick-or-Treat Schedule for 2011.
 - 2. Status report from the Franklin Trails Committee regarding their activities.
 - 3. Ordinance to amend Section 15-3.0421 of the Unified Development Ordinance Planned Development District No. 16 (Franklin Centre) (Rawson LLC and Franklin Centre Wisconsin LLC, applicant) (7199 S. 76th Street).
 - 4. Resolution conditionally approving a 2 lot Certified Survey Map, being a division of Parcel 2 of Certified Survey Map No. 7170, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Rawson LLC and Franklin Centre Wisconsin LLC, applicant) (7199 S. 76th Street).
 - 5. Resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Certified Survey Map for Planned Development District No. 16 (Franklin Centre) (Rawson LLC and Franklin Centre Wisconsin LLC, applicant) (7199 S. 76th Street).
 - 6. Ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 7513 "Truck rental and leasing, no drivers", to allow for such use as a Special Use in the B-4 South 27th Street Mixed-Use Commercial District (U-Haul Co. of Wisconsin, Inc., applicant).
 - 7. Authorization to install the final lift of asphalt on the public and private streets in the Avian Condominium development located on the northwest corner of S. 68th Street and W. Puetz Road.
 - 8. Resolution awarding contract to the lowest bidder for the 2011 Pavement Marking Program in the City of Franklin.
 - 9. Resolution to Waive Renegotiation of Existing Agreements Affecting the Veolia Es Emerald Park Landfill for Proposed Western Expansion.

10. Acquisition of easement rights and interests in property for the location, extension, installation and maintenance of public sanitary sewer facilities to provide sanitary sewer service to the southwest area of the City of Franklin by way of the Ryan Creek Interceptor sewer installation upon property in the area from the intersection of South 60th Street and West Ryan Road generally following the Ryan Creek to the intersection of West Ryan Road and South 112th Street, thence westerly along West Ryan Road to the west City limits, upon the following two (2) properties identified by Acquisition Map Parcel No., Tax Key Number and address, respectively, as follows: 1) 12, 935-9994-009 and 8400 West Oakwood Road; 2) 28, 892-9991-000 and 11111 West Ryan Road. The Council may enter closed session pursuant to Wis. Stat. §19.85(1)(e), to consider the terms and negotiation of the public acquisition of easement(s) for public sanitary sewer service for the extension of the Ryan Creek Interceptor Sewer project, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

H. Licenses and Permits

1. Miscellaneous Licenses.

I. Bills

1. Vouchers and Payroll approval.

J. Adjournment

*Supporting documentation and details of these agenda items are available at City hall during normal business hours.

[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.]

**Notice is given that a majority of the Franklin Trails Committee may attend this meeting to gather information about an agenda item over which the Franklin Trails Committee has decision-making responsibility. This may constitute a meeting of the Franklin Trails Committee per State ex rel. Badke v. Greendale Village Board, even though the Franklin Trails Committee will not take formal action at this meeting.

REMINDERS:

August 18	Plan Commission	7:00 p.m.
September 5	Holiday-CITY HALL CLOSED	
September 6	Committee of the Whole AND Common Council	6:30 p.m.

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>8/16/11</p>
<p>ORGANIZATIONAL BUSINESS</p>	<p>Boards and Commissions Appointments</p>	<p>ITEM NUMBER</p> <p><i>E.l.a.</i></p>

Several terms of offices on various Boards and Commissions have or will be expiring. The Mayor may have appointments for Council confirmation:

Forward Franklin Economic Development Committee
Michael Sweeney, 1 yr. term expires 7/1/12

Jodi Vandenoomb

✓ sent 8/5/11
 H verified waiver

From: volunteerfactsheet@franklinwi.gov
Sent: Tuesday, July 19, 2011 12:47 PM
To: Lisa Huening; Jodi Vandenoomb
Subject: Volunteer Fact Sheet

Name: Michael Sweeney
PhoneNumber: 414-687-9241
EmailAddress: michael@sweeneysgym.com
YearsasResident: 31.5
Alderman:
ArchitecturalBoard: 0
CivicCelebrations: 0
CommunityDevelopmentAuthority: 0
EconomicDevelopmentCommission: 1
EnvironmentalCommission: 0
EthicsBoard: 0
FairCommission: 0
FinanceCommittee: 0
FirePoliceCommission: 0
BoardofHealth: 0
LibraryBoard: 0
ParksCommission: 0
PersonnelCommittee: 0
PlanCommission: 0
BoardofPublicWorks: 0
BoardofReview: 0
TechnologyCommission: 0
BoardofWaterCommissioners: 0
BoardofZoning: 0
WasteFacilitySiting: 0
WasteFacilitiesMonitoring: 0
CompanyNameJob1: Sweeney's Gym
TelephoneJob1: 414-769-0772
StartDateandPositionJob1: May 2006 owner
EndDateandPositionJob1: Present
CompanyNameJob2:
TelephoneJob2:
StartDateandPositionJob2:
EndDateandPositionJob2:
CompanyNameJob3:
TelephoneJob3:

7/19/2011

StartDateandPositionJob3:**EndDateandPositionJob3:****Signature:** Michael Sweeney**Date:** 7/19/2011**Signature2:** Michael Sweeney**Date2:** 7/19/2011**Address:** 9447 W. St. Martins Rd.**PriorityListing:****WhyInterested:**

To created to provide leadership in planning, promoting, and developing the vitality of the people and the city of Franklin. That's just a start :)

CompanyAddressJob1:

5311 S. Howell Ave. Milwaukee WI 53207

DescriptionofDutiesJob1:

Mike has over ten years of personal training experience. Prior to opening Sweeney's Gym in May 2006, he owned a personal training studio and managed the Riverside Theater in Milwaukee. He is also a board member of the Airport Gateway Business Association (AGBA) and (AGBID.) Mike is the chair person for safety and security in the 13th district for the Gateway to Milwaukee. Mike also has written for publications such as Milwaukee Magazine, Milwaukee Journal Sentinel and Q-life Magazine. Mike has been featured on Channel 4 news group and Small Business Times to add to his success. Mike is married to his beautiful wife, Karen, and has three boys Brandon, Maxwell and Connor. Mike is going into his third year of coaching his sons basketball team. Mike is the Football Coordinator for SAAA, voted by the board for a two year term. Mike enjoys working out, water sports, four-wheeling and of course, anything to do with his family. Mike's favorite food is pizza, which he eats once a week.

AddressJob2:**DescriptionofDutiesJob2:****AddressJob3:****DescriptionofDutiesJob3:****AdditionalExperience:**

Promoter, Writer, Accounting working with Quick Books, Advertising, PR work, Roll model and the Gateway To Milwaukee.

ClientIP:

75.44.43.79

SessionID:

sojq30553dswy35511hqu445

See Current Results

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR</p> <p>COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>8/16/11</p>
<p>REPORTS &</p> <p>RECOMMENDATIONS</p>	<p>Population estimate as of January 1, 2011</p>	<p>ITEM NUMBER</p> <p><i>G. l. a.</i></p>

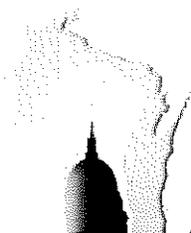
Franklin has received the preliminary estimate (35,504) as of January 1, 2011. If the Council wishes to challenge this estimate, such challenge must be submitted before September 15, 2011.

For your review, Franklin's prior population was as follows:

1960	10,006	2000	28,804
1970	12,247	4/1/00 census	29,494
1980	16,469	2001	30,199
1990	21,732	2002	30,749
1991	22,356	2003	31,467
1992	23,168	2004	31,804
1993	24,052	2005	32,548
1994	24,778	2006	33,000
1995	25,163	2007	33,380
1996	25,726	2008	33,550
1997	26,591	2009	33,700
1998	27,186	2010	33,900
1999	27,780	4/1/10 census	35,451
		2011	35,504

COUNCIL ACTION REQUESTED

Motion to place on file the Wis. Dept. of Administration January 1, 2011 population estimate of 35,504.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

Division of Intergovernmental Relations
Post Office Box 8944
Madison, WI 53708-8944
Voice (608) 266-0288
Fax (608) 267-6917

0986

SANDRA WESOLOWSKI
CLERK, CITY OF FRANKLIN
9229 W LOOMIS RD
FRANKLIN, WI 53132 - 9630

August 10, 2011

PRELIMINARY ESTIMATE OF JANUARY 1, 2011 POPULATION

Dear Municipal Clerk:

The Demographic Services Center's preliminary estimate of the January 1, 2011 population for the CITY OF FRANKLIN in MILWAUKEE County is **35,504**. This represents a change of 53 persons (0.2 percent) since the 2010 Census.

Wisconsin's total population is estimated at 5,694,350 which is a change of 7,364 persons and 0.1 percent.

Following is a summary of the data we used in estimating your population:

	2010 Census Count	2011 Preliminary Estimate
2010 U.S. Census Count	35,451	
January 1, 2011 Estimate		35,504
Motor vehicles registered	28,844	29,128
Percent of vehicles in State	0.548	0.556
Income tax filers	23,639	22,718
Percent of filers in State	0.650	0.648
Filers plus dependents	30,723	29,461
Percent of Filers plus dependents in State	0.623	0.618
Income tax returns	15,873	15,299
Percent of income tax returns in State	0.621	0.619
Institutional Population	1,989	1,775

In addition, in response to our housing survey that we sent you earlier this year, your municipality reported a net change of 170 housing units for calendar year 2010. (If we did not receive a survey from you, we estimated your change in housing stock or used other sources.)

Approximately 27,842 of the estimated population for the CITY OF FRANKLIN are of voting age. This courtesy estimate helps you to comply with Wisconsin Statute 5.66, which requires municipal clerks to approximate the number of electors prior to elections. The voting age population was calculated by applying the census proportion of persons over 18 to the preliminary January 1 estimate. Please note that, if you have an adult correctional facility in your municipality, its population is included in this voting-age estimate.

If you believe that your Census 2010 population count may be in error, please contact the Demographic Services Center's staff. We can assist you with the Census Bureau's Count Question Resolution Program.

Philip Wells, 608-266-1927, philip.wells@wisconsin.gov
David Egan-Robertson, 608-266-1755, david.eganrobertson@wisconsin.gov

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 8/16/11
REPORTS & RECOMMENDATIONS	Trick-or-Treat Schedule for 2010	ITEM NUMBER <i>G.1.b.</i>

The Intergovernmental Cooperation Council of Milwaukee County has recommended that municipalities schedule Trick-or-Treat on the Sunday before Halloween between 1:00 p.m. and 4:00 p.m., but that if Halloween falls on a Saturday then Trick-or-Treat be on that Saturday. In 2010, Trick-or-Treat was held in Franklin on Sunday, October 31st from 4:00 p.m. to 7:00 p.m.

If the Council accepts the recommendation from the ICC, Trick-or-Treat would be set for Sunday, October 30, 2011 from 1:00 p.m. to 4:00 p.m. (The City of Milwaukee has set Sunday, October 30, 2011 from 1:00 p.m. to 4:00 p.m. as the date and time for Halloween observance.)

COUNCIL ACTION REQUESTED

Motion to establish Sunday, October 30, 2011 from 1-4 p.m. as the date and time for the Halloween Trick-or-Treat observance in the City of Franklin.

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>08/16/11</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>MEMORANDUM FROM THE FRANKLIN TRAILS COMMITTEE REGARDING THEIR STATUS AND ACTIVITIES</p>	<p>ITEM NUMBER</p> <p><i>G. 2.</i></p>

At their August 11, 2011 meeting, the Franklin Trails Committee directed Chairman Fowler to present a memorandum regarding the status and activities of the Franklin Trails Committee to the Common Council. Chairman Fowler will be in attendance at the August 16, 2011, Common Council meeting.

COUNCIL ACTION REQUESTED

Action on the attached memorandum as the Common Council deems appropriate.



MEMORANDUM:**FROM: City Development**

DATE: August 11, 2011

TO: City of Franklin Common Council

FROM: David Fowler, Franklin Trails Committee Chairman and the Franklin Trails Committee

SUBJECT: Franklin Trails Committee Status Report

Introduction

The Franklin Trails Committee was formed by the Common Council at their April 7, 2009 meeting per the following motion:

“Alderman Olson moved that Mayor appoint a temporary ad hoc committee of up to eight members including Alderman Wilhelm to research grants available to the City to provide funds for design, land acquisition, construction of walking and/or bicycle paths specific to S. 51st Street, and a connector between Pleasant View School and S. 51st Street and return to the Council with recommendation for application for grants. Seconded by Alderman Wilhelm. On roll call, Alderman Skowronski, Sohns, Wilhelm and Olson voted Aye; Alderman Taylor and Solomon voted No. Motion carried.”

Since inception, the Franklin Trails Committee has strived to fulfill the task set forth by the Common Council. The following section summarizes the Committee’s activities.

Trails Committee Activities

- November 3, 2009: Common Council authorized the Franklin Trails Committee to proceed with the writing and application process for community planning related to trails and pedestrian routes.
- December 11, 2009: WDOT approval of Pedestrian Road/Show Walking Workshop Grant to study the walk-ability of S. 51st Street and the area surrounding Pleasant View Elementary School.
- January 5, 2010: Trails Committee requested the Common Council accept the Pedestrian Road/Show Walking Workshop 2010 Grant and to recommend selection of a trained facilitator, in an amount not to exceed \$2,500, as provided for in the grant, related to the continuation of the Pedestrian Road Show/Walking Workshop Grant (to be reimbursed upon completion of the grant)

- April 5, 2010: Per Franklin Trails Committee request, the Common Council recommended the adoption of the Milwaukee County Trails Network Plan as a guideline reference within the Comprehensive Master Plan for grant purposes.
- April 17, 2010: The Franklin Trails Committee held the Walking Workshop at Clare Meadows.
- April 23, 2010: The final Walking Workshop report was issued. This plan was presented at the September 21, 2010 Common Council meeting. Please contact the Planning Department to request an additional copy of this report.
- September 7, 2010: Public Hearing held and Common Council motion approved to adopt Ordinance No. 2010-2019, to amend the City of Franklin 2025 Comprehensive Master Plan to incorporate the Milwaukee County Trails Network Plan as a guideline reference within the Comprehensive Master Plan.
- September 21, 2010: Dave Fowler and John Michlig, members of the Franklin Trails Committee, presented a report on their activities, presented the Walking Workshop Report, and discussed their request for clarification and additional direction from the Common Council.
- The Common Council directed that the Trails Committee may undertake work and searches for City-wide connectivity grants, but any discussion with regard to any particular trail, sidewalk, or neighborhood, first be in consultation with the district Alderman before it appears on an agenda (as amended at the November 1, 2010 Common Council meeting).
- November 23, 2010: The City of Franklin signed an agreement with the Wisconsin Department of Transportation for a Safe Routes to School (SRTS) Planning Grant, to provide funding, not to exceed \$18,000, for a consultant to assist in SRTS planning for Pleasant View Elementary school.
- March 15, 2011: As requested by the Trails Committee, the Common Council directed the Engineering Department staff to assist the Safe Routes to School Task Force with mapping displays for the April open house meeting.
- March 24, 2011: The Engineering Department completed a map illustrating sidewalk conflicts along South 51st Street. The Engineering Department also provided a review of the footbridge located north of the Victory Creek Estates Subdivision.
- April 12, 2011: The Franklin Trails Committee held the Safe Routes to School Planning Grant Open House at Pleasant View Elementary School.

- April 19, 2011: The Common Council approved funding to send a Franklin Trails Member to the 3rd Safe Routes to School National Conference, with funding from the Planning Department budget.
- The Common Council moved to allow the Trails Committee to establish a subcommittee, Funding Research Committee, and that they be allowed to seek up to five interested individuals to find funds for City projects.
- May 17, 2011: As requested by the Trails Committee, the Common Council directed the Engineering Department staff to assist the Franklin Trails Committee in preparation of preliminary probable cost estimates for sidewalk options and/or pedestrian access along S. 51st Street and the extension of W. Marquette Avenue west towards S. 51st Street for the Safe Routes to School Planning Grant.
- June 7, 2011: Mayor Taylor recognized Ben Franklin Elementary School Project Citizen teams, Band for Bullying and Drexel Bike Lane Safety, and referred the item of Drexel Bike Lane Safety to the Board of Public Works and the Franklin Trails Committee.
- August 1, 2011: Bicycle Federation of Wisconsin participated in the National Night Out event, fulfilling their required participation in the Safe Routes to School Planning Grant.
- August 16-18, 2011: Trails Committee member, John Michlig, to attend the 3rd Safe Routes to School National Conference.

Recommendations (relating to original directive)

Again, the Trails Committee was originally tasked to research potential funding sources to fund design, land acquisition, construction of walking and/or bicycle paths specific to S. 51st Street, and a connector between Pleasant View School and S. 51st Street and return to the Common Council with recommendations for potential grant applications. In order to appropriately research funding sources, the Committee, through the activities noted above, studied the South 51st Street and Pleasant View Elementary school area to determine conflicts and solutions. After assessing possible solutions, the Trails Committee was able to better assess and research appropriate funding sources to pay for the specific items recommended. Different funding opportunities may be available depending on the work/solutions needed.

To address pedestrian safety along South 51st Street, specifically from North of West Rawson Avenue to Pleasant View Elementary School, the Trails Committee has the following recommendations. Additional recommendations for safe routes to Pleasant View Elementary School will be found in the Safe Routes to School Planning Grant Report (to be presented separately at the August 16, 2011 Common Council meeting).

- At minimum, major connecting streets should have a sidewalk installed on one side, such as a sidewalk along South 51st Street from West Drexel Avenue extending north to the City limits.
- Consider employing adult crossing guards to help students cross key intersections safely.

- Consider providing countdown timers at the intersection of South 51st Street and West Rawson Avenue.
- Consider installing Flashing Beacons at the intersection of South 51st Street and South Tumblecreek Drive.
- Encourage periodic enforcement of speed limits on W. Rawson Ave. and W. Drexel Ave. At a minimum, this should include focused enforcement efforts near Pleasant View Elementary School at the beginning of each school semester to enforce posted limits.
- Consider the use of traffic calming devices along S. 51st Street at key crossing locations.
- Improve crossing facilities at the intersection of W. Rawson Ave. at S. 51st St. Consider restriping crosswalks, installing user activated crossing beacons, countdown timers and creating pedestrian refuge islands within the existing median on W. Rawson Ave.
- Explore opportunities for additional crossing locations along W. Rawson Ave. Tumble Creek Drive at W. Rawson Ave. may be feasible. Coordinate with Milwaukee County to determine the warrant for installing traffic signals at the W. Rawson Ave. (CTH BB)/Tumble Creek Drive intersection. This is a location where students could be encouraged to cross the street. Installing pedestrian countdown timers across W. Rawson Ave. (CTH BB) will also better enable students to determine when it is safe to cross the street.

To address a connector between Pleasant View Elementary School and South 51st Street, the Trails Committee recommends the extension of West Marquette Avenue to the west. Attached to this memo are cost estimates from the Engineering Department for different segments of sidewalks along South 51st Street and two possible options for the extension of West Marquette Avenue to the west.

Potential Funding Sources

The Trails Committee has identified several possible funding sources available for construction of sidewalks and other pedestrian facilities. Below are some of these resources with a brief description.

- Community Development Block Grant (CDBG): Community Development Block Grant Program funds may be used for a variety of projects including public facilities and improvements, where the project serves the specific purposes or target populations of the federal program.
- Statewide Multi-modal Improvement Program (SMIP): The SMIP includes the Local Transportation Enhancement (TE) Program and the Bicycle and Pedestrian Facilities Program (BFPF). These programs have similar eligibility requirements and are under the same application cycles. Applications are solicited in even numbered years and become available in January and are due in April the following year.

The TE Program objective is to promote activities that would enhance the surface transportation system. The funds are intended to enhance traditional highway facilities and promote multi-modal activities. BFPF's objective is to construct or plan for bicycle or pedestrian facility projects. Pedestrian-only facilities, such as sidewalks, are excluded from receiving BFPF funds.

- Congestion Mitigation & Air Quality (CMAQ) Program: The CMAQ was created in 1993 to encourage transportation alternatives that improve air quality. It includes efforts to enhance public transit, construct bicycle and pedestrian facilities, improve traffic flow and promote vehicle and fuel technologies that decrease emissions.
- Safe Routes to School (SRTS): SRTS was created to reverse the trend of children riding the bus or driven to school via car, opposed to walking or bicycling. These projects must be within two miles of a kindergarten to 8th Grade school to be eligible for funding.
- Other Funding Sources: Below is a list of several other funding sources that may be considered and researched further. Please note that this is not a comprehensive list of resources potentially available to the Trails Committee and City of Franklin.
 - Wisconsin Stewardship Fund
 - Impact Fees
 - Fundraising
 - Public/private donations or contributions
 - In-kind contributions

Conclusion

This memo serves to demonstrate the Franklin Trails Committee completion of the original task assigned by the Common Council. The Trails Committee, in a separate memo, will be presenting several options relating to the future of the Franklin Trails Committee for Common Council consideration at an upcoming meeting.

Nick Fuchs

From: Jack Bennett
Sent: Wednesday, June 29, 2011 10:36 AM
To: Alderman; Tom Taylor; Department Heads
Cc: Planning; Engineering Dept
Subject: Extension of W. Marquette Ave east of S. 51st Street
Attachments: 20110629_091355.pdf; 20110629_091415.pdf

As per the direction of the Common Council, staff has estimated the costs to extend W. Marquette Ave. -- from the west line of Pleasant View School to S. 51st Street. We have broken the cost estimate into two sections --- 1.) From the west line of Pleasant View School to S. 49th Street and 2.) S. 49th Street to S. 51st Street.

The design of the street meets the design standards established by the UDO. The design includes a 40 foot pavement in an 80 foot right of way with sidewalks on the south side (same section abutting Pleasant Vies School), 300 foot radii were used as required by the UDO. Right of way cost were estimate for the street right of way only, but not for storm eater management. Storm water management would be an extra cost, but possibly the ponds could be dual use with future developments.

Two designs were considered – one shifting the roadway to the south to miss most of the hedgerow tree line along the section line and one straight through along the section line originally planned. Except for right-of-way cost, both costs would be very similar. See attached cost estimate and street layouts.

SUMMARY
PROJECT COSTS FOR
EXTENSION OF W. MARQUETTE AVENUE

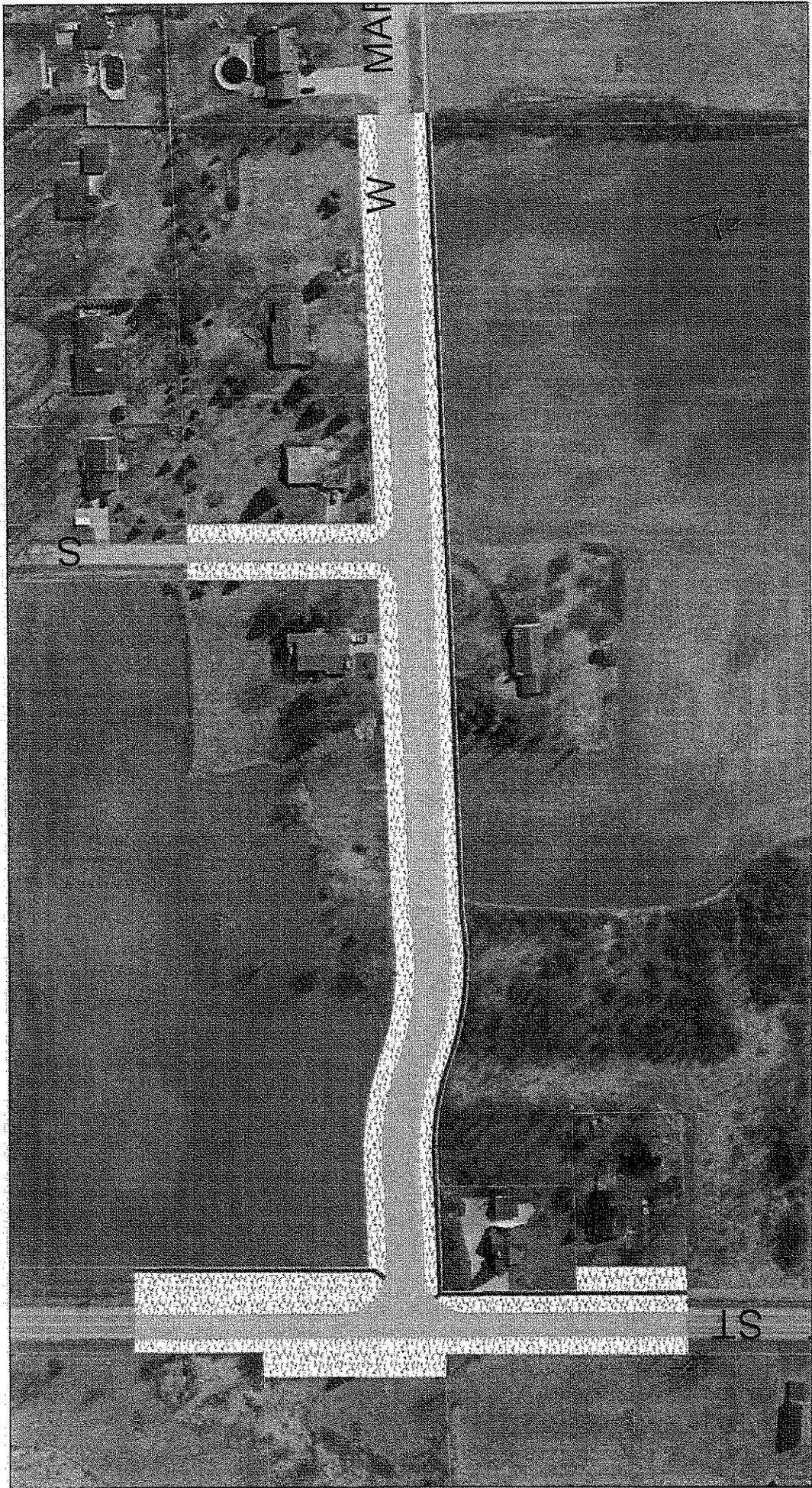
S. 48TH STREET TO S. 49TH STREET AND TO S. 51ST STREET
JUNE, 2011

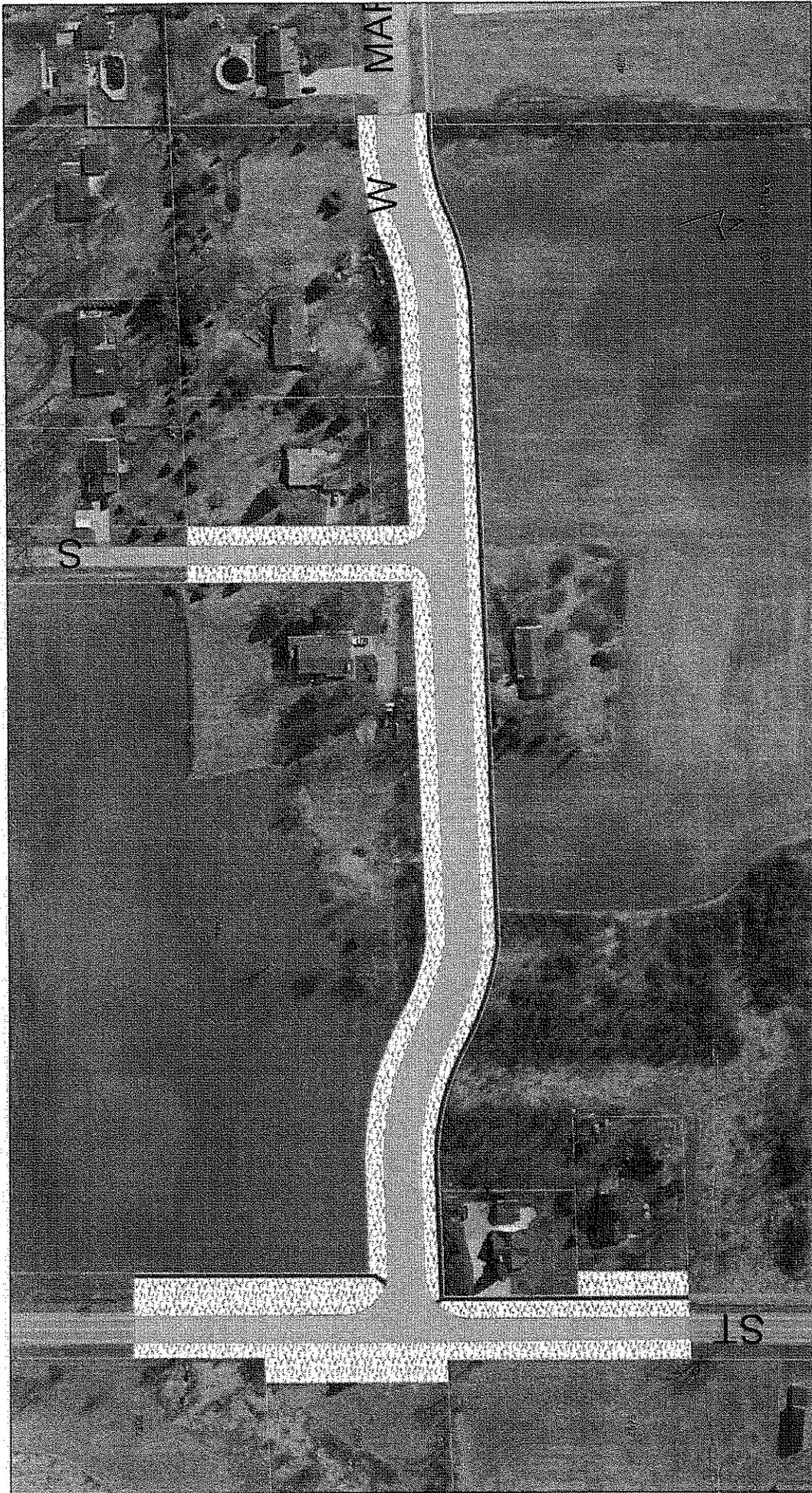
	<u>COSTS</u>	
<u>S. 48th Street to S. 49th Street</u>		
– Acquisition of Lands for ROW	\$ 40,000	
– Preparation for Street Construction	24,040	
– Pond Installation	30,000	
– Storm Sewer	28,100	
– Street Construction	54,200	
– Sidewalk	14,100	
– Landscaping	7,200	
– Shade Tree	<u>4,800</u>	
Total Construction Cost	\$202,440	
Project Factors		
Admin, Legal, Design, Inspection (10%)	20,268	
Contingencies (20%)	<u>40,300</u>	
Total Project Cost		\$263,000
 <u>S. 49th Street to S. 51st Street</u>		
– Acquisition of Lands for ROW	\$ 65,000	
– Preparation for Street Construction	43,900	
– Pond Installation	42,000	
– Storm Sewer	36,250	
– Street Construction	89,050	
– Sidewalk	23,000	
– Landscaping	11,700	
– Shade Tree	<u>9,600</u>	
Total Construction Cost	\$320,500	
Project Factors		
Admin, Legal, Design, Inspection (10%)	32,000	
Contingencies (20%)	<u>64,500</u>	
Total Project Cost		\$417,000
 S. 48th Street to S. 51st Total Project Cost		 <u>\$680,000</u>

SUMMARY ASSUMPTIONS

W. Marquette Avenue to be built consistent with existing (collector) section.

- 40 foot width
- Bituminous pavement with concrete curb and gutter
- 5 foot concrete sidewalk
- Two (2) half acre ponds with potential to be expanded for future development. No cost for land anticipated.



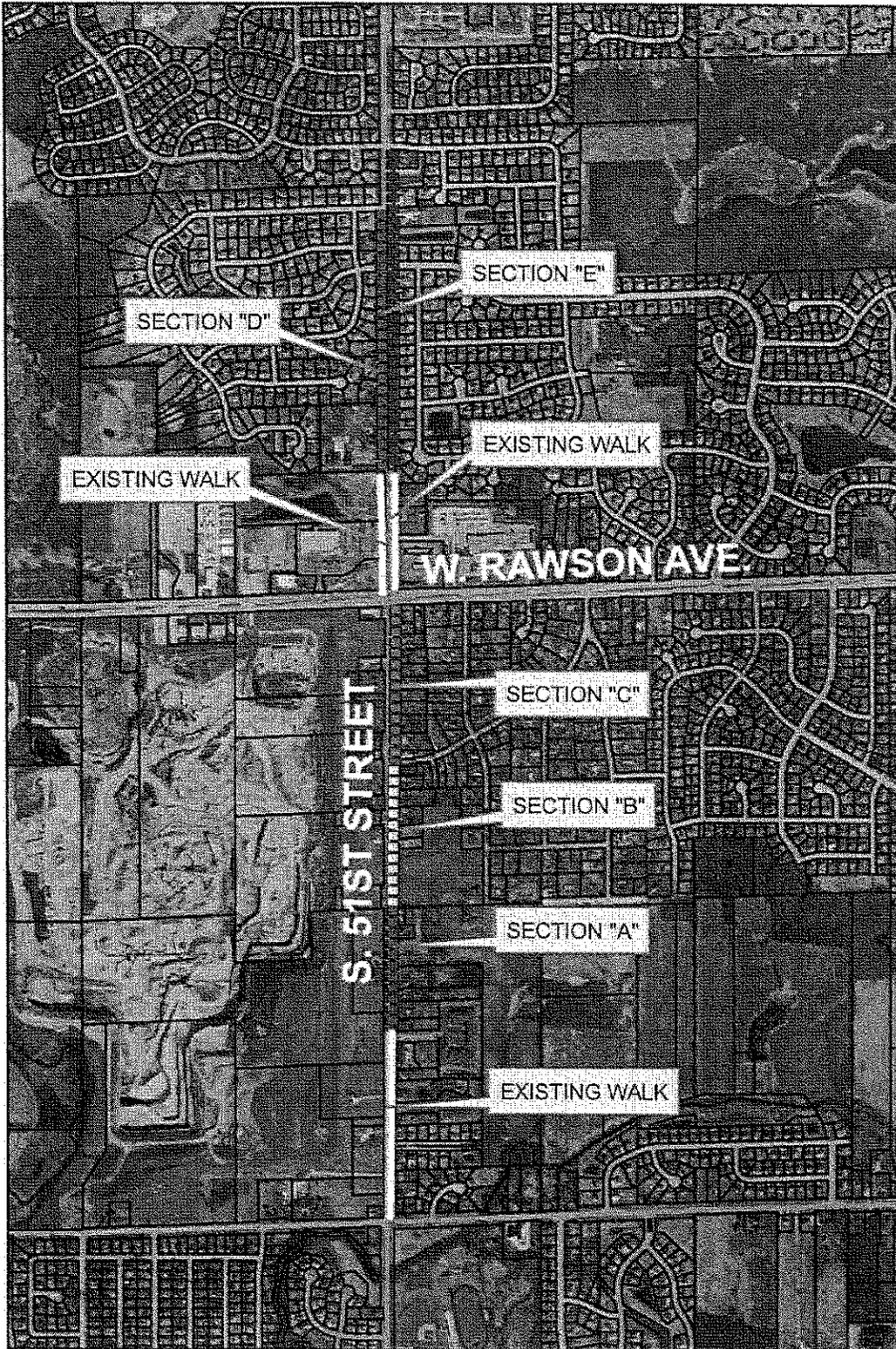
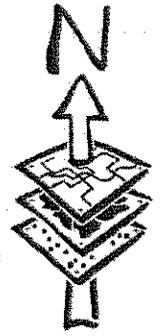


PRELIMINARY COST ESTIMATES
SIDEWALK INSTALLATION
S. 51ST STREET

CITY OF FRANKLIN
JUNE, 2011

<u>LENGTH</u>	<u>SECTION/LOCATION</u>	<u>COST RANGE</u>
<u>SOUTH OF W. RAWSON AVENUE</u>		
1100 LF	A. (Red) – 7637 to 7508 South East side	\$50,000-60,000
1220 LF	B. (Yellow) – 7508 South to W. Minnesota Ave.	\$60,000-75,000
1325 LF	C. (Green) – W. Minnesota Ave. to W. Rawson Ave.	\$60,000-80,000
<hr/>		
3645 LF	Subtotals For A, B and C	\$170,000-215,000
<u>NORTH OF W. RAWSON AVENUE</u>		
2110 LF	D. (Blue) – 1010 Ft. North of W. Rawson Ave. to W. Harvard Drive West side	\$110,000-135,000
2615 LF	E. (Purple) – 1020 Ft. North of W. Rawson Ave. to W. Berkshire Drive East side	\$120,000-150,000
<hr/>		
4725 LF	Subtotals For D and E	\$230,000-285,000
<hr/>		
8370 LF (1.6 Miles)	Total of A through E	<u>\$400,000-500,000</u>

PROPOSED SIDEWALK
S. 51ST STREET
NORTH AND SOUTH OF W. RAWSON AVE.



<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>08/16/11</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>ORDINANCE TO AMEND SECTION 15-3.0421 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 16 (FRANKLIN CENTRE) (RAWSON LLC AND FRANKLIN CENTRE WISCONSIN LLC, APPLICANT)</p>	<p>ITEM NUMBER</p> <p><i>G. 3.</i></p>

At its August 4, 2011, meeting the Plan Commission recommended approval of an ordinance to amend Section 15-3.0421 of the Unified Development Ordinance Planned Development District No. 16 (Franklin Centre) (Rawson LLC and Franklin Centre Wisconsin LLC, Applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2011-_____, an ordinance to amend Section 15-3.0421 of the Unified Development Ordinance Planned Development District No. 16 (Franklin Centre) (Rawson LLC and Franklin Centre Wisconsin LLC, Applicant).

ORDINANCE NO. 2011-_____

AN ORDINANCE TO AMEND SECTION 15-3.0421 OF THE
UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT
DISTRICT NO. 16 (FRANKLIN CENTRE)
(RAWSON LLC AND FRANKLIN CENTRE WISCONSIN LLC, APPLICANT)

WHEREAS, §15-3.0421 of the Unified Development Ordinance provides for and regulates Planned Development District No. 16 (Franklin Centre), same having been created by Ordinance No. 92-1229 and later amended by Ordinance Nos. 93-1261, 94-1298, 96-1391, 96-1400, 98-1508, 02-1735, 04-1822 and 09-1968, with such District being located at 7199 South 76th Street; and

WHEREAS, Planned Development District No. 16 (Franklin Centre) includes those lands legally described as follows:

Parcel Two (2) of CERTIFIED SURVEY MAP NO. 7170 recorded in the Office of the Register of Deeds, Milwaukee County, Wisconsin on December 10, 2002 in Reel 5473, Images 3108 through 3112 Inclusive, as Document No. 8405275, being a division of Parcel 1 and 2 of Certified Survey Map No. 5937, excepting therefrom those lands conveyed to Milwaukee County in Warranty Deed recorded on February 23, 1999 in Reel 4505, Image 1260, as Document No. 7694071, and re-recorded on March 30, 2001 as Document No. 8043928 all being part of the Northeast One-quarter (1/4) of the Northeast One-Quarter (1/4) of Section Nine (9), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin. Tax Key No. 755-0192-004; and

WHEREAS, Rawson LLC and Franklin Centre Wisconsin LLC having petitioned for further amendments to Planned Development District No. 16 (Franklin Centre), to allow zero foot lot line setbacks from interior property lines for buildings and parking areas for Parcel 2 of Certified Survey Map No. 7170, which is the subject of a 2 lot certified survey map approval granted upon even-date herewith; and

WHEREAS, the City of Franklin Plan Commission determined that the amendments to Planned Development District No. 16 (Franklin Centre) were not a substantial change to the Plan, thus not requiring a public hearing upon the aforesaid petition, and the Plan Commission thereafter having determined that the proposed amendments would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment would 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: §15-3.0421 Planned Development District No. 16 (Franklin Centre), of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, is hereby amended to allow zero foot lot line setbacks for buildings and parking areas for the OfficeMax lot and future development lot, being Parcel 2 of Certified Survey Map No. 7170, which is the subject of a 2 lot certified survey map approval granted upon even-date herewith, pursuant to those plans City file-stamped July 28, 2011.

SECTION 2: All other applicable terms and provisions of §15-3.0421 shall apply to the OfficeMax lot and future development lot area of Planned Development District No. 16 (Franklin Centre), and all terms and provisions of §15-3.0421 as existing immediately prior to the adoption of this Ordinance shall remain in full force and effect.

SECTION 3: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

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

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2011, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2011.

ORDINANCE NO. 2011-_____
Page 3

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

NARRATIVE:

Parcel 2 of Certified Survey Map 7170 contains 4.84 acres of real property in Franklin, Wisconsin. By Resolution No. 2008-10, the City of Franklin approved a site plan for the development of an OfficeMax retail store of approximately 18,200 square feet and additional commercial space of approximately 10,388 square feet to be constructed in the future. The OfficeMax building was constructed and a Certificate of Occupancy was issued in May, 2009. The Applicant seeks to divide Parcel 2 of CSM 7170 into two lots along the rear of the existing OfficeMax building (See Exhibit "A" attached hereto). The first lot shall contain the OfficeMax development and be 3.4051 acres (the "OfficeMax Lot"). The second lot shall be for future commercial development, not to exceed 10,399 square feet, and shall be 1.4405 acres (the "Future Development Lot").

Applicant requests a variance from the setback requirements allowing for a zero interior property line setback for building and parking on both the OfficeMax Lot and Future Development Lot. Exhibit A illustrates the proposed property line and the existing OfficeMax Building.

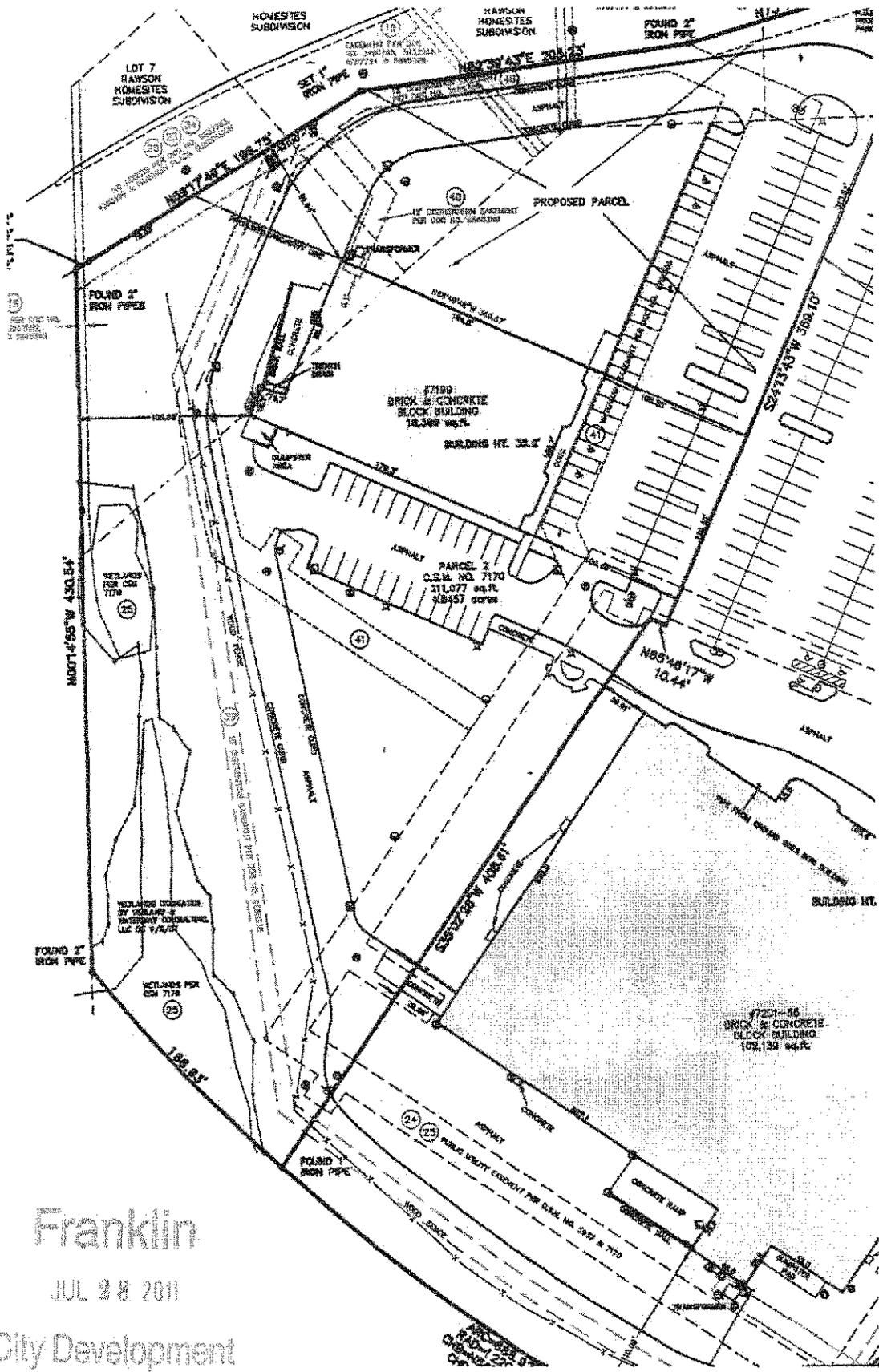
Applicant is not requesting an increase in the number of square feet that can be developed on the Future Development Lot. Further, Applicant is not requesting an amendment to the elevation restriction, parking requirements or green space requirements as they relate to the Future Development Lot or the OfficeMax Lot.

Rawson LLC recently refinanced Parcel 2. The refinancing prohibits subordinate debt on the property but does allow for the release of the Future Development Lot. Accordingly, this request is being made to remove the Future Development Lot from the existing loan. Once removed, the Future Development Lot can be pledged as security in order to obtain funds to develop the property as contemplated by the existing PDD.

Franklin

JUL 28 2011

City Development



Franklin

JUL 28 2011

City Development



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of August 4, 2011

Planned Development District Amendment and Certified Survey Map

RECOMMENDATION: Department of City Development staff recommends approval of the Planned Development District (PDD) Amendment (as a Minor Amendment) and Certified Survey Map requests, subject to the conditions of approval in the attached draft resolutions and ordinances.

Project Name:	PDD No. 16 Amendment and CSM
Project Address:	7199 South 36 th Street
Applicant:	Craig Whitehead, The Crown Group, Inc.
Owners (property):	Rawson LLC
Current Zoning:	Planned Development District No. 16 (Franklin Centre)
Use of Surrounding Properties:	State HWY 36 Right-of-Way (to the north), vacant land (to the south and west), and Pick 'N Save store and associated parking lot (to the east)
Applicant Action Requested:	Approval of the proposed PDD No. 16 Amendment and CSM

Introduction:

On July 13, 2011, the applicant submitted applications for a Planned Development District (PDD) Amendment and Certified Survey Map (CSM) for property located within Planned Development District No. 16, also known as the Franklin Centre. PDD No. 16 was created via Ordinance 92-1229 and has been amended several times through Ordinances 93-1261, 94-1298, 96-1391, 96-1400, 98-1508, 2002-1735, 2004-1822 and 2009-1968.

The applicant is proposing a two-lot CSM, which will create a property line between the existing Office Max building and the future retail building to be constructed on the north side of and connected to Office Max. Therefore, the applicant is also proposing a PDD Amendment to allow for zero foot setbacks for interior property lines.

The applicant has stated that the lot division is for financial reasons and is not anticipated to occur to other properties within PDD No. 16. The applicant is requesting, with agreement from Department of City Development staff, that the Plan Commission determine the proposed amendment to be a Minor Amendment, and not require a public hearing.

Project Description:

Planned Development District Amendment:

The applicant is requesting a PDD Amendment for the allowance of zero foot building and parking setbacks for interior lot lines for Lots 1 and 2 shown on the proposed CSM. The Plan

Commission and Common Council have recently approved a similar amendment to PDD No. 31 Foresthill Highlands via Ordinance No. 2010-1993 and 2011-2041. Similar standards also exist in the OL-2 General Business Overlay District and the B-3 Community Business District.

Planned Development District No. 16 is currently subject to B-3 Community Business District setbacks, which requires 10-foot side yard and 20-foot rear yard setbacks. The Plan Commission, however, recently approved a Unified Development Ordinance (UDO) Text Amendment allowing zero-foot setbacks in the B-3 District via Ordinance No. 2010-2026. More specifically, the B-3 District was revised to allow, "Upon approval of site plans, the Plan Commission may waive the minimum setback for side yard, rear yard and parking and driveway setbacks, from the interior lot line of a property zoned B-3 Community Business District when abutting another property zoned B-3 Community Business District. The Plan Commission shall consider the applicable standards for Site Plan, Special Use and Land Combination applications in making such determination."

Staff determined that the most appropriate process, with the same application costs, would be a PDD Amendment to add a provision specifically to PDD No. 16 to allow for zero-foot building and parking setbacks as this is a CSM application and does not deal with a site plan. Furthermore, the subject property abuts land zoned R-6 Suburban Single-Family Residence District and R-8 Multiple-Family Residence District.

Certified Survey Map:

The applicant is proposing a CSM to divide an existing 211,077 square foot (4.8457 acre) parcel into two separate lots. The original lot is Parcel 2 of CSM No. 7170. The proposed division would create a 62,748 square foot or 1.4405 acre lot (Lot 1) and a 148,324 square foot or 3.4051 acre lot (Lot 2). Lot 2 contains the existing Office Max building and Lot 1 is planned for approximately 10,388 square feet of retail space.

Lot 2 contains a wetland, which is shown on Sheet 2 of 4 of the draft CSM. Waterway Consulting, LLC on September 5, 2007, delineated the wetland. The applicant is appropriately showing this area as a Conservation Easement and has already submitted a draft easement exhibit for Common Council review and approval. Per Condition No. 3 of the draft Resolution, the applicant is required to submit a separate written grant of easement instrument subject to the approval of the Common Council, prior to recording of the Certified Survey Map.

Per this condition, the applicant must also submit a written agreement stating that the existing condition, per Certified Survey Map No. 7170 regarding the access easement, applies to the newly created lots.

The applicant has not yet addressed all staff comments, however, will be required to do so per Condition No. 1 of the draft Resolution, which states "That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording." The items not yet addressed are minor and technical in nature. For example, the applicant must change the "No Access" label to "No Vehicular Access" and label the adjoining parcels Parcel 1, Parcel 3, and Parcel 4 of CSM No. 7170 accordingly.

Staff Recommendation:

Department of City Development staff recommends approval of the Planned Development District (PDD) Amendment (as a Minor Amendment) and Certified Survey Map requests, subject to the conditions of approval in the attached draft resolutions and ordinances.

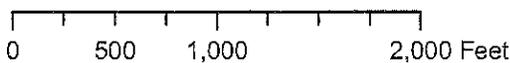
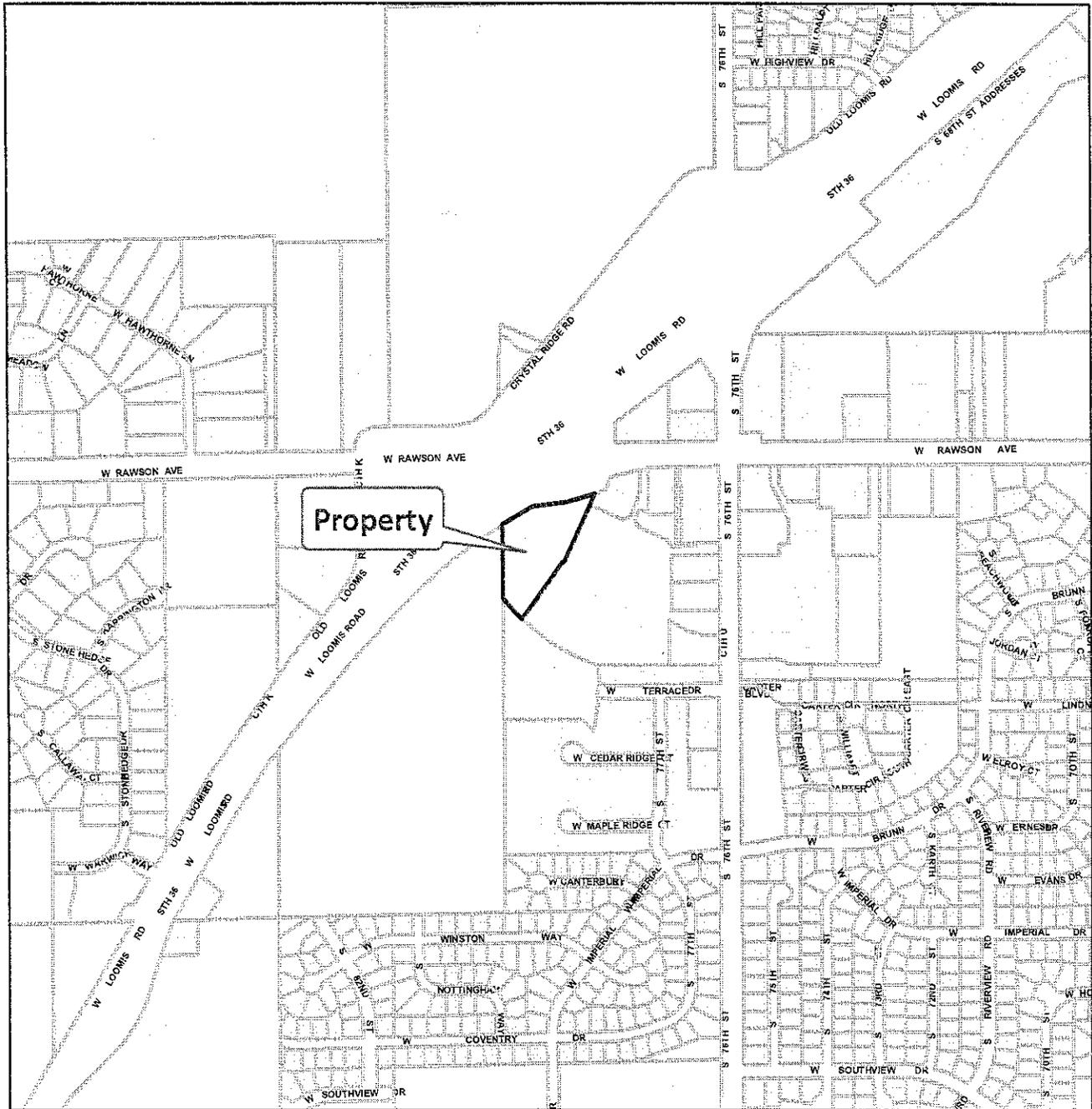
<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/16/11</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A DIVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 7170, BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (RAWSON LLC AND FRANKLIN CENTRE WISCONSIN LLC, APPLICANT) (7199 SOUTH 76TH STREET)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G. H.</i></p>

At its August 4, 2011, meeting the Plan Commission recommended approval of a resolution conditionally approving a 2 lot certified survey map, being a division of Parcel 2 of Certified Survey Map No. 7170, being a part of the northeast 1/4 of the northeast 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Rawson LLC and Franklin Centre Wisconsin LLC, Applicant) (7199 South 76TH Street).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2011-_____, a resolution conditionally approving a 2 lot certified survey map, being a division of Parcel 2 of Certified Survey Map No. 7170, being a part of the northeast 1/4 of the northeast 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Rawson LLC and Franklin Centre Wisconsin LLC, Applicant) (7199 South 76TH Street).

Office Max Development 7199 South 76 Street - PDD 16



City Development 2011
(2010 Aerial Layer)



RESOLUTION NO. 2011-_____

A RESOLUTION CONDITIONALLY APPROVING A 2 LOT
CERTIFIED SURVEY MAP, BEING A DIVISION OF PARCEL 2 OF
CERTIFIED SURVEY MAP NO. 7170, BEING A PART OF THE NORTHEAST
1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 21
EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
(RAWSON LLC AND FRANKLIN CENTRE WISCONSIN LLC, APPLICANT)
(7199 SOUTH 76TH STREET)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being a division of parcel 2 of Certified Survey Map No. 7170, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 7199 South 76th Street, bearing tax key no. 755-0192-004, Rawson LLC and Franklin Centre Wisconsin LLC, applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed certified survey map is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by the Applicant, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. The Conservation Easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the

RAWSON LLC AND FRANKLIN CENTRE WISCONSIN LLC –
CERTIFIED SURVEY MAP
RESOLUTION NO. 2011- _____

Page 2

City of Franklin Design Standards and Construction Specifications and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.

4. Rawson LLC and Franklin Centre Wisconsin 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, 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.
5. The approval granted hereunder is conditional upon Rawson LLC and Franklin Centre Wisconsin LLC and the 2 lot certified survey map project for the property located at 7199 South 76th Street: (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 the Certified Survey Map, certified by owners, Rawson LLC and Franklin Centre Wisconsin LLC, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owners, Rawson LLC and Franklin Centre Wisconsin LLC, with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2011.

RAWSON LLC AND FRANKLIN CENTRE WISCONSIN LLC –
CERTIFIED SURVEY MAP
RESOLUTION NO. 2011-_____

Page 3

Passed and adopted at a regular meeting of the Common Council of the City of
Franklin this _____ day of _____, 2011.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CERTIFIED SURVEY MAP NO. _____

A division of Parcel 2 of Certified Survey Map No. 7170, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

R.A. Smith National, Inc.

*Beyond Surveying
and Engineering*

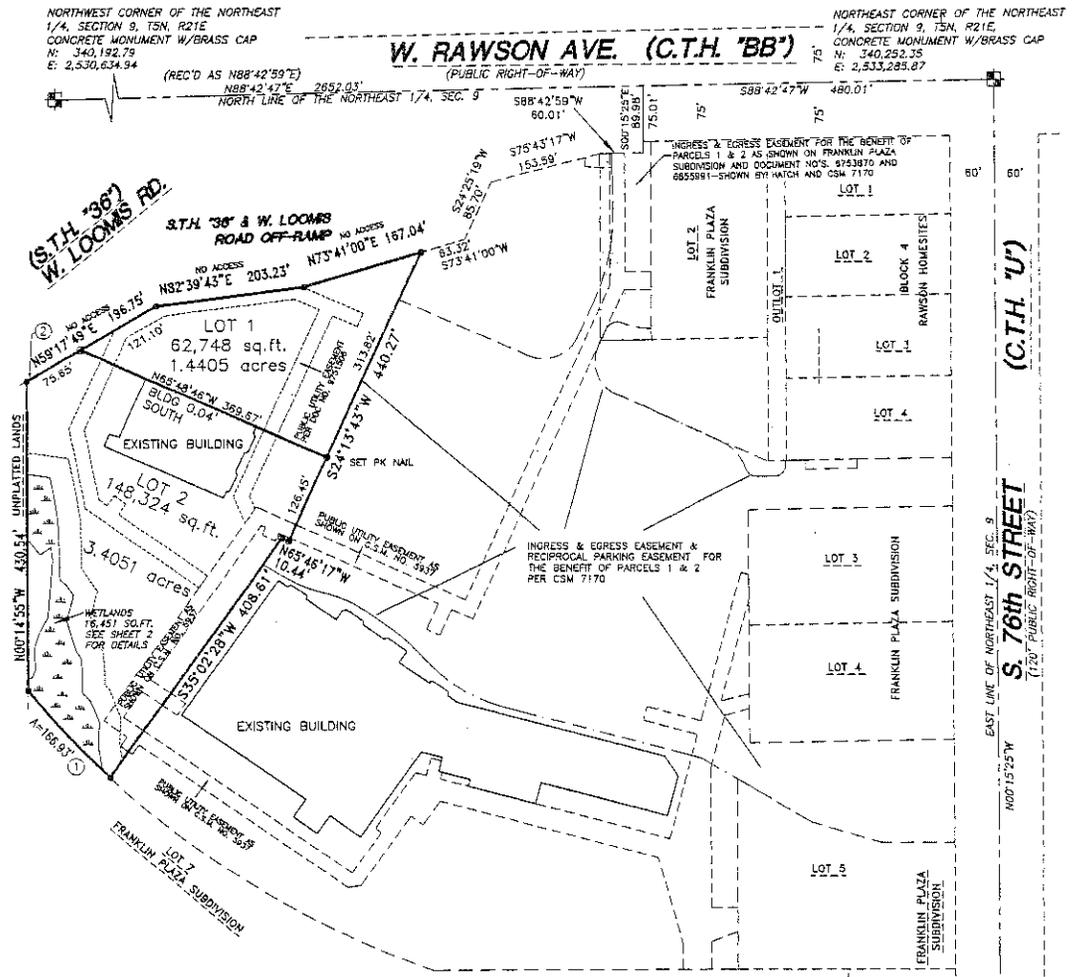
16745 W. Bluemound Road, Brookfield WI 53005
262-781-1000 Fax 262-797-7373
www.rasmithnational.com

SA5163792.dwg
CS101L2H.dwg/CS101L2H

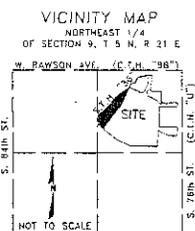
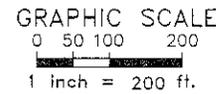
- INDICATES 1.315" DIA. IRON PIPE, SET
- INDICATES 1.315" DIA. IRON PIPE, FOUND, UNLESS NOTED OTHERWISE
- INDICATES PK NAIL, FOUND
- ALL DIMENSIONS MEASURED AND SHOWN TO THE NEAREST HUNDREDTH OF A FOOT
- ≡ MARKED WETLAND

- CROSS ACCESS AGREEMENT WITH THE PROPERTY TO THE EAST VIA RESOLUTION NO. 2008-6443, RECORDED AS DOC. NO. 09639370 ON AUGUST 18, 2008
- BEARINGS REFERENCED TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 9, T 6 N, R 21 E, WHICH BEARS S88°42'47"W, WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.
- COORDINATES SHOWN ARE GRID COORDINATES
- SITE ZONED PDD No. 16
- LAND IS SERVED BY SANITARY SEWER & WATER

NO DIRECT VEHICULAR ACCESS TO LOOMIS RD.



OWNER/SUBDIVIDER:
RAWSON LLC
1564 W. ALGONQUIN RD.
HOFFMAN ESTATES, IL
60912



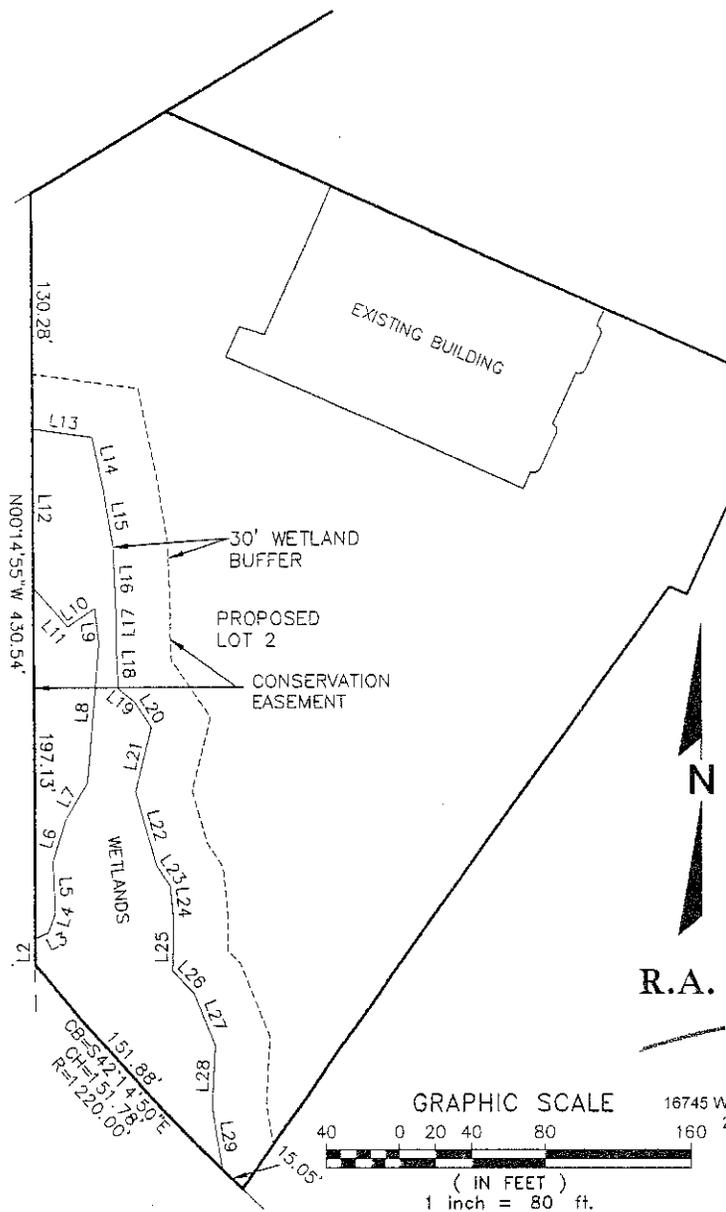
CURVE TABLE

LENGTH	RADIUS	CH. BEARING	CHORD	CENTRAL	TANGENT IN	TANGENT OUT
1 166.83'	1220.00'	N42°36'02"W	166.80'	7°50'22"	N43°28'47"E	S51°19'09"W
2 9.92'	2805.04'	N59°11'45"E	9.92'	00°12'10"	S30°54'20"E	N30°42'10"W

CERTIFIED SURVEY MAP NO. _____

A division of Parcel 2 of Certified Survey Map No. 7170, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

WETLANDS WERE DELINEATED BY WATERWAY CONSULTING, LLC., ON 9/5/2007



LINE TABLE		
LINE	BEARING	LENGTH
L1	S81°48'53"E	32.73
L2	S11°50'43"E	28.85
L3	S09°17'15"E	33.52
L4	S02°15'29"E	35.96
L5	S00°04'16"W	16.10
L6	S02°19'48"E	27.25
L7	S50°10'54"E	11.52
L8	S33°11'58"E	17.29
L9	S13°43'14"W	37.28
L10	S15°49'36"E	43.02
L11	S33°15'42"E	13.35
L12	S05°25'12"E	20.49
L13	S01°08'33"W	27.58
L14	S43°33'30"E	16.75
L15	S22°01'40"E	31.06
L16	S02°55'16"W	32.95
L17	S09°13'52"E	35.40
L18	N42°14'50"W	151.78
L19	N00°02'08"E	14.95
L20	N64°51'07"E	7.69
L21	N19°40'47"E	11.50
L22	N02°45'44"W	29.11
L23	N16°39'48"E	23.45
L24	N29°31'31"E	24.68
L25	N04°36'49"E	79.06
L26	N06°23'29"W	19.37
L27	S55°53'30"W	17.97
L28	N40°06'06"W	28.82
L29	N00°14'55"W	88.19

R.A. Smith National, Inc.

*Beyond Surveying
and Engineering*

16745 W. Bluemound Road, Brookfield WI 53005
262-781-1000 Fax 262-797-7373
www.rasmithnational.com

S:\163792\dwg\CS101L2H.dwg\CS102L80

CERTIFIED SURVEY MAP NO. _____

A division of Parcel 2 of Certified Survey Map No. 7170, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN }
 :SS
WAUKESHA COUNTY }

I, STEPHAN G. SOUTHWELL, Registered Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a division of Parcel 2 of Certified Survey Map No. 7170, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

COMMENCING at the Northeast corner of said Northeast 1/4 Section; thence South 88°42'47" West along the North line of said 1/4 Section 480.01 feet to a point; thence South 00°15'25" East 89.98 feet to a point on the South line of West Rawson Avenue (CTH BB); thence South 88°42'59" West along said South line 60.01 feet to a point in the South line of West Loomis Road (STH 36); thence South 75°43'17" West along said South line 153.59 feet to a point; thence South 24°25'19" West along said South line 85.70 feet to a point; thence South 73°41'00" West along said South line 63.32 feet to the point of beginning of lands to be described; thence South 24°13'43" West along the West line of Parcels 1 and 4 of Certified Survey map No. 7170 a distance of 440.27 feet to a point; thence North 65°46'17" West along said West line 10.44 feet to a point; thence South 35°02'28" West along said West line 408.61 feet to a point in the North line of Lot 7 of Franklin Plaza Subdivision; thence Northwesterly 166.93 feet along said North line and an arc of a curve whose center lies to the Northeast, whose radius is 1220.00 feet and whose chord bears North 42°36'02" West 166.80 feet to a point; thence North 00°14'55" West 430.54 feet to a point in the South line of West Loomis Road (STH 36); thence Northeasterly 9.92 feet along said South line and an arc of a curve whose center lies to the Southeast, whose radius is 2805.04 feet and whose chord bears North 59°11'45" East 9.92 feet to a point; thence North 59°17'49" East along said South line 196.75 feet to a point; thence North 82°39'43" East along said South line 203.23 feet to a point; thence North 73°41'00" East along said South line 167.04 feet to the point of beginning. Said parcel contains 211,077 square feet or 4.8457 acres.

THAT I have made such survey, land division and map by the direction of RAWSON, LLC, owner.

THAT such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the City of Franklin Unified Development Ordinance Division 15 in surveying, dividing and mapping said lands.

DATE

(SEAL)
STEPHAN G. SOUTHWELL,
REGISTERED LAND SURVEYOR S-1939

CERTIFIED SURVEY MAP NO.

A division of Parcel 2 of Certified Survey Map No. 7170, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

RAWSON LLC, a Wisconsin limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certify that said company caused the land described on this map to be surveyed, divided and mapped as represented on this map.

RAWSON, LLC, does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of Franklin and Wisconsin Department of Transportation

WITNESS the hand and seal of RAWSON, LLC, has caused these presents to be signed by MARK LAMBERT, its Manager and countersigned by CRAIG WHITEHEAD, its manager, this _____ day of _____, 2011.

RAWSON, LLC

MARK LAMBERT, Manager

CRAIG WHITEHEAD, Manager

STATE OF ILLINOIS }
:SS
COOK COUNTY }

PERSONALLY came before me this _____ day of _____, 2011, the above named MARK LAMBERT, Manager and CRAIG WHITEHEAD, Manager, to me known to be the persons who executed the foregoing instrument, and to me known to be such Manager and Manager of said company and acknowledged that they executed the foregoing instrument as such officers, by its authority.

(SEAL)
Notary Public, State of Illinois
My commission expires _____

CITY OF FRANKLIN COMMON COUNCIL

APPROVED by the Common Council of the City of Franklin by Resolution No. _____ signed on this _____ day of _____, 2011.

THOMAS M. TAYLOR, MAYOR

SANDRA L. WESOLOWSKI, CITY CLERK

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>08/16/11</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PLANNED DEVELOPMENT DISTRICT NO. 16 (FRANKLIN CENTRE) (RAWSON LLC AND FRANKLIN CENTRE WISCONSIN LLC, APPLICANT)</p>	<p>ITEM NUMBER</p> <p><i>6.5.</i></p>

City Development staff recommends approval of a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of a certified survey map for Planned Development District No. 16 (Franklin Centre) (Rawson LLC and Franklin Centre Wisconsin LLC, Applicant), subject to technical corrections by the City Attorney.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2011-_____, a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of a certified survey map for Planned Development District No. 16 (Franklin Centre) (Rawson LLC and Franklin Centre Wisconsin LLC, Applicant), subject to technical corrections by the City Attorney.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2011-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART
OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PLANNED
DEVELOPMENT DISTRICT NO. 16 (FRANKLIN CENTRE) (RAWSON LLC AND
FRANKLIN CENTRE WISCONSIN LLC, APPLICANT)

WHEREAS, the Plan Commission having approved a Certified Survey Map upon the application of Rawson LLC and Franklin Centre Wisconsin LLC, on August 4, 2011, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the wetland and wetland buffer on the site; and

WHEREAS, §15-7.0103Q. of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Certified Survey Map review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Certified Survey Map; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Conservation Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by Rawson LLC and Franklin Centre Wisconsin LLC, in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement 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 _____, 2011.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2011.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT ***
RAWSON LLC AND FRANKLIN CENTRE WISCONSIN LLC
RESOLUTION NO. 2011-_____

Page 2

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CONSERVATION EASEMENT

This Conservation Easement Agreement (the "Easement Agreement") is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and Rawson LLC, Wisconsin limited liability company, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Easement Agreement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.40(2)(b) of the Wisconsin Statutes.

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, described in Exhibit A attached hereto and hereby made a part hereof (the "Protected Property"); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the Protected Property including, without limitation, wetland buffers and wetlands be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems, (the "Conservation Easement"); and

WHEREAS, Grantee is a "holder", as contemplated by §700.41(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

WHEREAS, the Grantor and Grantee, by the conveyance to the Grantee of this Conservation Easement on, over, and across the Protected Property, desire to conserve the natural values thereof and prevent the use or development of the Protected Property for any purpose or in any manner inconsistent with the terms of this Conservation Easement; and

WHEREAS, the Grantee is willing to accept this Conservation Easement subject to the reservations and to the covenants, terms, conditions, and restrictions set out herein and imposed hereby;

NOW, THEREFORE, the Grantor, for and in consideration of the foregoing recitations and of the mutual covenants, terms, conditions, and restrictions subsequently contained, and as an absolute and unconditional dedication, does hereby grant and convey unto the Grantee a Conservation Easement in perpetuity on, over, and across the Protected Property.

A. Grantee's rights hereunder shall consist solely of the following:

1. To view the Protected Property in its natural, scenic, and open condition;
2. To enforce by proceeding at law or in equity the covenants set forth herein, including, and in addition to all other enforcement proceedings, proceedings to obtain all penalties and remedies set forth under Division 15-9.0500 of the Unified Development Ordinance of the City of Franklin, as amended from time to time or such local applicable ordinance as may be later adopted or in effect to enforce such covenants or the purposes for which they are made, it being agreed that there shall be no waiver or forfeiture of the Grantee's right to insure compliance with the covenants and conditions of this Easement Agreement by reason of any prior failure to act; and
3. To enter the Protected Property at all reasonable times for the purpose of inspecting the Protected Property to determine if the Grantor is complying with the covenants and conditions of this Easement Agreement.

B. And in furtherance of the foregoing affirmative rights of the Grantee, the Grantor makes the following covenants which shall run with and bind the Protected Property in perpetuity, namely, that, on, over, or across the Protected Property, the Grantor, without the prior consent of the Grantee, shall not:

1. Construct or place buildings or any structure;
2. Construct or make any improvements, unless, notwithstanding covenant B(1) above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the Protected Property to the environment or the public and including, but not limited to animal

and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like;

3. Excavate, dredge, grade, mine, drill, or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;
4. Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste, or other landscape materials, ashes, garbage, or debris;
5. Plant any vegetation not native to the Protected Property or not typical wetland vegetation; and
6. Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles on the Protected Property.

To have and to hold this Conservation Easement unto the Grantee forever. Except as expressly limited herein, the Grantor reserves all rights as owner of the Protected Property, including, but not limited to, the right to use the Protected Property for all purposes not inconsistent with this Conservation Easement. Grantor shall be responsible for the payment of all general property taxes levied, assessed, or accruing against the Protected Property pursuant to law.

The covenants, terms, conditions, and restrictions set forth in this Conservation Easement shall be binding upon the Grantor and the Grantee and their respective agents, personal representatives, heirs, successors, and assigns, and shall constitute servitudes running with the Protected Property in perpetuity. This Agreement may not be amended, except by a writing executed and delivered by Grantor and Grantee or their respective personal representatives, heirs, successors, and assigns. Notices to the parties shall be personally delivered or mailed by U.S. Mail registered mail, return receipt requested, as follows:

To Grantor:
Rawson LLC
Attn: Mark Lambert and General Counsel
1564 W. Algonquin Rd.
Hoffman Estates, IL 60192

To Grantee:
City of Franklin
Office of the City Clerk
9229 W. Loomis Road
Franklin, Wisconsin 53132

In witness whereof, the Grantor has set its hand and seals this on this date of _____, 2011.

Rawson LLC

By: _____
Mark Lambert, Manager

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on the _____ day of _____, A.D. 2011 by Mark Lambert, as Manager of Rawson LLC, to me known to be the person(s) who executed the foregoing Easement Agreement and acknowledged the same as the voluntary act and deed of said limited liability company, etc.

Notary Public

My commission expires _____

Acceptance

The undersigned does hereby consent to and accepts the Conservation Easement granted and conveyed to it under and pursuant to the foregoing Easement Agreement. In consideration of the making of such grant of Conservation Easement, the undersigned agrees that this acceptance shall be binding upon the undersigned and its successors and assigns and that the restrictions imposed upon the Protected Property may only be released or waived in writing by the Common Council of the City of Franklin, as contemplated by §236.293 of the Wisconsin Statutes.

In witness whereof, the undersigned has executed and delivered this Acceptance on the ____ day of _____, A.D.2011.

CITY OF FRANKLIN

By: _____
Thomas M. Taylor, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Personally came before me this _____ day of _____, A.D. 20__, the above named Thomas M. Taylor, Mayor and Sandra L. Wesolowski, City Clerk, of the above named municipal corporation, City of Franklin, to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers as the Deed of said municipal corporation by its authority and pursuant to Resolution No. _____, adopted by its Common Council on the _____ day of _____, 20__.

Notary Public

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:

Nicholas Fuchs, Senior Planner
Department of City Development

Date Received and Reviewed

Approved as to form only:

Jesse A. Wesolowski
City Attorney

Date Received and Reviewed

MORTGAGE HOLDER CONSENT

The undersigned, JPMorgan Chase Bank, National Association ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering encumbering the Protected Property and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on _____, 2011, as Document No. _____, hereby consents to the execution of the foregoing easement and its addition as an encumbrance title to the Property.

IN WITNESS WHEREOF, Mortgagee has caused these presents to be signed by its duly authorized officers, and its corporate seal to be hereunto affixed, as of the day and year first above written.

JPMorgan Chase Bank, National Association

By: _____

Name: _____

Title: _____

STATE OF _____)
)ss
COUNTY OF _____)

On this, the _____ day of _____, 2011, before me, the undersigned, personally appeared _____, the _____ of JPMorgan Chase Bank, National Association, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained.

Name: _____

Notary Public, State of _____

My commission expires _____

EXHIBIT "A"

CONSERVATION EASEMENT

Part of Parcel 2 of Certified Survey map No. 7170, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 9, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

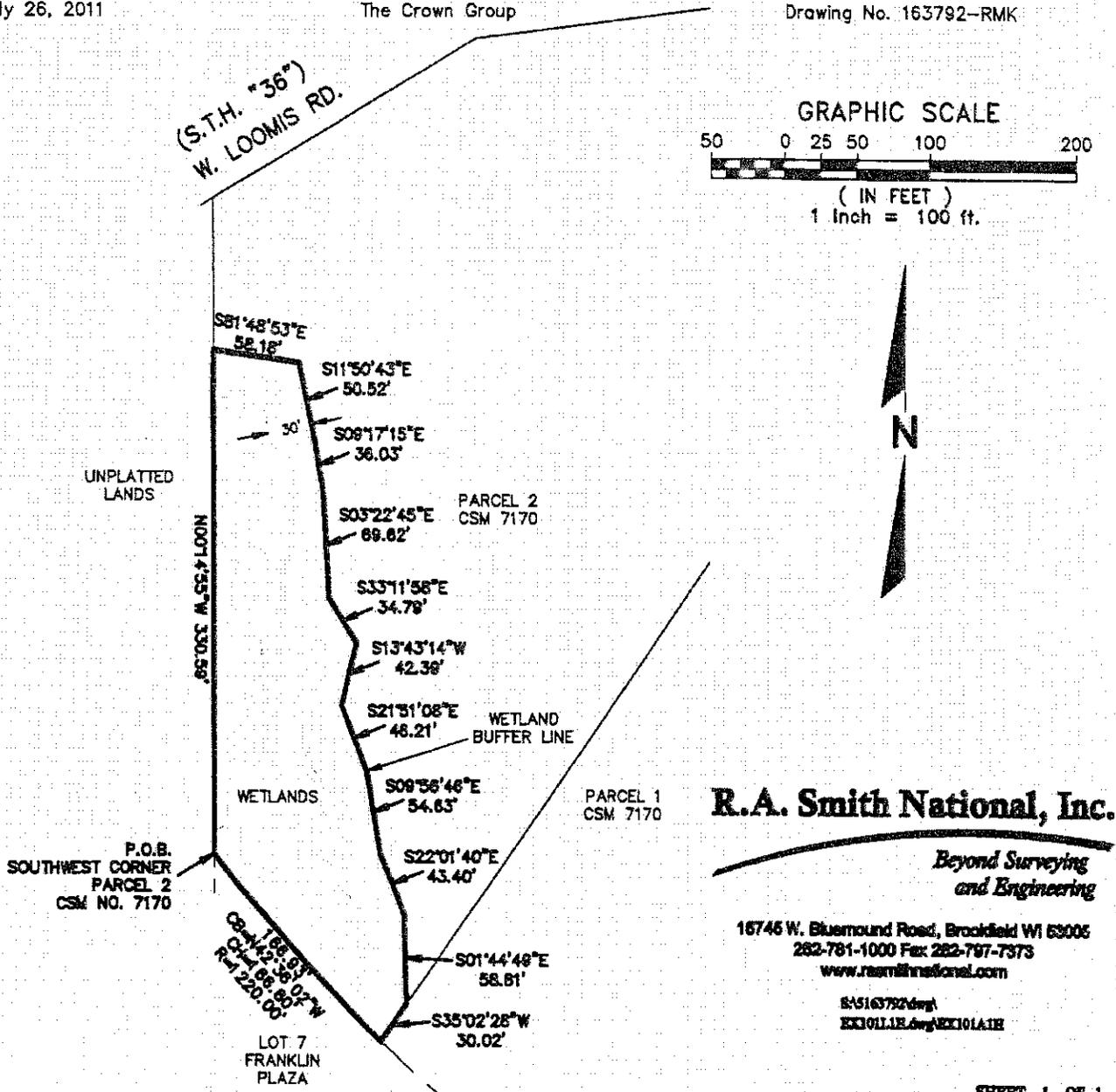
Beginning at the Southwest corner of said Parcel 2; thence North 00°14'55" West along the West line of said Parcel 330.59 feet to a point; thence South 81°48'53" East 58.18 feet to a point; thence South 11°50'43" East 50.52 feet to a point; thence South 09°17'15" East 36.03 feet to a point; thence South 03°22'45" East 69.62 feet to a point; thence South 33°11'58" East 34.79 feet to a point; thence South 13°43'14" West 42.39 feet to a point; thence South 21°51'08" East 46.21 feet to a point; thence South 09°56'46" East 54.63 feet to a point; thence South 22°01'40" East 43.40 feet to a point; thence South 01°44'49" East 58.81 feet to a point in the Westerly line of Parcel 1 of Certified Survey map No. 7170; thence South 35°02'28" West along said Westerly line 30.02 feet to a point in the Northerly line of Lot 7 in Franklin Plaza Subdivision; thence Northwesterly 166.93 feet along said Northerly line and an arc of a curve whose center lies to the Northeast, whose radius is 1220.00 feet and whose chord bears North 42°36'02" West 166.80 feet to the point of beginning.

Said land contains 35,662 square feet or 0.819 acres.

July 26, 2011

The Crown Group

Drawing No. 163792-RMK



R.A. Smith National, Inc.

*Beyond Surveying
and Engineering*

16746 W. Bluemound Road, Brookfield WI 53005
262-781-1000 Fax: 262-797-7373
www.ra-smithnational.com

ES:163792.dwg
EX:101118.dwg/EX:101118

R.A. Smith National, Inc.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">8/16/11</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 7513 "TRUCK RENTAL AND LEASING, NO DRIVERS", TO ALLOW FOR SUCH USE AS A SPECIAL USE IN THE B-4 SOUTH 27TH STREET MIXED- USE COMMERCIAL DISTRICT (U-HAUL CO. OF WISCONSIN, INC., APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.6.</i></p>

At their meeting on August 4, 2011, the Plan Commission recommended denial of an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 7513 "Truck rental and leasing, no drivers", to allow for such use as a Special Use in the B-4 South 27th Street Mixed-Use Commercial District (U-Haul Co. of Wisconsin, Inc., Applicant).

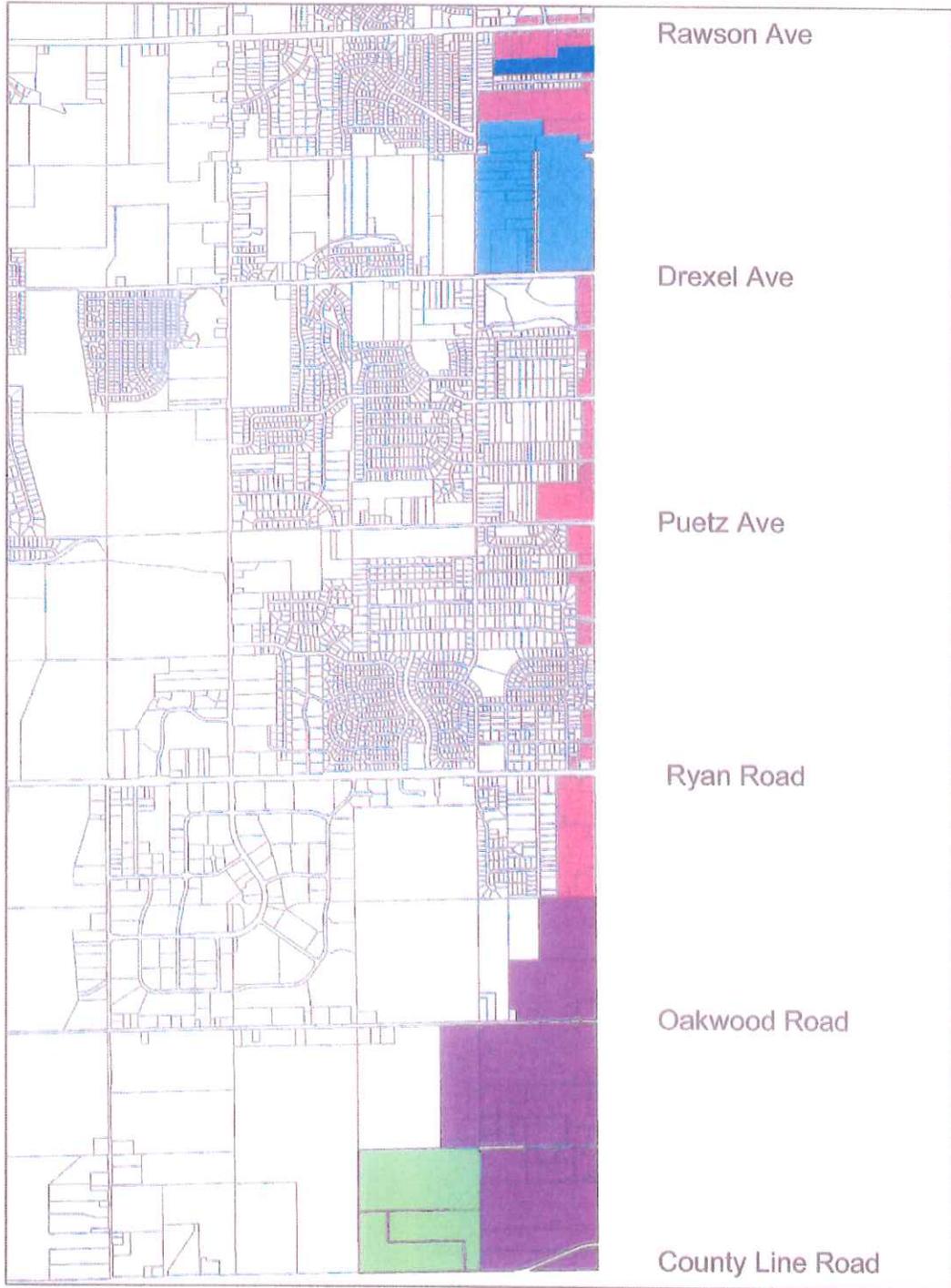
COUNCIL ACTION

A motion to (adopt/deny) Ordinance No. 2011-_____, an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 7513 "Truck rental and leasing, no drivers", to allow for such use as a Special Use in the B-4 South 27th Street Mixed-Use Commercial District (U-Haul Co. of Wisconsin, Inc., Applicant).

Or

As directed.

South 27th Street Zoning Districts



-  B-4 South 27th Street Mixed Use Commercial District
-  B-7 South 27th Street Mixed Use Office District
-  OL-1 Office Overlay District
-  RC-1 Conservation District
-  I-1 Institutional District

ORDINANCE NO. 2011-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT
ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD
INDUSTRIAL CLASSIFICATION TITLE NO. 7513 "TRUCK
RENTAL AND LEASING, NO DRIVERS", TO ALLOW FOR SUCH
USE AS A SPECIAL USE IN THE B-4 SOUTH 27TH STREET
MIXED-USE COMMERCIAL DISTRICT
(U-HAUL CO. OF WISCONSIN, INC., APPLICANT)

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

WHEREAS, U-Haul Co. of Wisconsin, Inc. having applied for a text amendment to Table 3.0603 so as to allow for Standard Industrial Classification Title No. 7513 "Truck rental and leasing, no drivers", as a Special Use in the B-4 South 27th Street Mixed-Use Commercial District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to allow for Standard Industrial Classification Title No. 7513 "Truck rental and leasing, no drivers", as a Special Use in the B-4 South 27th Street Mixed-Use Commercial District, and having held a public hearing on the proposal on the 21st day of July, 2011 and thereafter having recommended approval of such amendment; and

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

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

SECTION 1: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to Standard Industrial Classification Title No. 7513 "Truck rental and leasing, no drivers", is hereby amended as follows: insert "S" (Special Use) in the B-4 column.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of

competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2011, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2011.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

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

Meeting of August 4, 2011

Unified Development Ordinance Text Amendment

RECOMMENDATION: Staff recommends denial of the requested Unified Development Ordinance Text Amendment to amend Table 15-3.0603, Permitted and Special Uses in all Nonresidential Zoning Districts, to add Standard Industrial Classification Title No.7513, Truck Rental and Leasing, Without Drivers, as a special use within the B-4 South 27th Street Mixed Use Commercial District.

Project Name:	Unified Development Ordinance Text Amendment to Table 15-3.0603
Project Address:	City-wide
Applicant:	U-Haul Co. of Wisconsin, Inc.
Action Requested:	Recommendation of approval for the proposed Unified Development Ordinance (UDO) Text Amendment

HISTORY:

On July 21, 2011, the Plan Commission tabled the request by U-Haul Co. of Wisconsin, Inc. for approval of a Unified Development Ordinance (UDO) Text Amendment to amend Table 15-3.0603 Permitted and Special Uses in all Nonresidential Zoning Districts, to add Standard Industrial Classification Title. No. 7513 Truck Rental and Leasing, Without Drivers, as a special use within the B-4 South 27th Street Mixed Use Commercial District. The application was tabled to the next scheduled meeting of the Plan Commission and referred back to staff with direction to research and determine if a legal non-conforming use condition exists for the property located at 8833 South 27th Street.

ANALYSIS:

According to a written statement from Paul Martens, who operates the U-Haul leasing business at 8833 South 27th Street, "We started renting Ryder trucks roughly around 1996 to about 2001, Ryder became Budget and we rented for them from about 2001 to about 2007, at which time we then become a U-Haul dealer to the present day." Please see the statement from Paul Martens in your packet.

In order to determine whether or not the truck leasing business at 8833 South 27th Street is legal non-conforming, Staff first had to determine what the property was zoned back in 1996, when according to Mr. Martens the use began.

The property located at 8833 South 27th Street has been rezoned several times. These include:

- In 1958, Ordinance No. 43 rezoned the property from B-1 Local Business District to B-2 General Business District.

- In 1968, Ordinance No. 221 rezoned the property from B-2 Commercial District to B-5 Highway Business District.
- In 1971, Ordinance No. 71-328 rezoned the property from B-5 Highway Business District to B-3 Business District.
- In 1999, Ordinance No. 99-1580 rezoned the property from B-3 Community Business District to B-4 South 27th Street Business District.
- In 2005, Ordinance No. 2005-1843 rezoned the property from B-4 South 27th Street Business District to B-4 South 27th Street Mixed Use Commercial District.

As noted above, in 1996 when Mr. Martens claims to have started his Ryder Truck leasing business at 8833 South 27th Street, the property was zoned B-3 Business District. The zoning ordinance at the time was Ordinance No. 221 (as amended through August 13, 1987). Staff reviewed the list of permitted and special uses in the B-3 Business District and did not find any uses comparable to truck rental and leasing.

In 1998 the City of Franklin adopted a new zoning ordinance (The Unified Development Ordinance). The Unified Development Ordinance created a new zoning district called the B-4 South 27th Street Business District. From 1998 to 2005, Standard Industrial Classification (SIC) Title No. 7513 Truck Rental and Leasing was allowed as a special use in the B-4 South 27th Street Business District. As noted above, 8833 South 27th Street was rezoned from B-3 Business District to B-4 South 27th Street Business District in 1999 by Ordinance No. 99-1580. However, staff was unable to find any evidence of the City granting a use approval for the truck leasing business at 8833 South 27th Street.

In 2005 the property at 8833 South 27th Street was again rezoned from B-4 South 27th Street Business District to B-4 South 27th Street Mixed Use Commercial District by Ordinance No. 2005-1843. As noted in the July 21, 2011, staff report, the *South 27th Street Corridor Plan*'s recommended Mixed Use Commercial District (subsequently designated as the B-4 South 27th Street Mixed Use Commercial District) states that the district should allow "motor vehicle uses *limited* [emphasis added] to filling stations, car washes, specialized car repair, and motor vehicle related retail as either permitted or special uses, to be determined at the time of codification." Standard Industrial Classification (SIC) Title No. 7513 Truck Rental and Leasing was intentionally excluded from the B-4 District. The July 21st, 2011, staff report has been attached for reference.

According to Section 15-3.1004 of the Unified Development Ordinance (UDO), "Any lawfully established use of a building or land that does not conform to the use regulations for the district in which it is located at the time of the adoption of this Ordinance shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein." Unfortunately, the truck leasing business at 8833 South 27th Street was never lawfully established, and subsequently is a non-conforming **illegal** [emphasis added] use of the property.

Please note the proposed Unified Development Ordinance (UDO) Text Amendment is not a use approval. If the proposed UDO Text Amendment is approved, it merely provides an opportunity for the subject property to apply for special use approval at a later date. There is **not** [emphasis added] a Special Use application for the Plan Commission to review at this time.

According to U-Haul Co. of Wisconsin, Inc., Paul Martens, operator of the U-Haul truck leasing business at 8833 South 27th Street, will only apply for a special use if the Common Council approves the proposed Unified Development Ordinance Text

Amendment. While it is common for staff and the Plan Commission to review multiple applications concurrently, this was not the wish of this particular applicant.

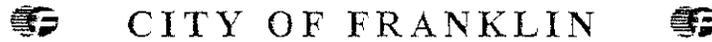
Furthermore, the proposed text amendment, if granted, will apply to all properties in the City of Franklin zoned B-4 South 27th Street Mixed Use Commercial District. Please see the attached map of areas in the City of Franklin zoned B-4 South 27th Street Mixed Use Commercial District.

STAFF RECOMMENDATION:

Staff recommends denial of the requested Unified Development Ordinance Text Amendment to amend Table 15-3.0603, Permitted and Special Uses in all Nonresidential Zoning Districts, to add Standard Industrial Classification Title No. 7513, Truck Rental and Leasing, Without Drivers, as a special use within the B-4 South 27th Street Mixed Use Commercial District.

Based upon the preceding information, as well as the information within the July 21st staff reports, the addition of a motor vehicle service use such as SIC Title No. 7513, Truck rental and leasing without drivers, to the B-4 South 27th Street Mixed Use Commercial District would be inconsistent with the *South 27th Street Corridor Plan*, and subsequently in conflict with the City of Franklin 2025 Comprehensive Master Plan.

However, if the Plan Commission wishes to approve the requested Unified Development Ordinance Text Amendment, then staff recommends SIC Title No. 7513 only be allowed as a special use in the B-4 South 27th Street Mixed Use Commercial District. The Special Use application process would help ensure each proposal is reviewed by the Plan Commission and Common Council to address all Special Use criteria and standards. In determining whether the applicant's evidence establishes that the special use standards have been met, the Plan Commission and Common Council may make considerations including; the public benefit of the use, alternative locations, mitigation of adverse impacts, and whether the use will establish a precedent of incompatible uses in the surrounding area.



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of July 21, 2011

Unified Development Ordinance Text Amendment

RECOMMENDATION: Staff recommends denial of the requested Unified Development Ordinance Text Amendment to amend Table 15-3.0603, Permitted and Special Uses in all Nonresidential Zoning Districts, to add Standard Industrial Classification Title No.7513, Truck Rental and Leasing, Without Drivers, as a special use within the B-4 South 27th Street Mixed Use Commercial District.

Project Name: Unified Development Ordinance Text Amendment to Table 15-3.0603
Project Address: City-wide
Applicant: U-Haul Co. of Wisconsin, Inc.
Action Requested: Recommendation of approval for the proposed Unified Development Ordinance (UDO) Text Amendment

INTRODUCTION & BACKGROUND:

On October 11, 2010, U-Haul of Wisconsin, Inc., filed a Unified Development Ordinance (UDO) Text Amendment Application with the Department of City Development requesting approval to add Standard Industrial Classification (SIC) Title No.7513, Truck rental and leasing without drivers, as a special use to the B-4 South 27th Street Mixed Use Commercial District to allow them the possibility to expand their presence within the 27th Street corridor in the future.

In addition, U-Haul of Wisconsin Inc. also indicated that they would like the owner of the Franklin True Value property to be able to continue the existing U-Haul operation at 8833 South 27th Street (U-Haul vehicles and trailers have been leased from the Franklin True Value property located at 8833 South 27th Street for several years without any permits or approvals from the City of Franklin). The applicant has stated that if the requested Unified Development Ordinance Text Amendment is approved, the owner of the Franklin True Value property will submit a Special Use Application to the Department of City Development, requesting approval of this use.

ANALYSIS:

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

According to the Standard Industrial Classification Manual, SIC Title No. 7513, Truck rental and leasing, without drivers, is defined as, "Establishments primarily engaged in

short-term rental or extended-term leasing (with or without maintenance) of trucks, truck tractors, or semitrailers without drivers". The following specific uses are associated with SIC Title No. 7513 and included in the definition:

- Truck leasing, except industrial trucks and finance leasing: without drivers
- Truck rental, except industrial: without drivers

According to Table 15-3.0603 of the Unified Development Ordinance, Standard Industrial Classification (SIC) Title No. 7513 is currently allowed as a special use in the City's B-5 Highway Business District, M-1 Limited Industrial District, M-2 General Industrial District, and PDD Planned Development Districts.

South 27th Street Corridor Plan. A number of goals and objectives contained within the *South 27th Street Corridor Plan* would generally discourage a use such as SIC 7513 within the 27th Street Corridor. These include:

- "Establish a mix of vibrant, attractive businesses along the corridor that are adequately buffered from or integrated with adjacent neighborhoods."
- "Improve the visual character of public places and private properties, and develop a unique image and identity for the corridor."
- "Set a high standard for the corridor's overall image and identity with high quality public streetscapes, utilities, buildings, etc."

Staff would note that a use such as SIC 7513 would typically impose a high visual impact upon the subject and adjacent properties (relatively large expanses of parking lot, lighting, and large commercial vehicles up to and including semi-trucks and trailers), with a correspondingly small amount of landscaping and architecture to offset such visual impacts. Staff review also indicates that this use can currently be accommodated on other properties within the City (those zoned B-5, M-1, and M-2). Therefore, such a use would not contribute to a vibrant, attractive, unique, and high standard for the South 27th Street corridor. In addition, due to the relative narrowness of the majority of the B-4 district, and its proximity to existing residential development, it would generally be difficult to adequately buffer this use (with its attendant visual impacts and truck traffic) from the adjacent neighborhoods.

In addition, the *South 27th Street Corridor Plan's* recommended Mixed Use Commercial District (subsequently designated as the B-4 South 27th Street Mixed Use Commercial District) states that the district should allow "motor vehicle uses *limited* [emphasis added] to filling stations, car washes, specialized car repair, and motor vehicle related retail as either permitted or special uses, to be determined at the time of codification."

Unified Development Ordinance. Pursuant to the recommendations of the *South 27th Street Corridor Plan*, the UDO was amended to create the B-4 South 27th Street Mixed Use Commercial District. As part of this amendment, certain Standard Industrial Classification (SIC) codes were established as permitted uses, special uses, or not allowed at all, to further the intent of the 27th Street district and to facilitate the design guidelines. In regard to uses possibly similar to SIC 7513 Truck rental and leasing without drivers, this included:

- Permitted Uses.
 - None.

- Special Uses.
 - SIC 5531 Auto and home supply stores;
 - SIC 5541 Gasoline service stations;
 - SIC 7533 Auto exhaust system repair shop;
 - SIC 7536 Automotive glass replacement shops;
 - SIC 7537 Automotive transmission repair shops;
 - SIC 7538 General automotive repair shops
 - SIC 7539 Automotive repair shops, not elsewhere classified;
 - SIC 7542 Carwashes; and
 - SIC 7549 Automotive services, not elsewhere classified.
- Not allowed.
 - SIC 4212 Local trucking, without storage
 - SIC 4213 Trucking, except local
 - SIC 4231 Trucking terminal facilities
 - SIC 4731 Freight transportation arrangement;
 - SIC 4789 Transportation services, not elsewhere classified;
 - SIC 5511 New and used car dealers;
 - SIC 5521 Used car dealers;
 - SIC 5599 Automobile dealers, not elsewhere classified;
 - SIC 7514 Passenger car rental;
 - SIC 7515 Passenger car leasing; and
 - SIC 7519 Utility trailer rental.

Therefore, a limited amount of motor vehicle related uses have been allowed in the B-4 South 27th Street Mixed Use Commercial District, in accordance with the *South 27th Street Corridor Plan*.

STAFF RECOMMENDATION

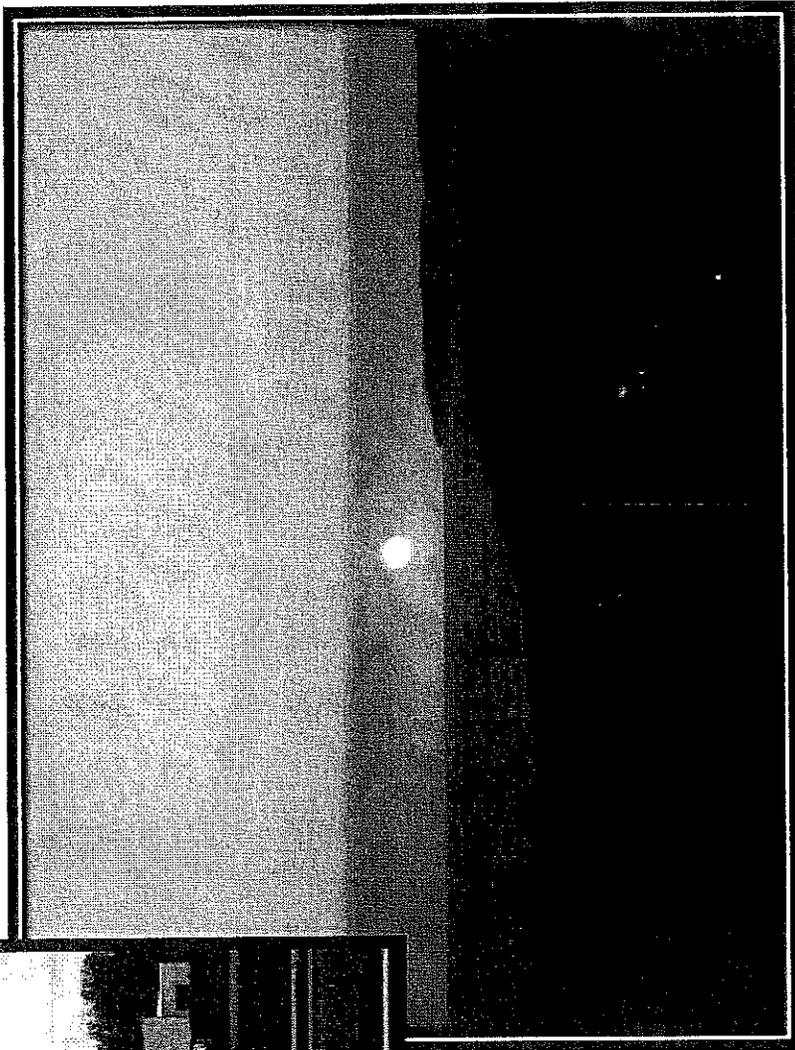
Staff recommends denial of the requested Unified Development Ordinance Text Amendment to amend Table 15-3.0603, Permitted and Special Uses in all Nonresidential Zoning Districts, to add Standard Industrial Classification Title No.7513, Truck Rental and Leasing, Without Drivers, as a special use within the B-4 South 27th Street Mixed Use Commercial District.

Based upon the preceding information, addition of a motor vehicle service use such as SIC Title No. 7513, Truck rental and leasing without drivers, to the B-4 South 27th Street Mixed Use Commercial District would be inconsistent with the *South 27th Street Corridor Plan*, and subsequently in conflict with the City of Franklin 2025 Comprehensive Master Plan.

However, if the Plan Commission wishes to approve the requested Unified Development Ordinance Text Amendment, then staff recommends SIC Title No. 7513 only be allowed as a special use in the B-4 South 27th Street Mixed Use Commercial District. The Special Use application process would help ensure each proposal is reviewed by the Plan Commission and Common Council to address all Special Use criteria and standards. In determining whether the applicant's evidence establishes that the special use standards have been met, the Plan Commission and Common Council may make considerations including; the public benefit of the use, alternative locations, mitigation of adverse impacts, and whether the use will establish a precedent of incompatible uses in the surrounding area.

Corporate Citizenship at U-Haul

Franklin
JUL 26 2011
City Development



Presented to:
Mr. Tom Taylor
Mayor -
Franklin, Wisconsin



City of Franklin

A Thriving Community in Southeastern Wisconsin

U-Haul Sustainability

At U-Haul, we are committed to sustainable development through environmental protection, social responsibility and economic efficiency.

Environmental Protection is a well-established priority at U-Haul. In addition to maintaining compliance with laws and regulations, our environmental team is consistently exploring ways to reduce our impact on the environment.

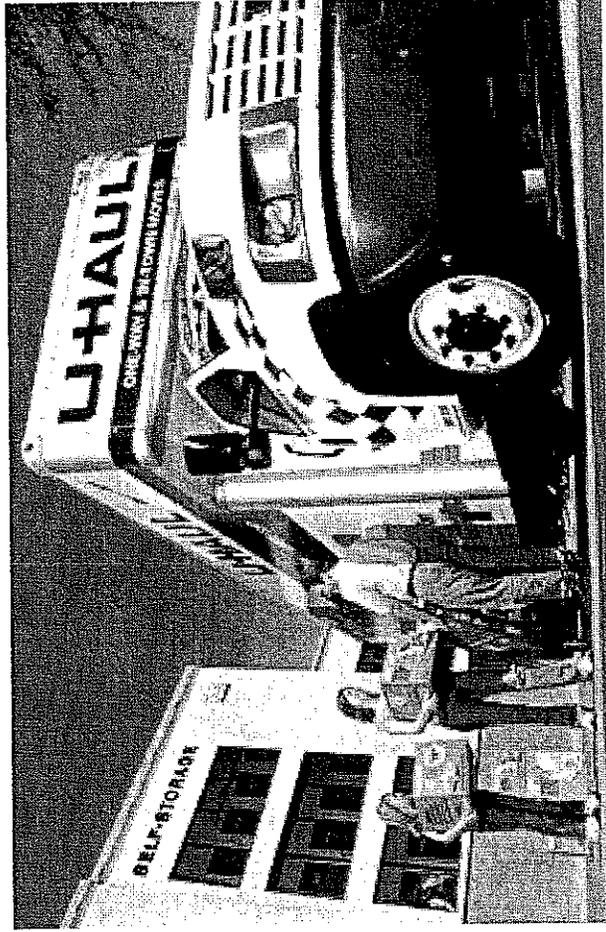
We continue to demonstrate our **Social Responsibility** to the local communities in which we do business, and for many years we have focused on the endorsement of social programs, agencies and events that directly serve the most basic of human needs – food, clothing and shelter. U-Haul helps these organizations through in-kind donations of equipment and merchandise. Some of our many charities include American Red Cross, Make-A-Wish, American Cancer Society, Run for the Fallen, Soldier Ride, and the Wounded Warrior Project.

Economic Efficiency has been central our Primary Service Objective since day one. More and more investors want to invest in stocks of companies that conduct their business in accordance with the principles of sustainable development. These investment decisions are based on environmental and social aspects as well as economic performance. Our shares are particularly attractive for such investors.

U-Haul Sustainability Programs

For years U-Haul has been committed to preserving resources for future generations.

- Truck and Trailer Sharing
- Storage Sharing
- Sustainable Dealerships
- Box Exchange Program
- Take A Box, Leave A Box
- Storage Re-Use Centers
- Sustainable Self-Storage
- Permeable Parking Areas
- Recycled Moving Pads
- Ph Neutral Truck Wash Soap
- Biodegradable Packing Peanuts



U-Haul Environmental Stewardship

Long-standing U-Haul policies have been good sustainability decisions

- Since 1980 – Air dams, spoilers and skirts on U-Haul trucks – improves aerodynamics, reduces fuel consumption.
- Since 1994 – Ph Neutral Truck Wash Soap – Non-toxic, non-hazardous, biodegradable cleaner used to wash U-Haul trucks.
- Since 1996 – Battery recycling – Reclaiming the lead and plastic for new batteries provides a closed-loop recycling program that keeps discarded material out of the waste stream.
- Since 1975 / 2007 – Fuel Economy Indicators – Provide real-time feedback to drivers to help reduce fuel consumption.

As of June 2009, 12,568 new trucks have been produced with new fuel-economy gauge pre-installed. Within the existing fleet, 32,083 retro-fits have been completed.



U-Haul Retail Products

Sustainable choices to preserve natural resources

- Biodegradable Packing Peanuts – Since 1993
Made primarily of corn and potato starch, the peanuts dissolve/degrade in water. Eco-friendly alternative to polystyrene (Styrofoam). With this program, more than 6,119,023 cubic feet of Styrofoam has been kept out of landfills.

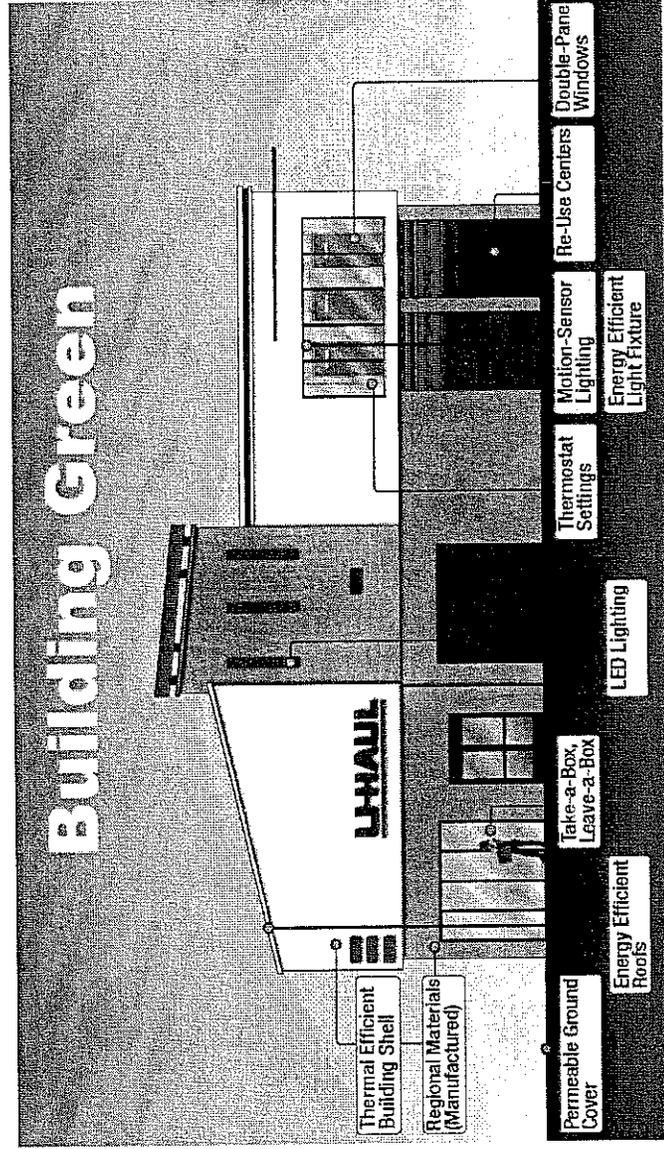
- Eco-friendly Boxes – Since 1996
Sturdy enough to be reused again and again.
Made of up to 90% post-consumer content.

- Box Exchange / Take A Box Leave A Box - 2007
Both programs encourage reuse. With every reuse of a box, a new one is kept from entering the cycle. As of July 2010, more than 2.5 million boxes have been reused in the Take A Box Leave A Box program.

- Recycled Moving Pads – Since 1997
Reclaimed and recycled denim material formerly destined for landfills. Allows the annual diversion of 2.4 million pounds of recyclable materials from landfills.



U-Haul Sustainable Building Practices



U-Haul green building initiatives help reduce natural resources and energy consumption by using sustainable building design techniques, promoting use of public transit and reducing GHG emissions by positioning our locations in close proximity to our customers.

U-Haul and Public Transportation

Transportation has a significant impact on the economy, environment, and quality of life. Traffic congestion causes costly delays with regard to daily activities and wastes natural resources. Excessive idling of vehicles pollutes the air and is a significant contributor of greenhouse gas emissions. An over-reliance on automobiles also encourages low-density land use patterns that can waste precious land and lead to habitat fragmentation.

sustainable state, properly planned and maintained transportation infrastructures allow individuals to have access to affordable, efficient, and reliable means of public transportation.

U-Haul was founded in 1945 on the principle of **division of use and specialization of ownership**. For 65 years U-Haul has been able to move people and their goods **effectively, economically** and in a **sustainable manner** due to the large network of locations it has in all 50 states and Canada. While we have many components to our Sustainability programs, we have focused a majority of our efforts on linking U-Haul services to the increased use of public transportation. We find that U-Haul and public transportation share many objectives.

Both transport people from Point A to Point B.

Both do so using the principle of **Shared Use**.

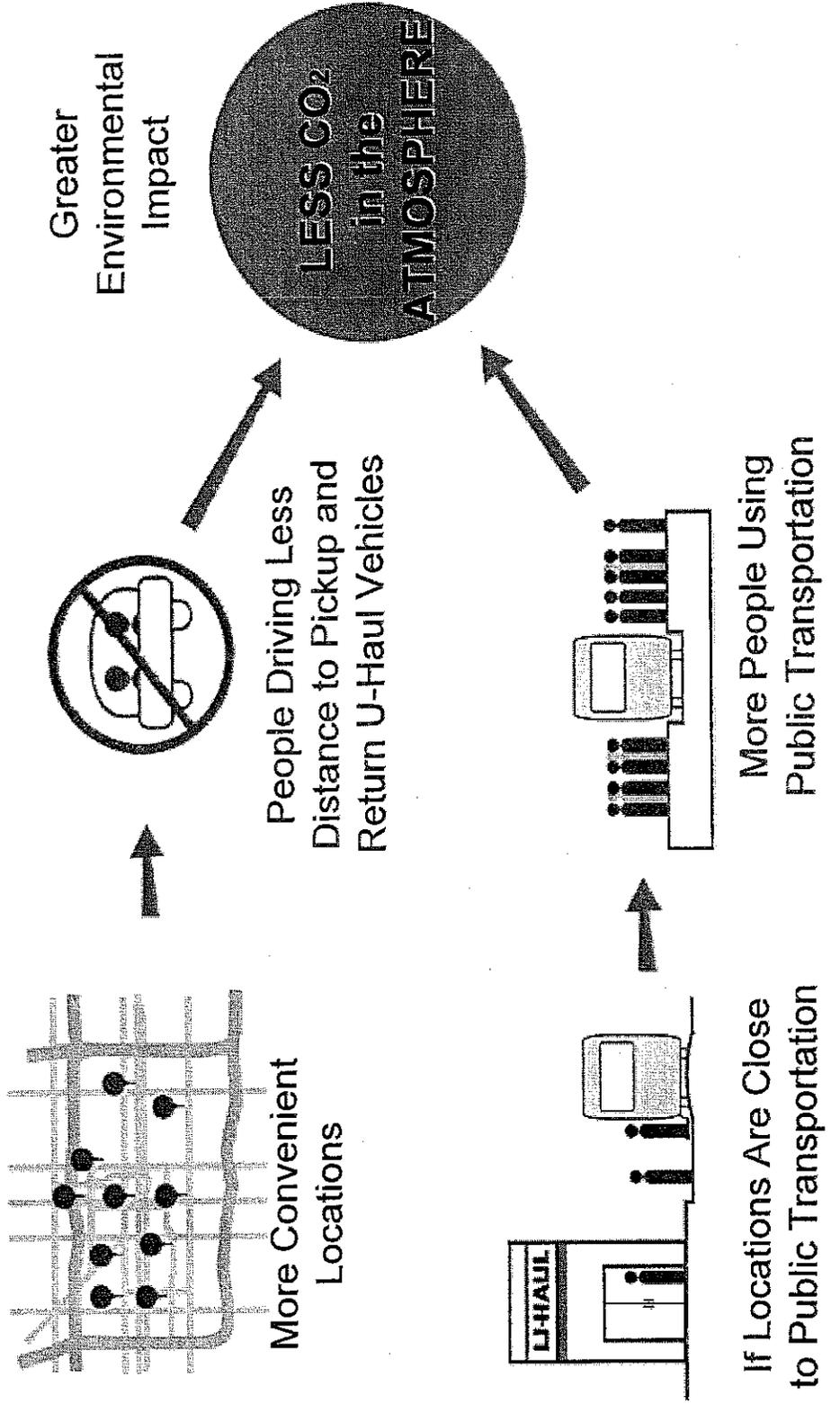
Both **reduce automobile use**, thus reducing the carbon emissions in the air.

Many of our U-Haul Centers and Dealers are located alongside public transit routes. Our U-Haul locations attract customers who find it more convenient and sustainable to use public transportation to access our services.

U-Haul Truck Sharing

- U-Haul is in the truck sharing business, which refers to truck rental services intended to substitute for private, large capacity vehicle ownership. It makes occasional use of a truck affordable, even for lower income households, while providing an incentive to minimize driving and rely on alternative travel options (e.g. public transportation) as much as possible.
- Every U-Haul truck placed in a local community helps keep 19 personally owned, large capacity vehicles (LCVs); pickups, SUVs, and vans off the road. U-Haul truck fleets kept more than 1.4 million personally owned LCVs off the road over a ten year period – which helped reduce 5.6 million metric tons of CO₂ emissions.
- Research shows that drivers tend to plan their trips carefully and drive less when they pay for mileage and hours. A 2007 U-Haul study showed that, on average, customers who share U-Haul trucks can save 87% of their driving when moving or towing large items. Annually, U-Haul truck fleets eliminate 2.4 *billion* miles of driving by personally owned LCVs. This helps prevent the creation of 1.3 million metric tons of CO₂ emissions from driving each year.
- Due to our convenient locations, more than 50% of U-Haul customers have taken advantage of alternative transportation methods such as public transit, walking, cycling and carpooling instead of driving themselves to U-Haul facilities.

Truck Share in Franklin

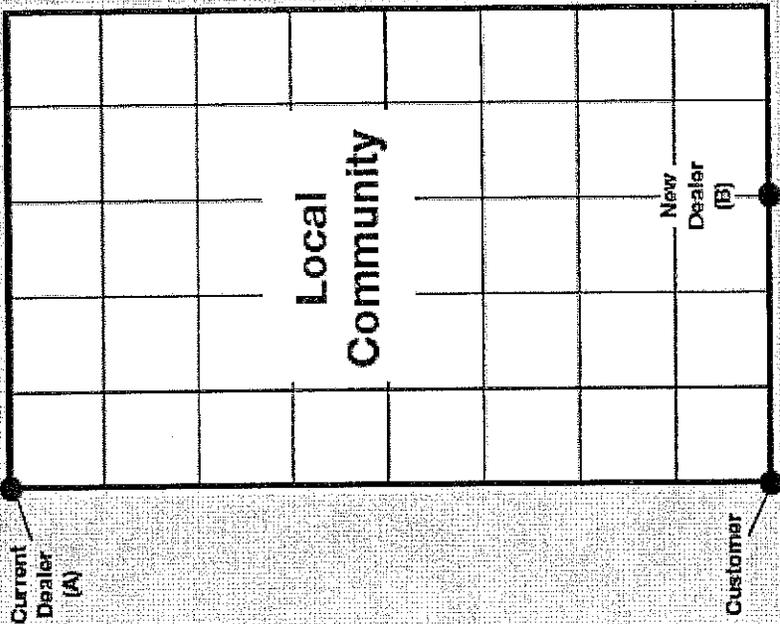


U-Haul Dealers

- **Environmental benefit** - The conveniently located, neighborhood dealer ensures less customer travel, less CO₂ emissions into the air and less traffic congestion.
- **Environmental benefit** - The closer our equipment (trucks and trailers) is to your citizens' pickup and drop off locations, the less fuel they ultimately burn. Less fuel burned means less CO₂ put into the atmosphere. *Every mile closer eliminates 12 pounds of carbon dioxide emissions.*
- **Economic and Environmental benefit** - Residents utilizing one properly sized U-Haul truck will eliminate numerous trips with a pickup truck or other personal vehicle, saving fuel cost and emissions.
- **Social benefit** - Many U-Haul dealers are small business owners. Adding a U-Haul dealership dimension to their business increases chances for survival in difficult economies. Although U-Haul does not subsidize a dealership, it does attract customers who otherwise might not visit the location. This added customer traffic increases awareness of the dealer's primary business, and fosters relationships that may bring new business, ensuring its continued existence.

U-Haul Dealers in Franklin

A U-Haul Dealer is Good for the Environment and the Customer.
 Neighborhood Dealerships Enhance the Environment



Per Transaction	Dealer A	Dealer B
Total Miles Driven (pick-up & return)	48 Miles	18 Miles
Total Gallons Used (Customer Vehicle: 17 mpg U-Haul Vehicle: 7 mpg)	4.2 Gallons	1.6 Gallons
Total CO ₂ Emitted (19.6 lbs/gallon)	82 lbs	31 lbs

= 1 Sq. Mile

Franklin's Vision and Mission

U-Haul Dealers are well positioned to support the city of Franklin's Vision and Mission statement as well as the transportation principles as noted in the 2025 Franklin, Wisconsin Comprehensive Master Plan

Vision Statement: The City of Franklin's vision is to enhance the quality of life for present and future generations by providing economic growth through the highest quality of residential, recreational, and business development in Southeastern Wisconsin.

Mission Statement: The City of Franklin's mission is to be a well-planned model community providing for a high quality of life for residents of all ages. The future of Franklin is founded on quality development that includes smaller and mixed-use commercial centers and corridors, that provides for new office parks that attract knowledge-workers and information industries to the community, while continuing to develop and maintain quality residential areas that provide a wide range of housing opportunities to support the needs of working professionals, seniors, and families. The residents of Franklin will have access to parks, open space, and a wide range of recreational programs and facilities that help to promote an active and healthy lifestyle. Franklin will be a community where modern conveniences, friendly people, and a small town atmosphere combine with low crime, a clean environment, and quality educational opportunities to make Franklin the primary destination to live and learn, work and play, and to do business.

The overall guiding principles of the city's transportation planning are as follows:

- create a safe and efficient transportation network that is integrated into the regional transportation system [from consultant input]
- provide viable options for travel through multiple modes including driving, transit, walking, and bicycling [from consultant input]
- serve the needs of city residents with limited access to transportation, including the young, elderly, and disabled [from consultant input]

U-Haul Dealers are small business owners. Adding a U-Haul dealership dimension to their business increases chances for survival in difficult economies.

Adding the U-Haul Dealer dimension to an existing business eliminates the need to build a new structure for the same business.

The conveniently located, neighborhood dealer ensures less customer travel, less CO₂ emissions into the air and less traffic congestion.

Maintaining and adding U-Haul dealers in Franklin supports a diverse and competitive local economy while serving increasing populations, reducing road congestion, reducing carbon emissions and reducing waste to city landfills.

U-Haul Neighborhood Dealer

Franklin True Value



Franklin True Value – 8833 S. 27th Street

Opened as U-Haul Dealer January 3, 2007

Maintains small "pod" of 3-5 trucks with fuel economy gauges, using unleaded fuel - NO DIESEL.

Sells biodegradable packing peanuts, recycled content moving pads, eco-friendly boxes

Serves community of local, single family and apartment residents

Approximate transactions per year = 450

U-Haul Dealers Help Reduce Carbon Emissions

The Sustainable Neighborhood Dealership Calculator provides supportive information regarding the environmental impact of adding a U-Haul center/dealer to a local community. This calculator will answer questions local zoning and government officials may have regarding our impact and how a new U-Haul center/dealer may contribute to any sustainability initiatives or goals of that community. Reverse, it will also answer questions regarding the negative impact that removal of U-Haul centers/dealers would have on local communities.

Instructions

Use the input cells to measure the impact of adding a new dealership to a community. The default inputs are averages for miles saved per one-way travel, a center's total transactions per year and the local average cost per gallon of gas. Changing any or all of the inputs will change the results of the Triple Bottom Line.

Miles Saved Per One-way Travel	Transactions Per Year	Average Cost Per Gallon Of Gas \$
3	450	\$3.83

By keeping Franklin True Value as a U-Haul Dealer in the Franklin community, thereby decreasing customer travel distance by 3 miles or more, this U-Haul dealer can deliver the following benefits to the Franklin residents:

Environmental - CO2 emission reduction **15,429 lbs/yr** or **6.998 metric tons/yr**

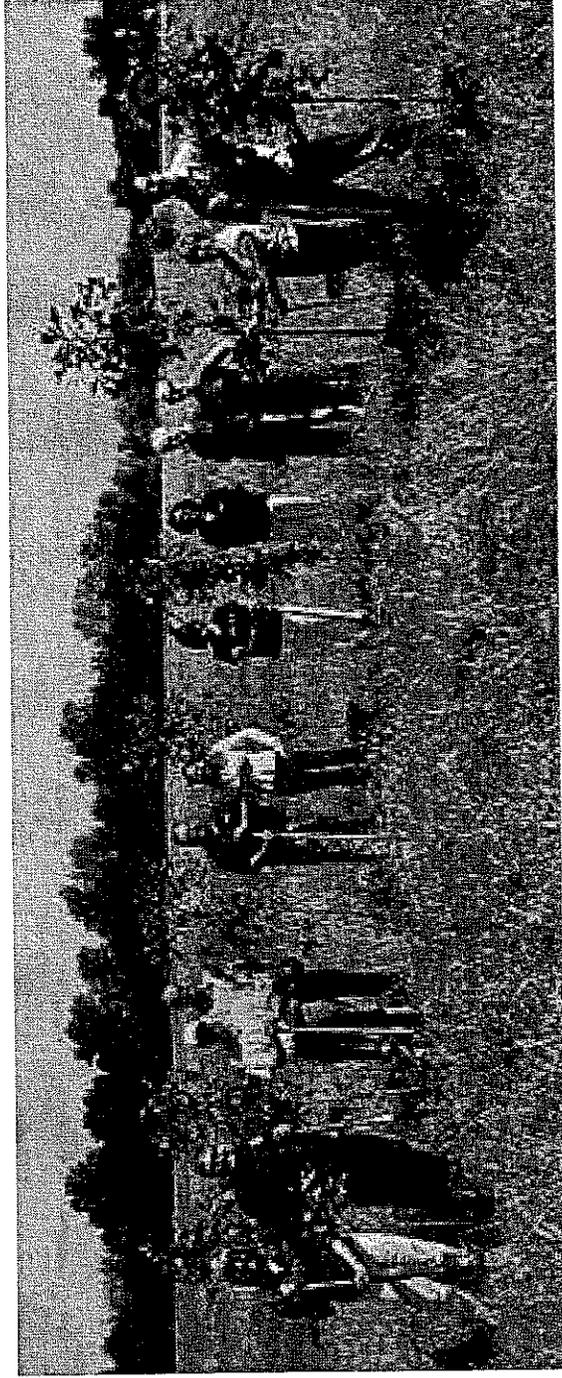
Social - Accidents avoided **.003 accidents/yr**

Economic - Fuel cost reduction **\$2,877** per year and Accident cost reduction **\$22*** per year

Summary of Dealer Benefits to Franklin, WI

- Dealers promote truck and trailer sharing – decreasing the number of vehicles on the road, thereby **decreasing CO₂ emissions**.
- According to a 2007 study, every U-Haul truck placed in a local community helps keep 19 personally owned large capacity vehicles off the road. So, the dealer with 5 trucks can also **reduce a potential indirect carbon emissions by 308 metric tons annually**.
- Dealers maintain “pods” of truck share vehicles at strategic locations in your community. More locations allow for fewer pieces of equipment at each site, **reducing traffic congestion**.
- Dealers promote U-Haul adjacent to your **public transportation**.
- Dealers promote reuse of moving boxes, lessening the need for production of new boxes and **reducing waste in your landfills**.
- Dealers sell **sustainable moving supplies**, which reduces waste in your landfills.

U-Haul Customers Offset Emissions



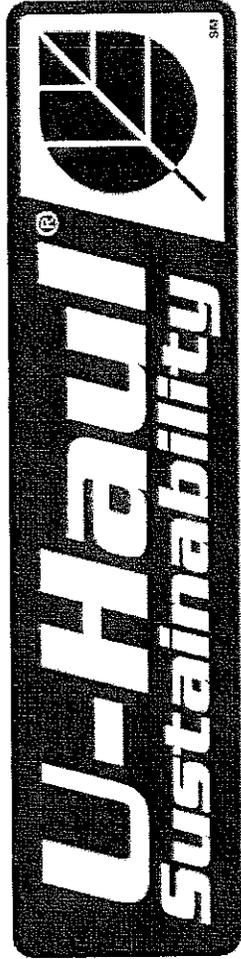
Climate change is one of the most important environmental issues that we face today. U-Haul has partnered with The Conservation Fund's Go Zero® program to help "zero out" our customers' carbon footprint.

Since the inception of this partnership, more than 500,000 U-Haul customers have donated more than \$1.9 million dollars to the program, planting more than 212,000 trees.

U-Haul Sustainability Fast Facts

- U-Haul truck sharing replaces 2.4 billion miles of large capacity vehicle (LCV) driving every year.
- More than 44,000 U-Haul trucks have fuel economy gauges installed to help customers monitor fuel efficiency and save money.
- More than 2.5 million boxes have been reused in the Take A Box, Leave A Box program, sparing 37,500 trees from box production.
- U-Haul biodegradable packing peanuts have kept more than 6,119,023 cubic feet of Styrofoam out of landfills.
- U-Haul recycled denim moving pads keep 2.4 million pounds of materials out of landfills every year.
- The U-Haul partnership with The Conservation Fund has planted more than 212,000 trees.
- 2009 – U-Haul earned AAMVA's Environmental Leadership Award for Climate Change and Energy and Resource Conservation
- 2009 – U-Haul earned Valley Forward's Environmental Stewardship Award of Merit
- 2010 – U-Haul earned The Conservation Fund's Heroes of Go Zero® Award for addressing climate change and restoring America's forest legacy
- 2010 – U-Haul earned the Alliance to Save Energy's Galaxy Star of Energy Efficiency Award

Thank you for your attention.



Questions?

Mike Schneider
Marketing Company President
U-Haul of Eastern Wisconsin
Cell: 414-530-4441
mike_schneider@uhaul.com

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 8/16/11
Reports & Recommendations	SUBJECT: Authorization to install the final lift of asphalt on the public and private streets in the Avian Condominium development located on the northwest corner of S. 68 th Street and W. Puetz Road	ITEM NO. <i>G. 7.</i>

BACKGROUND

Please be advised that staff has worked with the developer of the Avian development and the bank to install the final lift of asphalt. The letter of credit has sufficient funds and the bank has agreed that these funds can also be used for the private streets. This project is in receivership at this time.

ANALYSIS

This action is very similar to the action taken for the Villas of Franklin and is a process that will protect the condominium association.

OPTIONS

Approve

or

Table

FISCAL NOTE

The estimate cost of the public street Avian Way is \$27,400 and \$44,500 for the private streets. The remaining balance of the letter of credit is \$108,200.

RECOMMENDATION

Motion to authorize the City staff to advertise for bids for the installation of the final lift of asphalt for the Avian Condominium development for both public and private streets with the funding to be taken out of Avian's letter of credit.

JMB/sg

Jack Bennett

From: Mark Carstensen [markc@thecarstensengroup.com]
Sent: Thursday, August 11, 2011 5:37 PM
To: Jack Bennett
Cc: Dan Roskopf; mlm@levmetz.com
Subject: Re: Avian

Jack,

I have no problem with you going to the common council to get permission for the City of Franklin to bid the work you have outlined and for the city to perform the work in accordance with the Developers Agreement for Avian at Tuckaway as it relates to the Irrevocable Letter of Credit.

As you are aware this development is in Foreclosure with both PyraMax Bank as well as Harris Bank. Having said that, I need to make it clear that the City of Franklin has permission from PyraMax Bank to proceed with the work. That is a decision made solely by PyraMax Bank.

Sincerely,

Mark Carstensen

From: Jack Bennett <JBennett@franklinwi.gov>
To: Mark Carstensen
Cc: Dan Roskopf
Sent: Thu Aug 11 16:57:12 2011
Subject: Avian

I got a call from the Avian condo. Assoc. and they would like to see the final lift of asphalt placed on the public street and the private streets.

I called the bank and they said they would honor a draw for both the private street and the public street (they have no choice for the public street.)

They said that a request you'd have to come from you to do the final lifts. I would be willing to go the Common Council as ask permission for the City to bid out the final lift of asphalt on both the public street and the Private Street and bill the letter of credit.

Can you give me a letter to proceed or is there someone that can?

APPROVAL <i>Stu</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 8/16/2011
REPORTS & RECOMMENDATIONS	Resolution Awarding Contract To The Lowest Bidder For The 2011 Pavement Marking Program In The City Of Franklin	ITEM NUMBER <i>6.8.</i>

BACKGROUND

Pavement marking is done on a yearly basis. Streets showing severe paint deterioration are selected. Typically streets are striped every other year.

ANALYSIS

Contract documents were prepared by staff, the project advertised and bids opened August 4, 2011. Three bids were received as follows:

Brickline Inc	\$90,450.00
Century Fence Company	\$31,825.00
Crowley Construction Corporation	\$29,815.00

The bids were found to be in order, with Crowley Construction having the low bid at \$29,815.00. Crowley Construction has always done an exceptional job and has worked well with city staff in the past.

OPTIONS

Award or reject bids.

FISCAL NOTE

Sufficient funds are available through the Public Works Department 2011 Operating Budget (pavement marking).

RECOMMENDATION

Motion to adopt Resolution No. 2011-_____, awarding contract to the lowest bidder, Crowley Construction Corporation, in the amount of \$29,815.00, for the 2011 Pavement Marking Program in the City of Franklin.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2011- _____

A RESOLUTION AWARDDING CONTRACT TO THE LOWEST BIDDER FOR THE 2011 PAVEMENT MARKING PROGRAM IN THE CITY OF FRANKLIN

WHEREAS, the City of Franklin advertised and solicited bids for the 2011 Pavement Marking in the City of Franklin, and

WHEREAS, three bids were received as follows:

Brickline Inc	\$90,450.00
Century Fence Company	\$31,825.00
Crowley Construction Corporation	\$29,815.00

WHEREAS, the low bidder is Crowley Construction Corporation, with a bid in the amount of \$29,815.00, and

WHEREAS, Crowley Construction Corporation is a pre qualified public works contractor, and

WHEREAS, it is in the best interest of the City, as recommended by the City's staff, to award the contract at the total base bid of \$29,815.00 to Crowley Construction Corporation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that Crowley Construction Corporation be awarded the contract for the 2011 Pavement Marking in the City of Franklin for the sum of \$29,815.00 in accordance with bid specifications.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized and directed to execute a contract with Crowley Construction Corporation on behalf of the City.

INTRODUCED at a regular meeting of the Common Council of the City of Franklin on this _____ day of _____, 2011 by Alderman _____.

PASSED AND ADOPTED at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2011.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE August 16, 2011
REPORTS AND RECOMMENDATIONS	A Resolution to Waive Renegotiation of Existing Agreements Affecting the Veolia Es Emerald Park Landfill for Proposed Western Expansion	ITEM NUMBER <i>G.9.</i>

Veolia ES Emerald Park Landfill, LLC is requesting approval from the Wisconsin Department of Natural Resources for a further expansion of its landfill activities in the City of Muskego. The proposed expansion was part of an expansion proposal previously approved by the City of Franklin and the other Affected Municipalities back in 2008. The DNR did not approve the entirety of that proposal, so Veolia is now again requesting DNR approval of essentially the balance of the proposal from 2008 which DNR did not approve. Attached are copies of a letter from Veolia stating its intention to expand and from Atty. H. Stanley Riffle as counsel for the City of Muskego in response thereto. Also attached is a draft resolution in compliance with the agreements the City Franklin previously approved with regard to the Emerald Park landfill.

COUNCIL ACTION REQUESTED

A motion to adopt A Resolution to Waive Renegotiation of Existing Agreements Affecting the Veolia Es Emerald Park Landfill for Proposed Western Expansion.



CITY OF FRANKLIN
2011 JUL 13 AM 11:55

July 6, 2011

Certified Mail No. 7006 0100 000 1529 2508

TO: Clerks for:

The following list of Affected Municipalities:

City of Muskego	City of Franklin*
Town of Norway	Racine County
Waukesha County	

RE: Request for Local Approvals for Veolia ES Emerald Park Landfill, LLC Expansion

Dear Clerk:

Veolia ES Emerald Park Landfill, LLC (“Veolia”) is by way of this certified letter, formally notifying you that it intends to expand its current solid waste landfill facility located in the City of Muskego, Waukesha County, Wisconsin.

You are being provided this notice because you are either an affected municipality as defined by Wisconsin Statutes §289.33 under the proposed expansion; or if outside of the 1,500 foot boundary then as an interested party for informational purposes.

The proposed landfill expansion will extend both vertically over part of the existing footprint (approximately acres) and horizontally approximately acres to the west of the current WDNR permitted facility. The landfill expansion would lie within the property owned by Veolia located in the City of Muskego, Waukesha County. The proposed footprint lies solely within the City of Muskego, Waukesha County.

Pursuant to Wisconsin Statutes §289.22, Veolia hereby requests that you notify it of any and all local approvals (as that term is defined in §289.33(3)(d); See also attached Standard Notice for description of local approvals) for the establishment and operation of a solid waste facility. Also, please advise whether the below described property is subject to a farmland preservation agreement, exclusive agricultural zoning, or is located in a preservation area identified on a certified county preservation plan.

* An Affected Municipality pursuant to Wisconsin Statutes §289.01 is any town, city, village or county in which all or a portion of a solid waste disposal facility is located or proposed to be located; or a town, city, village or county whose boundary is within 1,500 feet of that portion of the facility designated by the applicant for the disposal of solid waste or the treatment, storage or disposal of hazardous waste in the feasibility report under §289.23, excluding buffers and similar areas. Based on the foregoing, together with the legal description and maps enclosed herein describing the proposed expansion.

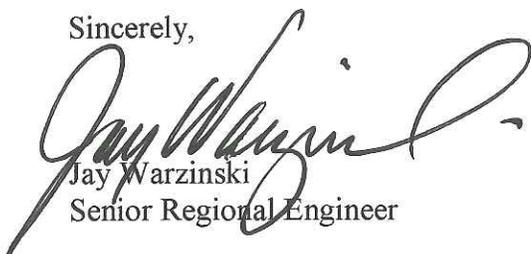


The following information regarding Veolia's plans should assist you in responding:

Applicant Name/Address:	Veolia ES Emerald Park Landfill, LLC W144 S6350 College Court Muskego, WI 53150
Type of Facility:	Vertical and Horizontal expansion of existing mixed municipal solid waste landfill.
Landfill Location:	See attached map
Legal Description:	See attached legal description of the expansion area

Pursuant to Wisconsin Statutes § 289.22(2), enclosed for your convenience and reference is a copy of a printed "Standard Notice" prepared by the Wisconsin Waste Facility Siting Board.

Sincerely,



Jay Warzinski
Senior Regional Engineer

cc: Matt Kingsley – Veolia ES Emerald Park Landfill, LLC.
Melissa Bachhuber – Veolia ES Solid Waste, Inc.
H. Stanley Riffle - Arenze, Molter, Macy & Riffle, S.C.

Legal Description of West Expansion Area

for

Veolia Environmental Services City of Muskego, Waukesha County, Wisconsin

part of the Northeast 1/4 and Southeast 1/4 of the
Southwest 1/4 of Section 36, T 5 N, R 20 E

Dated July 6, 2011

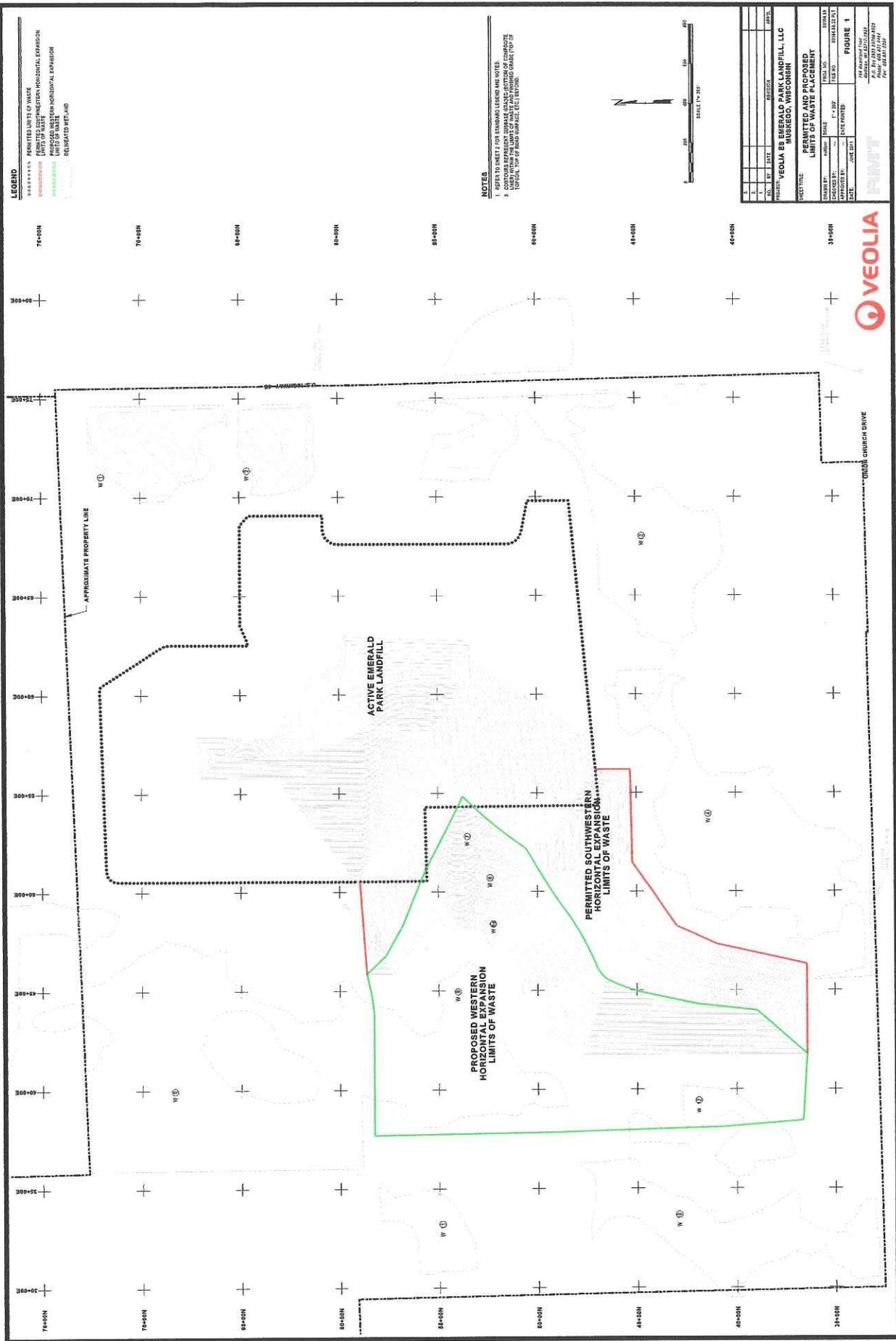


NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors
11432 N. Paul Washington Rd., Mequon, Wisconsin, 53092
(262) 541-6400 • FAX: (262) 241-5337
www.northshoreengineering.net

All that part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4 of Section 36, Town 5 North, Range 20 East, in the City of Muskego, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the Northeast corner of the Southwest 1/4 of said Section 36; thence S88°04'16"W along the North line of said 1/4 Section, 347.15 feet; thence S0°00'00"W, 98.03 feet to the point of beginning of the land to be described; thence S43°08'48"E, 135.96; thence S61°18'25"E, 174.17 feet; thence S67°20'26"E, 247.62 feet; thence S65°31'16"E, 45.41 feet; thence S63°36'00"E, 120.81 feet; thence S63°23'29"E, 100.42 feet; thence S63°17'42"E, 93.10 feet; thence S63°16'43"E, 45.00 feet; thence S63°56'12"E, 20.64 feet; thence S66°46'05"E, 46.71 feet; thence S44°14'55"W, 53.72 feet; thence S42°44'48"W, 41.47 feet; thence S40°45'32"W, 155.03 feet; thence S36°28'35"W, 164.43 feet; thence S58°35'49"W, 96.97 feet; thence S59°43'53"W, 52.33 feet; thence S66°45'23"W, 217.62 feet; thence S58°02'16"W, 187.91 feet; thence S65°13'18"W, 154.95 feet; thence S55°11'24"W, 36.87 feet; thence S44°01'01"W, 35.48 feet; thence S26°06'42"W, 46.84 feet; thence S20°46'52"W, 90.19 feet; thence S14°58'43"W, 77.51 feet; thence S12°07'43"W, 259.72 feet; thence S6°14'09"W, 304.03 feet; thence S40°57'40"W, 336.17 feet; thence N86°26'07"W, 335.29 feet; thence N4°33'27"W, 405.35 feet; thence N1°41'40"W, 843.96 feet; thence N0°49'10"W, 918.04 feet; thence N90°00'00"E, 617.93 feet; thence N82°16'22"E, 89.44 feet; thence N77°32'18"E, 112.02 feet to the point of beginning.

Said Parcel containing 48.591 acres of land, more or less.



LEGEND

- PERMITTED LIMITS OF WASTE
- LIMITS OF WASTE
- PROPOSED LIMITS OF WASTE
- PERMITTED LIMITS OF WASTE EXPANSION
- LIMITS OF WASTE EXPANSION
- PROPOSED LIMITS OF WASTE EXPANSION
- DECONTAMINATED WETLAND

NOTES

1. REFER TO SHEET 7 FOR REMARKS, LEGEND AND NOTES.
2. CONTOUR REPRESENTS APPROXIMATE GRADE (ACTION OF COMPOSITE SURFACE) BASED ON DATA FROM SURVEY AND PHOTO INTERPRETATION OF AERIAL PHOTOGRAPHY (E.T.C.) REPORT.



PROJECT TITLE		VEOLIA ES EMERALD PARK LANDFILL, LLC	
PROJECT NUMBER		17-030	
DATE		JUNE 2017	
DRAWN BY		J. W. BROWN	
CHECKED BY		T. J. BROWN	
APPROVED BY		T. J. BROWN	
DATE		JUNE 2017	



PERMITTED AND PROPOSED LIMITS OF WASTE PLACEMENT

FIGURE 1

PROJECT NUMBER: 17-030
 DATE: JUNE 2017
 DRAWN BY: J. W. BROWN
 CHECKED BY: T. J. BROWN
 APPROVED BY: T. J. BROWN

74+00N 70+00N 66+00N 62+00N 58+00N 54+00N 50+00N 46+00N 42+00N 38+00N

74+00E 70+00E 66+00E 62+00E 58+00E 54+00E 50+00E 46+00E 42+00E 38+00E



State of Wisconsin
Waste Facility Siting Board
5005 University Avenue, Suite 201, Madison, WI 53705-5400
Phone: (608) 266-7709
Fax: (608) 264-9885
e-mail: dha.mail@wisconsin.gov

James W. Schuerman
Chairman

David H. Schwarz
Executive Director

STANDARD NOTICE

TIME LIMITS AND REQUIREMENTS FOR MUNICIPALITIES TO PARTICIPATE IN THE NEGOTIATION AND ARBITRATION PROCESS FOR THE SITING OF A SOLID OR HAZARDOUS WASTE FACILITY UNDER SEC. 289.33, WISCONSIN STATUTES.

PLEASE READ ALL PAGES CAREFULLY.

This notice informs a municipality of the actions and deadlines required to qualify for participation in negotiations and arbitration concerning the proposed siting of all new or expanded solid or hazardous waste facilities in the state of Wisconsin.

This standard notice shall be submitted with any written requests for local approvals by the applicant to the clerk of each affected municipality and to the main public library in each affected municipality. s. 289.22(1m)(2) and s. 289.32, Wis. Stats.

Who is the Waste Facility Siting Board?

The Waste Facility Siting Board is an impartial body composed of six members. These members include the secretaries, or their formally appointed designees, of the Departments of Agriculture, Trade and Consumer Protection; Commerce; and Transportation; and two town elected officials and one county elected official appointed by the governor for three year terms.

What does the Waste Facility Siting Board do?

The Waste Facility Siting Board administers the negotiation and arbitration process for the siting of every solid and hazardous waste facility in the state of Wisconsin.

The board's authority is created by law in Chapter 289, Subchapter III, Wis. Stats. The intent of the law is to create and maintain a comprehensive and effective policy of negotiation and arbitration between an applicant for a waste facility license and a local committee representing the affected municipalities.

Who is an Applicant?

An "applicant" is any person applying for a license or the owner or operator of a facility.

What is an Affected Municipality?

An affected municipality is any town, village, city, or county:

- (a) where any or all of the proposed waste site will be located, or
- (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste.

An applicant that is a municipality or is under contract with a municipality for development of the site, is not considered an affected municipality for purposes of negotiation.

What is an Additional Municipality?

An additional municipality is any town, city, village, or county which does not qualify as an affected municipality but is included in the negotiation and arbitration process by written agreement of the applicant and the participating affected municipalities.

How does the negotiation-arbitration process begin?

The process is initiated by the applicant. Before submitting a feasibility report to the Department of Natural Resources (DNR), the applicant must submit by certified mail to the clerk of each affected municipality a written request for specification of all applicable local approvals. The municipality has 15 days to respond.

What is a "local approval"?

The term "local approval" is defined in s. 289.33(3)(d), Stats. It essentially means any requirement, restriction, condition, or prohibition imposed by a municipality on a waste facility site by ordinance, resolution, or regulation.

The law gives special weight to "pre-existing local approvals." Pre-existing local approvals are those that have been in effect at least 15 months before the applicant submits to DNR an initial site report or a feasibility report, whichever happens first. A new or expanded waste facility is subject to pre-existing local approvals unless specified as inapplicable in a negotiated agreement or an arbitration award. A new or expanded waste facility is not subject to other local approvals unless specified as applicable in a negotiated agreement.

If an Affected Municipality wants to negotiate with the applicant concerning the site what is required?

There are three requirements.

First, an affected municipality must pass a siting resolution within 60 days of receipt of the applicant's initial written request for local approvals. If this deadline is missed, a municipality

may not participate in negotiations. A copy of the siting resolution must be sent to the board within 7 days of passage.

Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Second, an affected municipality must appoint members to the local committee within 60 days of receipt of the applicant's request for local approvals. Names and addresses of local committee members must be sent to the Waste Facility Siting Board within 7 days of appointment.

Each affected municipality that wishes to negotiate with the applicant must appoint members to the local negotiating committee. Each town, village, or city where all or part of the proposed waste facility is to be located may appoint 4 members, or 2 more than the total number of all other members, whichever number is greater; no more than 2, however, may be elected officials or municipal employees. Each county where all or any part of the proposed waste facility will be located may appoint 2 members. Every other town, village, city, or county within 1500 feet of the proposed waste facility may appoint 1 member. Appointment of members may be included in the siting resolution or in a separate resolution.

Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

The siting resolution must state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary,

arbitrate with the applicant concerning the proposed facility.

Third, an additional municipality must appoint one member to the local committee within 60 days. The name and address of the local committee member must be sent to the Waste Facility Siting Board within 7 days of appointment.

Fourth, the appointed member to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

When may negotiations begin?

Negotiations may begin at any time after notification by the Waste Facility Siting Board. The board will send a notification of participation to the applicant and the clerk of each participating municipality within 5 days after the board receives copies of the resolutions and names and addresses of members appointed to the local committee, or within 72 days after all affected municipalities have received written request for local approvals. This notice will identify the participating municipalities, identify the names of the members of the local committee, and inform the parties that negotiations may begin.

If, for error or change in plans, the applicant must add any other affected municipality following the board's notification of participation, that affected municipality shall have the same rights and obligations as outlined above. The board may issue an order delaying negotiations until that affected municipality has time to act. This procedure is outlined in s. 289.33(6)(c), Stats.

Either the applicant or the local committee may initiate negotiations. The time and place of negotiating sessions are determined by agreement between the applicant and the local committee. Negotiating sessions must be open to the public.

What issues can be negotiated?

Any subject may be negotiated except the need for the facility and any proposal that would make the applicant's responsibilities less stringent than required by the Department of Natural Resources. Either party may petition the board in writing for a determination as to whether a proposal is negotiable. The board will conduct a hearing and issue a binding decision in 14 days.

If a negotiated settlement is reached, what is required?

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

An appropriate body is the governing body of each town, city, or village where all or a portion of the waste facility is to be located. If the agreement is approved by all of the appropriate bodies, the agreement is binding on all participating municipalities.

Second, if the agreement is approved, the applicant shall send a copy or notice of any negotiated agreement to the Waste Facility Siting Board and to the Department of Natural Resources within 10 days after the agreement is approved by all appropriate bodies. If the agreement is not approved by all of the appropriate bodies, the agreement is void. The parties may resume negotiations, begin mediation, or initiate arbitration.

Who initiates mediation?

Either party may request a mediator at any time during the negotiation.

Who is the mediator?

The board maintains a list of competent, impartial, disinterested persons consisting of lawyers, retired judges, and professional mediators who serve as mediators.

Who chooses the mediator?

Upon receipt of a request for a mediator, the board will immediately send the parties a list of 5 mediators. The parties shall alternately strike names until one name is left who will be appointed by the board.

What is the role of the mediator?

The role of the mediator is to encourage a voluntary settlement. The mediator may not impose a settlement on either party.

Who pays for the mediator?

Unless specified in the negotiated agreement or the arbitration award, the costs of the mediator will be shared equally by the applicant and the local committee.

What happens if the mediator fails to bring settlement?

The parties may resume negotiations or initiate arbitration.

Who initiates arbitration?

The applicant or the local committee may petition the board jointly or separately to initiate arbitration.

Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to a unilateral arbitration petition must be filed within 14 days.

What issues can be arbitrated?

Only eight issues can be arbitrated. These issues are:

1. Any proposal to make the applicant's responsibilities under the approved feasibility report or plan of operation less stringent.
- 1m. Reimbursement of reasonable costs, but not to exceed \$20,0000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or non-applicability of any pre-existing local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

Once initiated, how does the arbitration process work?

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in 90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 5005 University Avenue, Suite 201, Madison, Wisconsin 53705-5400, (608) 266-7709, FAX: (608) 264-9885.

STANDARD NOTICE

Revised: 01/03/08

G:\DOCS\WFSB\BOARD DOCUMENTS\STANDARD NOTICE.DOC

LAW OFFICES OF
ARENZ, MOLTER, MACY & RIFFLE, S.C.
720 N. EAST AVENUE
P.O. BOX 1348 (53187-1348)
WAUKESHA, WISCONSIN 53186
Telephone (262)548-1340
Facsimile (262)548-9211

DALE W. ARENZ
DONALD S. MOLTER, JR.
JOHN P. MACY,
COURT COMMISSIONER
H. STANLEY RIFFLE,
COURT COMMISSIONER
ERIC J. LARSON

RICK D. TRINDL
PAUL E. ALEXY
R. VALJON ANDERSON
JULIE A. AQUAVIA
JOSEPH D. MELENDES

July 7, 2011

Mr. Jay Warzinski, Senior Regional Engineer
Veolia ES Emerald Park Landfill, LLC
W144 S6350 College Court
Muskego, WI 53150

Re: Veolia ES Emerald Park Landfill: Western Horizontal Expansion - 2011

Dear Mr. Warzinski:

As counsel for the City of Muskego, we have been asked to respond to Veolia's letter of July 6, 2011, and received on July 7, 2011, requesting notification of any and all local approvals for the Veolia ES Emerald Park Landfill, LLC Western Horizontal Expansion expansion, pursuant to Wisconsin Statutes §289.22(1m). Please be advised that, by virtue of the terms of the Agreement Between Veolia and The City of Muskego, City of Franklin, Town of Norway, Racine County And Waukesha County for the Expansion of Veolia Emerald Park Landfill and the Settlement Agreement Between Veolia ES Emerald Park Landfill, LLC and The City of Muskego, City of Franklin, Town of Norway, Racine County and Waukesha County Regarding Direct Fee Payments, and Recycling & Environmental Tipping Fees all local approvals for which applications are required have been issued. Veolia should have a copy of the Agreement for Expansion signed by the City of Muskego, Waukesha County and Franklin and a copy of the Settlement Agreement signed by the City and Waukesha County from previous expansion requests that have been granted.

As you are well aware, Article IV, ¶27 of the "Superior Emerald Park Landfill, Inc, Southern Expansion, Negotiated Agreement" approved in 1999 specifically established the terms and rate schedules for compensation and all other terms relating to any future expansion(s). Because this proposed expansion meets the terms of that Agreement and is almost identical to the expansion initiated in 2008 for which the City has already given approval, there is no need for the implementation of the negotiation and arbitration process set forth in Wisconsin Statutes §289.33.

Further, to the best of our knowledge, please be advised that the described property is not subject to any farmland preservation agreement, exclusive agricultural zoning, nor is located in a preservation area identified on a certified county preservation plan.

Should you have any questions regarding this response, please do not hesitate to contact me.

LAW OFFICES OF
ARENZ, MOLTER, MACY & RIFFLE, S.C.

Warzinski - Veolia Expansion
July 7, 2011
p. 2

Very truly yours,

ARENZ, MOLTER, MACY & RIFFLE, S.C.,


H. Stanley Riffle

cc: Mayor Kathy Chiaverotti, City of Muskego
Attorney Jesse Wesolowski, City of Franklin
Mr. Dale Shaver, Waukesha County Parks & Land Use Department
Mr. Tom Kramer, Town of Norway
Ms. Julie Anderson, Racine County Planning Department
Attorney Tim Pruitt
Attorney Tim Leggett

RESOLUTION NO. 2011-_____

A RESOLUTION TO WAIVE RENEGOTIATION
OF EXISTING AGREEMENTS AFFECTING
THE VEOLIA ES EMERALD PARK LANDFILL
FOR PROPOSED
WESTERN EXPANSION

WHEREAS, on or about July 6, 2011, Veolia ES Emerald Park Landfill, LLC, submitted a Request for Local Approval for the Veolia ES Emerald Park Landfill Western Expansion as the Department of Natural Resources has waived the requirement for an Initial Site Report as the proposed expansion area was included in the previous ISR; and

WHEREAS, the Veolia ES Emerald Park Landfill (formerly known as the Onyx Emerald Park, Emerald Park Landfill and the Superior Emerald Park Landfill) is a solid waste disposal facility located within the City of Muskego, Waukesha County, Wisconsin; and

WHEREAS, Veolia ES Emerald Park Landfill, LLC, a domestic limited liability company, is the current owner of the Veolia ES Emerald Park Landfill; and

WHEREAS, the City of Muskego, Waukesha County, City of Franklin, Town of Norway, and Racine County each constitute an "Affected Municipality" under Wis. Stat. § 289.01(1); and

WHEREAS, the Veolia ES Emerald Park Landfill is licensed by the Wisconsin Department of Natural Resources ("WDNR") under WDNR License No. 3290 pursuant to Chapter 289 of the Wisconsin Statutes; and

WHEREAS, the Veolia ES Emerald Park Landfill is further subject to multiple agreements, to wit: the Interim Construction Agreement, Stipulation as to Agreed Upon Issues as to Negotiated Agreement, the Arbitration Award of the Wisconsin Waste Facilities Siting Board, the Settlement Agreement and Mutual Release in Case No. 99 CV 1476, and the January 20, 2000 Letter of Understanding regarding City of Muskego v. Superior Emerald Park Landfill, Inc. (all of which are collectively referred to herein as the "Agreement"); and

WHEREAS, the Agreement arises out of, and is related to, an expansion of the Veolia ES Emerald Park Landfill; and

WHEREAS, the Agreement was ultimately concluded on or about March 13, 2000, after approximately two years of contentious litigation; and

WHEREAS, the aforementioned Stipulation as to Agreed Upon Issues as to Negotiated Agreement and the Negotiated Agreement incorporated therein (the “Negotiated Agreement”) was entered into under Wis. Stat. § 289.33(9)(g); and

WHEREAS, Paragraph 27 of the Negotiated Agreement expressly grants the Affected Municipalities the option to waive negotiations for future expansions and thereby make applicable all terms and rate schedules for compensation set forth in the Negotiated Agreement, to wit: “[t]he Affected Municipalities shall have the option to waive negotiations for future expansions from Superior Services, Inc. on property owned by Emerald Park Landfill, Inc., Superior Services, Inc., or a related company which is within, contiguous to, or within one half mile of the Solid Waste Facility. This option shall be a waiver of renegotiation of that contract for future expansions and shall make applicable all terms and rate schedules for compensation set forth in this contract. The Affected Municipalities shall have six months from the date of receiving the Initial Site Report to make this election. This election shall be in writing and approved by each of the municipalities in writing or by the City of Muskego.”; and

WHEREAS, on or about July 7, 2011, the City of Muskego notified Veolia ES Emerald Park Landfill, LLC, that “by virtue of the terms of the Agreement Between Veolia and The City of Muskego, City of Franklin, Town of Norway, Racine County And Waukesha County for the Expansion of Veolia Emerald Park Landfill and the Settlement Agreement Between Veolia ES Emerald Park Landfill, LLC and The City of Muskego, City of Franklin, Town of Norway, Racine County and Waukesha County Regarding Direct Fee Payments, and Recycling & Environmental Tipping Fees all local approvals for which applications are required have been issued”, the City of Franklin concurring with and relying upon such response and the Agreement; and

WHEREAS, Paragraph 27 of the Negotiated Agreement provides that the Affected Municipalities shall have six months from the date of receiving the Initial Site Report to make said waiver election; and

WHEREAS, the City of Muskego noted that it has carefully considered the Request for Local Approval in lieu of an Initial Site Report, as it relates to the future operation of the Veolia ES Emerald Park Landfill, the Agreement, and the commercial benefit and health, safety, and welfare of the public; and

WHEREAS, the City of Muskego found and the City of Franklin hereby finds that waiver of its right to renegotiate the Agreement is in the best interests of, and will promote, the commercial benefit and the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the City of Franklin shall, and hereby does, ELECT to

exercise its option pursuant to paragraph 27 of the Negotiated Agreement to WAIVE renegotiation of the Veolia ES Emerald Park Landfill Western Expansion and thereby make applicable all terms and rate schedules for compensation set forth in the Agreement.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to execute written notice(s) on behalf of the City of Franklin in the furtherance of such WAIVER and said notice(s) shall, upon execution, be attached hereto and incorporated by reference.

BE IT FURTHER RESOLVED, that the several sections of this Resolution are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of this Resolution. The remainder of this Resolution shall remain in full force and effect. Any other resolutions whose terms are in conflict with the provisions of this resolution are hereby repealed as to those terms that conflict.

BE IT FURTHER RESOLVED, that this Resolution shall take effect upon its passage and adoption.

BE IT FINALLY RESOLVED, that the City Clerk is hereby directed to send a certified copy of this Resolution to the State of Wisconsin Waste Facility Siting Board, Veolia ES Emerald Park Landfill, LLC, and the other Affected Municipalities.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2011.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2011.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 8/16/11
Reports & Recommendations	Acquisition of easement rights and interests in property for the location, extension, installation and maintenance of public sanitary sewer facilities to provide sanitary sewer service to the southwest area of the City of Franklin by way of the Ryan Creek Interceptor sewer installation upon property in the area from the intersection of South 60th Street and West Ryan Road generally following the Ryan Creek to the intersection of West Ryan Road and South 112th Street, thence westerly along West Ryan Road to the west City limits, upon the following two (2) properties identified by Acquisition Map Parcel No., Tax Key Number and address, respectively, as follows: 1) 12, 935-9994-009 and 8400 West Oakwood Road; 2) 28, 892-9991-000 and 11111 West Ryan Road.	ITEM NO. <i>G. 10.</i>

The Council may enter closed session pursuant to §19.85(1)(e), Stats. to discuss the acquisition of easement rights for the subject extension of the Ryan Creek Interceptor Sewer for the above mentioned properties; and to re-enter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

COUNCIL ACTION REQUESTED

Motion to enter closed session pursuant to Wis. Stat. §19.85 (1) (e), to consider the terms and negotiation of the public acquisition of easement(s) for public sanitary sewer service for the extension of the Ryan Creek Interceptor Sewer project, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

or

Motion to authorize acquisition of easement rights as recommended by the appraisal firm of Single Source for parcels 12 and 28.

JMB/sg/db/pw

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR</p> <p>COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>8/16/2011</p>
<p>Licenses and Permits</p>	<p>Miscellaneous Permits</p>	<p>ITEM NUMBER</p> <p><i>H.C.</i></p>

See attached list from meeting of August 16, 2011

COUNCIL ACTION REQUESTED



City of Franklin

9229 W. Loomis Road
Franklin, WI 53132-9728

414-425-7500

**License Committee
Agenda*
Alderman's Room
August 16, 2011 - 5:30 p.m.**

1.	Call to Order & Roll Call	Time		
2.	Applicant Interviews & Decisions			
License Applications Reviewed		Recommendations		
Type/ Time	Applicant Information	Approve	Hold	Deny
Operator – New 2011-12 5:45 p.m.	Ruszkiewicz, Nathan J 222 S 3 rd St #205 Milwaukee, WI 53204 Rawson Pub			
Operator - New 2011-12 5:50 p.m.	Racine, Jonathan L 6361 S 27 th St #85 Franklin, WI 53132 Mulligan's Irish Pub			
Operator – New 2011-12 6:00 p.m.	Helm, Austin W 11401 Parkview Ln Hales Corners, WI 53130 The Landmark			
Operator - New 2011-12	Jackson, Ozzie L Jr 9305 W Mitchell St West Allis, WI 53214 On the Border			
Operator - New 2011-12	Lopez, Nicole L 3822 S 18 th St Milwaukee, WI 53221 Hodach's Citgo			
Operator - New 2010-11	Michalski, Samantha A 2420 S 34 th St Milwaukee, WI 53215 Walgreens – 27 th St			
Operator - New 2011-12	Mora, Josefina 435 W Aspen Dr #19 Oak Creek, WI 53154 Walgreens – 27 th St			
Operator - New 2011-12	Rabiega, Daniel A 3733 W Jerelin Dr Franklin, WI 53132 Polonia Sport Club			
Operator - New 2010-11	Rosenthal, Robyn M 7501 W Wind Lake Rd #7 Wind Lake, WI 53185 Hideaway Pub & Eatery			
Operator – New 2011-12	Sadowski, Michael P 7118 S Tifton Dr Franklin, WI 53132 St James Church			
Temporary Operator 2011-12	Kenney, Barbara E 3721 W Mary Ann Dr Franklin, WI 53132 St Martins Fair – Lioness Club			

Type/ Time	Applicant Information	Approve	Hold	Deny
Temporary Operator 2011-12	Cane, Thomas 5432 Olympia Dr Greendale, WI 53129 Knights of Columbus Craft Fair – Sacred Hearts Monastery			
Temporary Class B Beer	Franklin Historical Society Person in Charge: James Luckey Date: October 27, 2011 Location: Root River Center			
Temporary Class B Wine & Beer	Franklin Lioness Club Person in Charge: Jacqueline Glanzmann Date: Sept 4 – 5, 2011 Location: St Martins Fair			
Extra Ordinary Entertainment & Amusement	Knights of Columbus – Craft Fair Person in Charge: David Kunze Date: Sept 4, 2011 Location: Sacred Heart School of Theology			
Temporary Class B Beer	Knights of Columbus – Craft Fair Person in Charge: David Kunze Date: Sept 4, 2011 Location: Sacred Heart School of Theology			
3.	Adjournment	Time		

*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.

<p>APPROVAL</p> <p><i>Slw CDP</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>8/16/2011</p>
<p>Bills</p>	<p>Vouchers and Payroll Approval</p>	<p>ITEM NUMBER</p> <p><i>I.1.</i></p>

Provided separately for Council approval is a list of vouchers Nos. 139513 through 139694 in the amount of \$1,276,580.94. Included in this listing is \$ 10,465.01 in Library Fund vouchers. The net City vouchers are \$1,266,115.93.

Approval is requested for the net payroll of August 12, 2011 in the amount of \$341,008.48

COUNCIL ACTION REQUESTED

Motion approving net City vouchers in the range of Nos. 139513 through 139694 in the amount of \$1,266,115.93.

Approval is requested for the net payroll of August 12, 2011 in the amount of \$ 341,008.48.