

CITY OF FRANKLIN
COMMON COUNCIL MEETING*
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA**
TUESDAY, AUGUST 16, 2016 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes:
 - Regular Common Council Meeting of August 2, 2016.
- D. Hearings.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. Donations:
 - (a) From Franklin Lioness Club in the amount of \$150 to the Fire Department for fire prevention activities and/or equipment.
 - (b) From Franklin Lioness Club in the amount of \$150 to the Police Department for community program funding.
 - (c) From Seton Catholic Schools (St. Martin of Tours) in the amount of \$100 to the Police Department for the National Night Out Event.
 - (d) From Robert Jester, in memory of Sheila Jester, in the amount of \$100 to the Police Department in appreciation of the Franklin Police Force.
 - (e) From the Franklin Lions Club in the amount of \$250 to the Fair Commission for advertising.
 - (f) From the Franklin Lioness Club in the amount of \$150 to the Health Department for community program funding.
 - (g) From Midwest Speleo Cave in the amount of \$200.16 for Franklin food pantries.
 - 2. Overtime and Personnel Services Expenditures: Police and Fire Departments.
 - 3. Authority to Designate up to \$2,100 of Fire Department Capital Outlay Appropriations to Participate in Shared Purchase of a Forcible Entry Training Prop with the Tess Corners Volunteer Fire Department.
 - 4. Properties in the City of Franklin 2016 Revaluation Process for the Purposes of General Property Taxation Update.
 - 5. Traffic Impact Analysis Payment Agreement with Zimmerman Ventures, LLC.
 - 6. Traffic Impact Analysis Contract Extension with GRAEF-USA for up to \$12,000.
 - 7. A Resolution Conditionally Approving a Preliminary Plat for Evergreen Park Estates Subdivision (At Approximately 7501 South 49th Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).

8. An Ordinance to Amend the Unified Development Ordinance (Zoning Map) to Rezone a Portion of a Certain Parcel of Land From C-1 Conservancy district to R-6 Suburban Single-Family Residence District (A Portion of the Property at 7501 South 49th Street) (Approximately 1.867 Acres) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).
9. Direction Regarding a Proposed Rezoning, and Amendment of the South 27th Street Corridor Plan/Comprehensive Master Plan, of Those Lands Located Within the South 27th Street Corridor Area Lying South of Oakwood Road, to Facilitate Development of That Area for Mixed Use Business Park Type Uses (City of Franklin, Applicant).
10. Direction Regarding a Proposed Unified Development Ordinance Text Amendment to Amend Table 15-3.0603 to Remove Standard Industrial Classification Major Group No. 86 Membership Organizations From Certain Zoning Districts (City of Franklin, Applicant).
11. Preliminary Report on the Program Structure, Service Alternatives, and Risk Management Components of the Senior Travel Program.
12. Convey a Limited Term Conservation Easement to Milwaukee Metropolitan Sewerage District (MMSD) for Franklin Woods Park (3723 W. Puetz Road).
13. A Resolution Awarding Contract to the Low Bidder, Musson Brothers, Inc. in the Amount of \$99,999.99 for the Robinwood Trail and Authorizing the Project and Redesignating Other Park-Related Capital Improvement Fund Appropriations.
14. An Ordinance to Create §183-44.K. of the Municipal Code, "Engine Compression Braking Prohibited" in Accordance with Wis. Stat. § 62.11(5).
15. A Resolution Awarding Contract to the Low Bidder, Crowley Construction Corporation in the Amount of \$34,170 for the 2016 Pavement Marking Program.
16. A Resolution to Accept Jurisdictional Transfer of S. North Cape Road (CTH OO) from Milwaukee County from 870 Feet North of Hi-View Drive to W. Forest Home Avenue.
17. An Ordinance to Modify § 145.5.C. of the Municipal Code Regarding All Night Parking to Remove November 1 and Replace With December 1.
18. Authorize the Director of Administration to Execute a Letter of Agreement with Paragon Development Systems for Services and Computer Commodity Purchases for \$66,958.60 for the Computer Network "Layer 3 Switches" Project.
19. Authorization to Execute Two Agreements with Government Payment Service, Inc. to Facilitate Less Costly Credit Card Processing in the Police Department.
20. Population estimate from the Wisconsin Department of Administration as of January 1, 2016.

H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of August 16, 2016.

I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

Common Council Meeting Agenda

July 19, 2016

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

**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.]

REMINDERS:

August 18	Plan Commission	7:00 p.m.
September 5	Labor Day	City Hall Closed
September 6	Common Council	6:30 p.m.
September 8	Plan Commission	7:00 p.m.
September 20	Common Council	6:30 p.m.
September 22	Plan Commission	7:00 p.m.

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RECONSIDERATION OF
ACTION TAKEN AT
7/19/2016 COUNCIL
MEETING TO ADOPT RES.
2016-7213

- G.5. Alderman Dandrea moved to reconsider action taken on July 19, 2016 to adopt Resolution Nos. 2001-5145, 2001-5317, 2005-5865 and 2006-6091 imposing conditions and restrictions for the approval of a special use for a 44 unit residential community use located at West Tuckaway Pines Circle to allow for constructions of six two-unit buildings (Buildings 0, 1, 2, 5, 10 and 11) within the Tuckaway Pines Condominium development to be located at 7556, 7558, 7560 West Tuckaway Pines Circle (Building 0), 7550, 7552, 7554 West Tuckaway Pines Circle (Building 1), 7530, 7532, 7534 West Tuckaway Pines Circle (Building 2), 7501, 7503, 7505 West Tuckaway Pines Circle (Building 5), 7543, 7545, 7547 West Tuckaway Pines Circle (Building 10) and 7542, 7544, 7546 West Tuckaway Pines Circle (Building 11) (Butler Creek Properties, LLC, Applicant). Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2016-7218
AMEND RES 2001-5145,
2001-5317, 2005-5865 AND
2006-6091 FOR SPECIAL
USE AT W. TUCKAWAY
PINES CIR.

Alderman Dandrea moved to adopt Resolution No. 2016-7218, A RESOLUTION TO AMEND RESOLUTION NOS. 2001-5145, 2001-5317, 2005-5865 AND 2006-6091 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A 44 UNIT RESIDENTIAL COMMUNITY USE LOCATED AT WEST TUCKAWAY PINES CIRCLE TO ALLOW FOR CONSTRUCTION OF SIX TWO-UNIT BUILDINGS (BUILDINGS 0, 1, 2, 5, 10 AND 11) WITHIN THE TUCKAWAY PINES CONDOMINIUM DEVELOPMENT TO BE LOCATED AT 7556, 7558, 7560 WEST TUCKAWAY PINES CIRCLE (BUILDING 0), 7550, 7552, 7554 WEST TUCKAWAY PINES CIRCLE (BUILDING 1), 7530, 7532, 7534 WEST TUCKAWAY PINES CIRCLE (BUILDING 2), 7501, 7503, 7505 WEST TUCKAWAY PINES CIRCLE (BUILDING 5), 7543, 7545, 7547 WEST TUCKAWAY PINES CIRCLE (BUILDING 10) AND 7542, 7544, 7546 WEST TUCKAWAY PINES CIRCLE (BUILDING 11) (BUTLER CREEK PROPERTIES, LLC, APPLICANT), per the Council Action Sheet. Seconded by Alderman Taylor. On roll call, Alderman Dandrea, Alderman D. Mayer, Alderwoman Wilhelm, Alderman Taylor and Alderman Barber voted Aye; Alderwoman S. Mayer Abstained. Motion carried.

ORD. 2016-
AMEND UDO FOR
PERMITTED USE IN B-3
COMM. BUSINESS DIST.
(ROOT RIVER CHURCH
INC., APPLICANT)

- G.6. Alderman Taylor moved to deny An Ordinance to Amend the Unified Development Ordinance Text at Table 15-3.0603 Standard Industrial Classification Title No. 8661 "Religious Organizations" to Allow for Such Use as a Permitted Use in The B-3 Community Business District (Root River Church Inc., Applicant). Seconded by Alderman D. Mayer. All voted Aye; motion carried.

Alderman Taylor then moved to direct Department of City Development Staff to commence the legislative process for the general subject matter of An Ordinance to Amend the Unified Development Ordinance Text at Table 15-3.0603 Standard Industrial Classification Category Title No. 86 "Membership Organizations", to Allow for Title Nos. 8611 "Business Associations", 8621 "Professional Organizations", 8631 "Labor Organizations", 8641 "Civic And Social Associations", 8651 "Political Organizations" and 8699 "Membership Organizations, Not Elsewhere Classified", as Special Uses and Not Permitted Uses, and to Allow for Title No. 8661 "Religious Organizations" as a Special Use, in the B-3 Community Business District. Seconded by Alderman D. Mayer. On roll call, Alderman Taylor and Alderman D. Mayer voted Aye; Alderwoman S. Mayer, Alderman Barber, Alderwoman Wilhelm and Alderman Dandrea voted No. Motion failed.

Alderman Dandrea moved to direct Department of City Development Staff to commence the legislative process for the general subject matter of An Ordinance to Amend the Unified Development Ordinance Text at Table 15-3.0603 Standard Industrial Classification Category Title No. 86 "Membership Organizations", to delete and disallow Title Nos. 8611 "Business Associations", 8621 "Professional Organizations", 8631 "Labor Organizations", 8641 "Civic and Social Associations", 8651 "Political Organizations" and 8699 "Membership Organizations, Not Elsewhere Classified", as permitted uses in the B-3 Community Business District. Seconded by Alderman Barber. On roll call, Alderman Dandrea, Alderwoman Wilhelm, Alderman Barber and Alderwoman S. Mayer voted Aye; Alderman D. Mayer and Alderman Taylor voted No. Motion carried.

ECONOMIC DEV. UPDATE
PRESENTATION

G.7. Following an Economic Development Update presentation from Economic Development Director Aaron Hertzberg and Economic Development Commission Chair Craig Haskins, Alderman Taylor moved to direct the Economic Development Commission to move forward on rebranding efforts and return to the Common Council. Seconded by Alderman Barber. All voted Aye; motion carried.

2016 INFORMATION
SERVICE AND POLICE
DEPT. IT-RELATED
PROJECT AND
EXPENDITURE PLAN

G.8. Alderman Taylor moved to authorize a re-designation of the 2016 Information Services and the Police Department's IT-Related Capital Outlay Budgets in accordance with the document entitled "2016 Information Service Capital Outlay: Project & Expenditure Plan". Seconded by Alderman D. Mayer. All voted Aye; motion carried.

TRANSFER OF STREET
IMPR. FUNDS FROM W. ST.
MARTINS RD. TO W. ELM
CT. AND S. 83RD ST.

G.9. Alderman Dandrea moved to accept Staff's recommendation to transfer street improvement funds for W. St. Martins Road to W. Elm Court and S. 83rd Street as part of the 2016 Local Street Improvement Program. Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2016-2227
AMEND MUNICIPAL CODE
TO ALLOW BD./COMM.
MEMBER APPT.
CONFIRMATION ACTION

G.10. Alderman Taylor moved to adopt Ordinance No. 2016-2227, AN ORDINANCE TO AMEND THE MUNICIPAL CODE TO ALLOW BOARD, COMMISSION AND COMMITTEE MEMBER APPOINTMENT CONFIRMATION ACTION BY THE COMMON COUNCIL TO INCLUDE MORE THAN A SINGULAR NOMINEE BY DELETING THE REQUIREMENT THAT EACH NOMINEE SUBMITTED FOR COMMON COUNCIL CONFIRMATION SHALL BE VOTED UPON BY THE COMMON COUNCIL SEPARATELY. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

DUTIES AND AUTHORITY
OF BUILDING
INSPECTORS

G.11. No action was taken on a report from the Director of Administration regarding the duties and authority of Building Inspectors.

QUARTERLY FINANCIAL
REPORT

G.12. Alderman Taylor moved to receive and place on file June 2016 Quarterly Financial Report. Seconded by Alderman Dandrea. All voted Aye; motion carried.

LICENSES AND PERMITS

H.1. Alderman Taylor moved to approve the following:
Grant Premise Description Change for Class B License for Three Cellars, 7133 S. 76th St., Agent/Owner Shawn Vollmer; Grant 2016-17 Operator License to Jessica Curler, S77W18513 Janesville Rd., #A5, Muskego; Beth Potrykus, 7134 Brunn Dr., Franklin; Jonah Spaay, 5819 Dale Ln., Greendale; Heather Bandle, 10380 W. Plum Tree Cir., #204, Hales Corners; Amanda Brown, 3822 E. Van Norman Ave., Cudahy; Ekrem Dilaveri, 4360 W. Victory Creek Dr., Franklin; Gloria Grabarczyk, 7467 S. 69th St., Franklin; Joseph Hanrahan Sr., 3430 Peppergrass Ct., Green Bay; Candace Hein, 8501 W. Cascade Oaks Ct., Franklin; Katie Hertel, 10512 W. Cortez Cir., #23, Franklin; Nicole LaPlante, 2582 N. Stowell Ave., Apt. O, Milwaukee; David Lindner, 4007 W. Acre Ave., Franklin; Samantha Michalski, 2249 S. 34th St., Milwaukee; Cecilia Rodriguez, 517 W. Madison St., Milwaukee; Avni N Shah 3468 Oak Tree Ln., Racine; Grant Extraordinary Entertainment & Special Event to the Rock Sports Complex (Joe Zimmerman) for Warrior Dash event on August 13, 2016 subject to receiving checklist from departments and payment for expense reimbursement if any; Grant Temporary Class B Beer License to Franklin Lioness Club (Gloria Grabarczyk) for St. Martins Fair.

Grant People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant pending receiving Article of Incorporation, to the Disabled American Veterans for St Martins Fair.

Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

- I.1. Alderman Dandrea moved to approve net general checking account City vouchers in the range of Nos. 161558 through 161733 in the amount of \$1,579,664.00 dated July 15, 2016 through August 1, 2016. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

Alderwoman S. Mayer moved to approve net payroll dated July 22, 2016 in the amount of \$394,279.10 and payments of the various payroll deductions in the amount of \$338,389.65 plus any City matching payments where required. Seconded by Alderman D. Mayer. On roll call, all voted Aye; motion carried.

Alderwoman S. Mayer moved to approve estimated net payroll dated August 5, 2016 in the amount of \$359,000.00 and payments of the various payroll deductions in the amount of \$206,000.00 plus any City matching payments where required. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

Alderman Dandrea moved to approve property tax refunds and investments Nos. 16407 and EFT Nos. 110 through Nos. 111 in amount of \$8,400,119.87 dated July 15, 2016 through July 28, 2016. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

Alderwoman S. Mayer moved to approve Inspection Department vouchers in the amount of \$1,203.48. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 8:55 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

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<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;"><i>8/16/2016</i></p>
<p style="text-align: center;">REPORTS AND RECOMMENDATIONS</p>	<p style="text-align: center;">Donation from Franklin Lioness Club Foundation in the amount of \$150.00 to the Fire Department</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.I.A.</i></p>

The Franklin Fire Department has received a donation from the Franklin Lioness Club in the amount of \$150.00. The Department relies in part on donations to fund fire and safety educational programs, as well as lifesaving medical equipment.

COUNCIL ACTION REQUESTED

Request approval to accept \$150.00 donation from the Franklin Lioness Club, to be used toward funding fire prevention activities and/or equipment.

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>8/16/2016</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Franklin Police Department Donation</p> <p>Franklin Lioness Club</p>	<p>ITEM NUMBER</p> <p><i>G. I. B.</i></p>

The City of Franklin Police Department has received a donation from the Franklin Lioness Club in the amount of \$150.00 to be used to support programs that we provide to the community.

COUNCIL ACTION REQUESTED

Motion to accept this donation of \$150.00 from the Franklin Lioness Club to be deposited into the Police Donation Account.

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>8/16/2016</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>2016 NATIONAL NIGHT OUT DONATIONS</p>	<p>ITEM NUMBER</p> <p><i>G.I.C.</i></p>

The City of Franklin Police Department has received a donation from the following business to be put toward the purchase of materials for the annual National Night Out Event.

Seton Catholic Schools (St. Martin of Tours)	\$100.00
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COUNCIL ACTION REQUESTED

Motion to approve acceptance of these donations in the amount of \$600 for deposit into the Crime Prevention Donation Account.

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>8/16/2016</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Police Department Donation of \$100.00 from Robert Jester</p>	<p>ITEM NUMBER</p> <p><i>G.I.D.</i></p>

The City of Franklin Police Department has received a \$100.00 donation from Robert J. Jester in memory of his departed spouse Sheila, in appreciation of the Franklin Police Force.

COUNCIL ACTION REQUESTED

Motion to accept this donation of \$100.00 from Robert Jester to be deposited into the Police Donations Account.

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COMMON COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>8/16/2016</p>
<p>ORGANIZATIONAL BUSINESS</p>	<p>Donation to St. Martins Fair from Franklin Lions Club Foundation</p>	<p>ITEM NUMBER</p> <p><i>G.I.E.</i></p>

Accept the following donation for advertising for St. Martins Fair:

Franklin Lions Club Foundation - \$250.

COUNCIL ACTION

Accept donation from Franklin Lions Club Foundation in the amount of \$250 for advertising for St. Martins Fair.

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>August 16, 2016</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>\$200.16 Donation from the Midwest Speleo Cave (entrance donations) at the 2016 National Night Out for the Franklin Food Pantries</p>	<p>ITEM NUMBER</p> <p><i>G.I.g.</i></p>

The Health Officer requests to accept a \$200.16 donation from Midwest Speleo Cave (entrance donations) from the 2016 National Night Out to be turned over to the City of Franklin food pantries.

COUNCIL ACTION REQUESTED

A motion to accept the \$200.16 donation.

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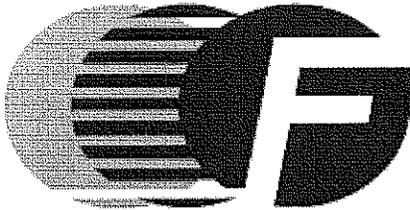
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APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE 8/16/2016
REPORTS & RECOMMENDATIONS	Overtime & Personnel Services Expenditures: Police & Fire Departments	ITEM NUMBER <i>G.2.</i>

Please see the attached memorandum from the Director of Administration related to the Overtime and Personnel Services Expenditures for the Police and Fire Departments. The purpose of this memo is to provide a summary of the budget pressures being experienced within the Personnel Services line items that are part of the Police and Fire Department's appropriations.

COUNCIL ACTION REQUESTED

Receive and file.



MEMORANDUM

TO: Mayor and Common Council

FROM: Mark W. Luberda, Director of Administration

DATE: August 12, 2016

RE: Overtime and Personnel Services Expenditures: Police and Fire Department

The purpose of this document is to provide a summary of the budget pressures being experienced within the Personnel Services line items that are part of the Police and Fire Department's appropriations. Following is a moderate-level analysis of factors influencing overtime (OT) usage for the purpose of understanding the degree to which such expenditures are controllable versus non-controllable. Also discussed below are two offsetting, but significant, Personnel Services actions that are impacting the same appropriations.

Naturally, a more detailed review of OT could be completed if necessary, but it would be quite cumbersome to review each individual employee's OT worked and leave usage on a pay period by pay period basis. The challenge in such an analysis is being able to specifically identify the root cause of OT usage. For example, a person calling in sick and needing to be replaced to maintain a minimum staffing level may be the immediate cause of the OT, but the fact that other staff may be off for FMLA or on a scheduled vacation day or at training realistically shares in the need to bring someone in on OT. Therefore, this memo discusses circumstances that put the department in the position of potentially using OT, but not each circumstance that necessarily required OT.

Also, please note that the "Overtime" as discussed below is referring to the "Overtime" line item within departmental budgets and reflects the direct wage costs. Such OT expenses produce approximately an additional 20 percent in benefit-related costs and line items.

OT OVERVIEW: The following table summarizes public safety OT since 2011.

Overtime Expenditures (excluding benefits)

Year	Police Department			Fire Department		
	Adopted	Dep't	%	Adopted	Dep't	%
	Budget	Actual	OVER	Budget	Actual	OVER
2011	169,300	199,871	18.1%	180,000	242,681	34.8%
2012	169,300	253,715	49.9%	180,000	418,209	132.3%
2013	179,300	177,412	-1.1%	190,000	239,489	26.0%
2014	195,000	148,929	-23.6%	190,000	224,759	18.3%
2015	190,000	276,397	45.5%	190,000	256,109	34.8%
2016	190,000	121,839		190,000	204,527	

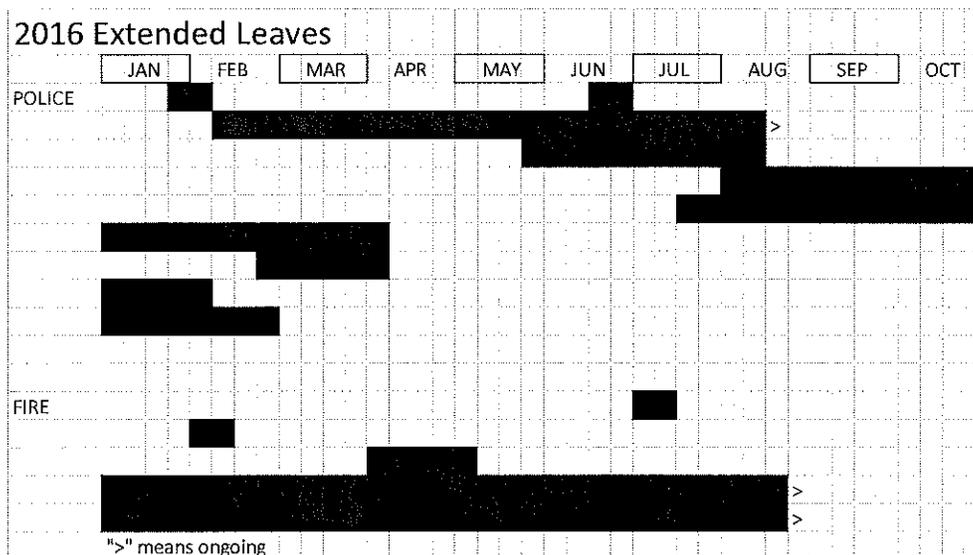
*2016 is through June.

Overtime is historically budgeted in a conservative fashion that helps to ensure constrained use and encourages regular examination and oversight. The lack of extraneous appropriations requires managers to limit overtime

approvals to largely essential operations. Potential overages that can result from unanticipated circumstances, which are discussed below, effectively become additional negative appropriations that City staff attempts to fund through under expenditures elsewhere in the budget. This is evident by the result that in only two instances since 2011 were the Police or Fire Department under budget for OT, while, at the same time, during that period the City concluded each year with a surplus in the General Fund.

Most OT use, however, is largely uncontrollable given an established base level of services. For these departments, the base level of service is best represented by a minimum staffing level. In general, the Police Department ensures 6 officers are on duty on the day shift, with 7 and 5 on the early and late shifts, respectively. The Fire Department has a minimum staffing requirement of 11 people in order to keep all three stations operating. Police Department Officers are assigned to a shift (early, day, or late) and a rotation cycle (5 on – 2 off – 5 on – 3 off) that ensures all time slots are filled. Firefighters have 3 alternating shifts that ensure all days are covered. Vacations and holidays become known time off. For example, since there are 14 firefighters assigned to each shift, three may be allowed off on a scheduled vacation day on any given day. As such, no OT is directly required for firefighter vacation days.

Therefore, it is generally considered the unscheduled absences that drive OT costs. Unscheduled absences are sick leave, workers compensation absences (including light duty assignments), funeral leave, military leave, court subpoenas, and Family Medical Leave Act (FMLA) leave. Training requirements (such as paramedic training) and certain duty assignments (such as attending Court) can cause OT to ensure sufficient individuals are still available for response. Vacancies can be another significant driver of OT as each vacancy reduces by one the number of staff available to cover minimum staffing levels. Additionally, it is worth noting that special events, such as Civic Celebrations and St. Martins Fair, have their own OT budget and that OT costs are allocated to those events and are not in the above numbers. Other special events, however, such as a Presidential visit, can cause OT that does impact the Department’s budget.



The table above, with each row representing a different individual, gives a snap shot of the workers compensation, FMLA, and extended sick leave absences that the departments have experienced this year. The table does not include the short-term, day-to-day sick leave that occurs regularly. These absences are primary factors driving OT. This level of activity is greater than would be expected based upon the funded level of OT appropriations.

Vacancies are also largely uncontrollable and aggravate the issue on top of the absences shown in the table above. The recent history of the Police Department's hiring pattern provides a good example of that impact. The first table above reveals 2015 as the Police Department's heaviest use of OT in recent years. The Police Department had 4 officers and 2 supervisory employees retire or separate in 2015. As such, four new officers were hired on 8/24/15 and one on 4/20/15. Filling a vacancy generally takes 2 to 5 months. Often, when an employee separates, there may be a period of extended leave, such as using up vacation hours, where the employee was unavailable for shift duty. It is also important to realize that a new officer typically requires 3 months of departmental training before they are available to fill a shift slot on their own. Therefore, each of those 4 officers hired last August represents up to 5 months of the department being short one employee for shift duty. That same scenario played out in 2016 as the two officers hired 1/2/16 were not available for shift duty until April and an additional resignation occurred in mid-June. The Fire Department also had two 2016 resignations (January and March) which were filled in July. As previously noted, an extra individual was brought on at the same time due to the two, long-term illnesses vacancies that have occurred all year and are expected to continue.

As noted above, training can also cause OT usage, but it is normally for short periods, most typically a single shift. Paramedic training is a notable exception. Paramedic training is performed by the County. In June, a Department commits individuals to participation in a class for the upcoming January. The class is full-time, and the individual is off shift for the nearly three-month period of the class. The department has recently been sending three individuals to a class each year, with one person coming from each of the three shifts. Since fewer vacations are selected in winter, the class doesn't typically require OT coverage for each day. For 2016, however, that turned out not to be the case as the unanticipated resignation and extended sick and workers compensation leaves (noted above) created a situation where OT was regularly utilized to maintain minimum staffing. Note that this issue should become a non-factor as it is not expected that the City will have the need to send any other individuals to class in the coming years.

It should also be noted that Police Department OT is influenced by State enforcement grants that are refunded to the City. These are grants where the State provides funding for enhanced speed patrols, for example. Generally all of this activity occurs on OT and is reimbursed. Approximately \$15,000 and \$58,000 were refunded by grants in 2014 and 2015, respectively, with about \$65,000 anticipated in 2016. As such grant dollars were one of the factors for the spike in OT between 2014 and 2015 and for that continued level of usage in 2016.

Identifying multiple driving factors of OT as uncontrollable does not mean that the City has not taken steps to control those factors that drive OT. For example, the Police Department has a written OT policy that ensures supervisory authorization for instances of OT. Also, around 10 years ago the Chief instituted the departmental practice of not filling the first vacancy on a shift that was due to a call-in for sick leave. This can cause the minimum staffing to effectively be one lower than optimal staffing, but without this step, many calls for sick leave would generate additional OT. Another mechanism controlling OT costs is that the Chief also does not generally permit officers to complete reports after normal shift hours, which would cause OT. Officers complete the report on their next duty day. The City also implemented a sick leave incentive program within the contract, which appears to have positively impacted sick leave usage. Added ability in the labor contract to flex an individual's hours also positively influences OT.

On the Fire Department side, numerous changes have occurred that positively impact OT. For example, the last contract provided for some greater ability to switch an individual's shift to proactively avoid OT. Reducing to two, from three, the number of paramedics required on an ambulance also reduces the demand for additional paramedic hours. The accrual rate for the sick leave benefit was significantly reduced in the previous labor contract which will have a very positive effect on sick leave usage in the coming years. Sick leave usage also appears to be positively impacted by the continuation of the Wellness/Fitness pilot program that provides regular,

on-site, job-specific fitness and wellness training. Additional initiatives are being pursued in the current contract negotiations that are underway.

As discussed above, most overtime is a result of uncontrollable items or events affecting personnel. Controllable uses of OT, such as the National Night Out (\$2,227 for 2016) and the Citizen Academies, are not significant OT generators, and the good will and citizen participation they promote are likely worth the money. Nonetheless, it could be suggested to discontinue these practices if reducing OT expenditures became the number one priority. Similarly, one could argue the last few years of paramedic training was a controllable cost, but it is also what enables the City to now have 3 ALS units that can charge up to \$1,200 for each ALS transport. (Note: actual revenue is often based upon allowable medical charges by Medicare or Medicaid, and not necessarily on billed amounts.) In general, funding levels for OT has the effect of significantly limiting the controllable causes because departments are aware that they generally have to fund any overages by generating savings elsewhere in their budget.

In summary, although the City has taken proactive steps to improve our ability at the department level to favorably impact OT, when looked at together, it is evident that the factors that drive OT, as discussed above, are largely uncontrollable, given a base level of core service. If the Council directed a reduction in minimum staffing levels, for example, significant savings in OT could be realized. It would, however, be at the cost of reduced police and/or fire services. As such, minimum staffing levels are generally adhered to even if it increases OT beyond the identified appropriation allocation.

2016 Budget Perspective

Un-appropriated OT is an item that takes monitoring each year. One could argue, however, that OT overages have not been a major issue in recent years: despite approximately \$600,000 in un-budgeted expenditures between 2011 and 2015, those years all finished with significant surpluses after absorbing the OT overage and the budgeted "Anticipated Underexpenditure". Therefore, in looking at the 2016 OT demand and usage, it needs to be considered in the context of the overall budget position. To that end, it is anticipated that the 2016 budget year will still finish with a surplus. (Note: Except, of course, for the intended deficit resulting from the planned transfer of \$1.2 million to the Capital Improvement Fund.)

The current, draft, working-document forecast for 2016 yearend expenditures, being developed as part of the 2017 budget process, anticipates Police and Fire Department OT usage of \$654,000 on a current appropriation of \$383,500, meaning added OT of \$270,500. Even with that level of added expenditure, the "Anticipated Underexpenditure" should be met, resulting in a very small surplus for the year. Naturally, that result is dependent upon how the remaining portion of 2016 unfolds. Nonetheless, a couple significant, offsetting items that are impacting expenditures are worth noting as they play into the overall budget picture and, therefore, how one may consider or react to OT overages.

The major negative impact on the anticipated yearend expenditures is an accounting error that has come to light in pulling together employee costing estimates for 2017. It was very recently determined that a personnel services costing spreadsheet that is used as an input to the budget spreadsheet had a formula error that excluded three individuals in the Police Department from the total appropriation. This is a significant error that would have put significant added pressure on the 2016 budget. However an offsetting, favorable budgetary impact has already resolved the matter such that the error does not have a net negative impact on the 2016 budget.

In total, the incorrect formula excluded \$203,526 in costs from the Police Department salary line item, with an additional \$119,154 in benefit costs of which \$47,707 is, from a cash-out-the-door perspective, an expenditure within the self-insurance fund. As an individual item, this is a larger budget deviation, but not so large as to be uncommon in a 25 million dollar General Fund. Nonetheless, such unexpected budgetary issues are not generally self-created, as this one was.

The resolution to the potential 2016 budget problem, however, was also self-created. Since 2011, the City, through good management and proactive efforts, has been able to hold flat or reduce the health insurance premium. That extended track record, and a commitment to reducing costs to avoid a future health insurance "Cadillac" tax, has resulted in a reduced cost in 2016 payments for OPEB (which are primarily Police and Fire related); thereby resulting in personnel appropriations savings for 2016 of \$385,920. As a matter of background, the Common Council awarded a contract for an actuarial study of the OPEB costs at their meeting of 9/1/15. The first draft of the resulting report was initially received on the same day that the Common Council approved the 2016 budget. That study resulted in a reduction of the OPEB costs estimated for 2016 from approximately \$570,000 to approximately \$350,000. It also resulted in a similar reduction to the 2015 OPEB expenditure requirements and revealed that the City had, therefore, already overpaid the OPEB fund relative to the new actuarial study results. Following the Finance Committee's review and the Finance Director's discussion with the City's auditor, it was subsequently determined that, from a governmental accounting standpoint, the most appropriate manner in which to address the overpayment was to record it as an overpayment in 2015 and deduct it as credit against 2016 required expenditures. The result is that the actual expenditures to be charged in 2016 are expected to be approximately \$184,000. This results in a savings against the adopted budget of approximately \$385,000. It frees up those Personnel Services appropriations which more than offsets the appropriations excluded for the three positions. Ultimately a budget modification may be necessary to reallocate the current appropriations, but no additional appropriations or resources will be required to retain the positions in 2016.

It should also be noted that most of the 2016 solution that has covered the exclusion of appropriations for the three personnel will carry forward into 2017. The OPEB solution will address approximately \$230,000 of the shortfall in 2017. The remaining portion will need to be addressed during the 2017 budget process.

Conclusion:

Overtime appropriations are historically at risk of running over budget. City staff must continue to provide oversight of these activities to ensure that the overages are largely a reasonable result of largely uncontrollable matters. If overtime usage runs the risk of exceeding overtime appropriations, staff should report to the Finance Committee and/or Common Council on the cause of the excess overtime and the need for any potential budget modification. Such an evaluation of excess overtime should consider the overall position of expenditures relative to the entire General Fund budget. For 2016, the two most significant budgetary deviations have cancelled each other out and, at this point, it appears that the General Fund will finish the year without a deficit, even with significant overtime overages.

MWL

<p style="text-align: center;">APPROVAL</p> 	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">8/16/2016</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Authority to designate up to \$2,100 of Fire Department Capital Outlay appropriations to participate in shared purchase of a forcible entry training prop with the Tess Corners Volunteer Fire Department</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G. 3.</p>

Recently, the Franklin Fire Department was offered the opportunity to participate in a joint purchase of a forcible entry training prop with three neighboring fire departments. Forcible entry is a highly technical perishable skill set that is used frequently in firefighting operations, and occasionally on EMS responses. However, training opportunities for forcible entry are extremely limited, as causing significant property damage is inherently part of the forcible entry process. The training prop provides a realistic training experience, requiring the same techniques and applied forces as real-world forcible entry, but is reusable and portable. Franklin's share of the cost for the prop is approximately \$2,100 - which is a substantial portion of training and education materials line of the department's annual operating budget.

In its 2016 capital budget request for safety equipment, the department requested and was approved to purchase several "locking" gated-wye valves, to be used in multi-story firefighting operations. The allotment for the valves was \$4,800. Since that request, the model and type of valve that the department intended to purchase has been discontinued, and a suitable replacement that meets the specifications and intended purposes has not been found.

It is the City's practice that the Mayor can authorize a reallocation of up to \$5,000 for approved capital outlay items for alternative capital outlay purposes. In this instance, however, although the City cost is only \$2,098 it also involves a joint or shared purchase with the Tess Corners Volunteer Fire Department, Hales Corners, and Greendale. It is for that reason the department is requesting that the redesignation of up to \$2,100 from the existing approved Fire Department Capital Outlay appropriation of \$4,800 designated for gated-wye valves be authorized for partial or shared purchase of one-fourth of the total cost of the forcible entry training prop. The payment will go to the Tess Corners Volunteer Fire Department which very recently acquired the piece of equipment.

Shared access to the prop keeps training/equipment costs low for taxpayers, and further enhances the cooperative and collaborative provision of high-quality local fire protection. Absent shared use of the equipment, the Franklin Fire Department would likely request to purchase its own prop for the full \$8,400.

In the past, some small joint purchases such as this have occurred with gentlemen's agreements in place between the Chief's. Given the lower cost, that may be sufficient in this instance. If the Council wishes a more formal, yet simple, Memorandum of Understanding to be created and executed that guidance should be added to the motion as follows: "and to authorize entering into a Memorandum of Understanding with the Tess Corners Volunteer Fire Department in a form as determined by the City Attorney."

The Fire Chief recommends approval.

COUNCIL ACTION REQUESTED

Motion to designate up to \$2,100 of Fire Department Capital Outlay appropriations to pay Tess Corners Volunteer Fire Department in order to participate in the shared purchase of a forcible entry training prop.

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APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE 8/16/2016
REPORTS & RECOMMENDATIONS	2016 City of Franklin Revaluation Update	ITEM NUMBER <i>G.A.</i>

Attached is information from Mark Link, City Assessor, relative to the 2016 City of Franklin Revaluation. This information was emailed to Council Members on August 4, 2016 by the Director of Administration. Alderwoman Wilhelm asked that this item be placed on the next Council agenda for discussion.

City Assessor Mark Link will be present at the August 16, 2016 Council Meeting to answer any questions pertaining to this item.

COUNCIL ACTION REQUESTED

None or as determined by the Common Council.

From: Link, Mark [<mailto:Mark.Link@tylertech.com>]
Sent: Wednesday, August 03, 2016 3:40 PM
To: Mark Luberda
Subject: 2016 Revaluation Update
Importance: High

Mark,

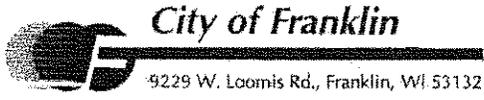
The 2016 notices of assessment were deposited in the mail today. Property owners should start receiving them Friday or Saturday.

I have attached an 8 page PDF.

- Page 1 - copy of the envelope.
- Pages 2 and 3 - A sample notice of assessment. The actual notice is printed on 2 sides. Please note the instructions on the bottom on how to contact our office during the open book period. As we discussed, the August 10 and August 17 dates are for walk-in traffic and required by DOR. We would anticipate those that choose this option will have to wait in line 30 to 45 minutes as we take each owner as they come in. If you could let Council and the Mayor know to encourage owners to call the number to arrange for an appointment for a specific time and date they will be processed in more timely manner.
- Pages 4 and 5 - The insert that was included in the mailing. This is also a 2-sided document in the live mailing.
- Page 6 - The 2016 equalized (100% value) as indicated and published by DOR this week. I placed an arrow at the appropriate column that gives the 100% DOR number by class.
- Page 7 - Is a spreadsheet. The group of numbers in the upper-left is the preliminary 2016 assessed numbers by class. The AGR/OTH class is a combination of the agricultural, other and undeveloped classed that have no real bearing on the ratio. The center-top group has the absolute and percentage difference in assessed value by class compared to 2015. The upper-right group is the 2015 numbers. You will note that the commercial class did not change (at least to 2 spots right of the decimal). That is because the economic growth in commercial property has not caught up to the growth of the residential class. Commercials tend to lag 2-3 years behind the residential change. A revaluation was conducted on the commercial class same as residential. The bottom grouping is the 2016 assessed values compared to the 2016 equalized value from DOR.
- Page 8 is a graph prepared by Karen that shows some breaks in the percentage of increase when comparing 2015 values to 2016. As you saw on page 7, the residential increase was 12%. When you exclude parcels with new construction, the average increase was 11% so 11% was the center point of the graph. The graph represents 11481 residential, improved properties without new construction. The groups between +1 and +20% represent 82% those properties.
- Lastly, please share with Council and the Mayor that there are anticipated fluctuations in the market between neighborhoods and property types. The values arrived at are an estimate of fair market value as of 1/1/16 focusing on sales that occurred in 2014 and 2015 - predominantly the last 15 months leading up to 1/1/16. If a property owner does not feel they could sell their property for the amount on the notice, have them contact our office and we can explain how we arrived at the value as well as receive any information from the owner relating to their opinion of value.

Let me know if there are any questions.

Mark
Mark Link
Wisconsin Appraisal Manager
Tyler Technologies, Inc.

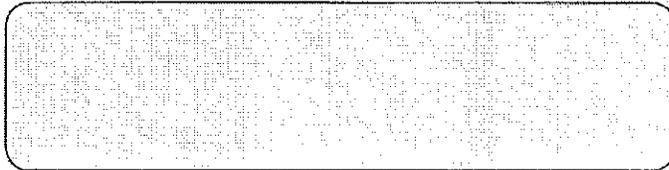


City of Franklin

9229 W. Loomis Rd., Franklin, WI 53132

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE
PAID
MAIL.COM

2016 NOTICE OF ASSESSMENT ENCLOSED



NOTICE OF ASSESSMENT – THIS IS NOT A TAX BILL

CITY OF FRANKLIN, 9229 W. LOOMIS ROAD. FRANKLIN, WI 53132

August 3, 2016

Dear Property Owner:

The City of Franklin has now completed its 2016 revaluation. In accordance with Section 70.365 of the Wisconsin Statutes, you are hereby notified of your new assessment for the current year 2016 on the property described. Your new assessment is:



T1 P1*****AUTO**5-DIGIT 53132 2
BACON, LAWRENCE M
6250 W COLLEGE AVE
GREENDALE WI 53129-2801

Parcel Number: 761 9973 000
Class: 160
Property Location: RAWSON AVE W
Legal Description 1: N 332 FT OF W 100 FT OF E 2360.17 FT OF NE 12 5 21 EXC
Legal Description 2: N 67.32 FT FOR AVE CONT 0.608 ACS
Legal Description 3:

2015 LAND:	20400	2016 LAND:	22000
2015 BLDG:	1900	2016 BLDG:	2000
2015 TOTL:	22300	2016 TOTL:	24000

Increase/Decrease: 1700

Reason for Change: REVALUATION

Preliminary general level of assessment: 100%

Note: If an Agricultural Land Conversion Charge Form PR-298 is enclosed, you must pay a conversion charge under state law (sec. 74.485, Wis. Stats.).

By law, we are required to list the prior year assessment and the current assessment. It is important to note that your new assessment is intended to represent the market value of this property as of January 1, 2016. The last city-wide revaluation occurred in 2013.

For your convenience, the new assessed value of each property in the City will be available for your inspection. Assessed values can be viewed on the Assessor's page of the City's website at www.franklinwi.gov. Assessed values are also available in hard copy form during normal business hours at the following locations:

Franklin City Hall 9229 W. Loomis Road	Franklin Public Library 9151 W. Loomis Road
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If you wish to discuss the new value of your property, assessment staff will be available on Wednesday, August 10, 2016 from 10:00 am until 1:00 pm and on Wednesday, August 17, 2016 from 1:00 pm until 5:00 pm in the Hearing Room at City Hall, 9229 W. Loomis Road. In order to avoid waiting in line, you may call 414-427-7523 to schedule an appointment for a different date between now and August 19, 2016. Appointment dates with assessment staff will be available on selected days through August 24, 2016. Hours to contact us are from 8:45 am to 4:45 pm to schedule an appointment. We will review any information you wish to submit to us in support of your views and opinions.

Assessor's Office Email: Asmtstaff@franklinwi.gov

SEE REVERSE PAGE FOR ADDITIONAL INFORMATION

If you feel your assessment is unfair, discuss it with the Assessor. The Assessor can explain the assessment process. If after discussing the assessment with the assessor you still wish to object to the assessment, immediately contact the City Clerk in order to schedule an objection with the Board of Review. The Board of Review is scheduled to meet Thursday, September 29, 2016 at 5:30 p.m. at City Hall, 9229 W. Loomis Road. In order to file an objection with the Board of Review, owners must:

1. Provide the City Clerk written or oral notice of intent to file an objection no later than 5:30 p.m. Tuesday, September 27, 2016 (forty-eight hours prior to the start of the Board's first meeting).
2. File a written objection form on Department of Revenue approved forms with the City Clerk forty-eight hours prior to the specific day and time of their hearing. Objection forms may be obtained at City Hall, 9229 W Loomis Rd, during normal business hours.

If you wish to appeal your assessment to the Board of Review and do not complete steps one and two from above, you must appear within the first two hours of the Board's first meeting on Thursday, September 29, 2016 and explain to the Board why "notice of intent to file an objection" was not given to the City Clerk forty-eight hours prior to the start of the first meeting. The Board will then determine if they will hear your case.

The Board of Review is a quasi-judicial (court-like) body whose members are Franklin residents. Its function is not one of valuation, but of deciding the validity of facts presented orally before it. You, or your representative, must provide testimony to the Board in objection of your assessment and prove that your property is inequitably assessed when compared to the general level of assessment within the taxation district. Although not required, property owners objecting to their assessment at the Board of Review may also wish to bring written exhibits to present to the Board in addition to their oral testimony.

For more information on the appeal process:

Contact the City Clerk's Office, OR

Visit <https://www.revenue.wi.gov/pubs/slf/pb055.pdf> for an Appeal Guide for Property Owners.

UNDERSTANDING THE CITY OF FRANKLIN REVALUATION AND YOUR ASSESSMENT

What is a statistical revaluation?

A statistical revaluation is an office review of assessments using existing information in the assessment files and analyzing current market conditions, including records of all property sales and comparables to arrive at a new assessment. During a statistical revaluation, all assessments are examined and adjustments are made where necessary to estimate each property's market value. This is done to assure that taxes are distributed equitably and uniformly as required by State law. The last revaluation for the City of Franklin was conducted in 2013. The 2016 value listed on your Notice of Assessment is intended to reflect the fair market value of your property as of January 1, 2016.

How does the assessor value property?

Wisconsin Law requires that property assessments be based on fair market value. Estimating the market value of your property is a matter of determining the price a typical buyer would pay for it in its present condition. The assessor maintains a database containing detailed information regarding each structure and parcel. It tracks the number of rooms, square footages, and many other pieces of information commonly available from building permits, interior inspections, or a street-side view. The assessor also maintains a record of all property sales in the City. By using a detailed statistical computer model the assessor can identify properties similar to yours that have sold and use that sales data to estimate the fair market value of your property. The assessor used up to 5 comparable properties that sold between January 1, 2014 and December 31, 2015 to arrive at the 2016 assessed value. The comparable properties used to arrive at the 2016 assessment for your property are available at the Assessor's Office upon request.

What is market value?

Market value is defined as the amount a typical, well-informed purchaser would be willing to pay for a property in an open market. In such an instance, the seller and buyer must be unrelated; the seller must be willing, but not under pressure to sell; and the buyer must be willing, but not under any obligation to buy. Foreclosure sales and short sales are not open market sales and typically sell for far less than open market sales and are, therefore, not used as comparable properties to assist in establishing 2016 assessed values.

Can the assessment on my property be changed even if the assessor has not been inside my property?

Yes. Current State Statutes allow the assessor to base the assessment from an actual view, or the best information possible. The 2016 assessment is based on any interior inspections conducted to date, existing records regarding the interior or exterior view (as needed), and open market sales of similar properties.

How can my assessment change when I haven't done anything to my property?

General economic conditions such as interest rates, inflation rates, supply and demand, and changes in the tax laws will influence the value of real estate. As property values change in the market place, State law requires that those changes must be reflected on the assessment roll during a revaluation.

Do all assessments change at the same rate?

There are differences between individual properties and between neighborhoods. In one area the sales may indicate a substantial increase in value in a given year. In another neighborhood there may be a smaller increase in value, no change in value, or a decrease in value. Different types of properties may also reflect different value changes. For example, two story houses and one story houses within the same neighborhood may be increasing in value or decreasing in value at different rates. Again, these changes are different only to the extent that the real estate market place reflects variations.

How do I know if my assessment is correct?

The best way is to stay current on what similar properties are selling for in your area. This can be done by checking multiple websites for current asking prices, as well as checking the Sunday paper for transactions in the real estate section. You can also contact the Assessor's Office for a list of properties that have recently sold. Another method would be to contact a real estate agent or a fee appraiser to assist you with estimating the current market value of your property.

(OVER)

What is the Open Book Period?

The Open Book period is the time when property owners can meet with the assessor in an informal environment to discuss the assessment. Information is exchanged between the property owner and the assessor in order to help clear up any discrepancies. The assessor will also answer questions regarding the assessment process and explain how they arrived at the assessed value. This meeting is purely optional; property owners are not required to attend an Open Book meeting.

What should I expect if I meet with the assessor during the Open Book Period?

You should ask questions that will help you understand the assessment process and how your assessment was determined. A meeting with the assessor during Open Book can often resolve a problem prior to a formal hearing before the Board of Review. Ask the assessor to show you the records for your property and to explain how your assessment was determined. Ask any questions that will help you understand the assessment process. You can also submit information in support of your opinion of value such as a recent sale price, a recent appraisal, recent sales of comparable properties, and/or photos of existing physical conditions that affect value.

What is the Board of Review?

The Board of Review is a quasi-judicial (court-like) board composed of Franklin residents who volunteer to serve as members. Its function is not one of valuation but of deciding the validity of the facts presented before it. You or your representative must provide testimony and evidence to the Board in objection of your assessment and prove that your property is inequitably assessed when compared to the general level of assessment within the City of Franklin or to other comparable properties.

What evidence do I need to present to the Board of Review?

State law places the burden of proof on the property owner to show that the assessment is incorrect. Keep in mind that your evidence must be strong enough to prove that the assessor's value is incorrect. Only relevant testimony given at the hearing will be considered by the Board.

The best evidence for this would be a recent sale or asking price for your property, sales or asking prices for properties similar to yours, or a recent appraisal of your property (performed within the last year). The closer in proximity and similarity of characteristics the comparable sales are to the subject property, the better the evidence of value.

Am I required to meet with the assessor prior to appealing to the Board of Review?

You are not required to meet with the assessor before appealing to the Board of Review, although it is highly recommended. Minor errors and misunderstandings can often be corrected by meeting with the assessor without initiating a formal appeal.

Does everybody's property tax go up because of revaluations?

No. A community's total property tax levy – or the total tax burden – does not go up because of revaluation. In fact, the total property tax burden is completely independent of the assessment and revaluation process. A revaluation simply redistributes the existing property tax burden so that all property owners pay their fair share based on the market value of their property. As such, the average property will see no change in their share of the total tax burden. Individual properties, however, which do not retain value or do not increase in value as much as the average property in the community will see a reduction in their share of the total tax burden. Similarly, individual properties which increase in value or retain value at a higher rate than the average property will see an increase in their share of the total tax burden.

Can I determine what impact this revaluation will have on my property taxes?

The exact amount of your property tax bill will not be known until December and will be based upon the tax levy established by the City, as well as the other taxing jurisdictions (School Districts, Technical College, Milwaukee County, State of WI and MMSD where applicable). Budget meetings will be taking place this fall to establish the 2016 tax rate.

Date: 07/27/2016

WISCONSIN DEPARTMENT OF REVENUE
2016 STATEMENT OF CHANGES IN EQUALIZED VALUES BY CLASS AND ITEM

EQUAL912WI
PAGE 1271 OF 2332

County 40 Milwaukee
City 226 Franklin



REAL ESTATE	2015 RE Equalized Value	Removal of Prior Year Compensation	% Change	\$ Amount of Economic Change	% Change	\$ Amount of New Constr	% Change	Correction & Compensation	% Change	\$ Amount of All Other Changes	% Change	2016 RE Equalized Value	Total \$ Change in R.E. Value	% Change
Residential														
Land	689,511,900	182,200	0%	20,001,100	3%	1,251,500	0%	0	0%	0	0%	710,946,700	21,434,800	3%
Imp	1,939,323,800	6,280,000	0%	56,422,500	3%	13,714,300	1%	0	0%	-349,600	0%	2,015,391,100	76,067,200	4%
Total	2,628,835,800	6,462,200	0%	76,423,600	3%	14,965,800	1%	0	0%	-349,600	0%	2,726,337,800	97,502,000	4%
Commercial														
Land	222,144,500	143,200	0%	-4,445,000	-2%	0	0%	20,000	0%	228,900	0%	218,090,600	-4,053,900	-2%
Imp	537,719,500	3,248,700	1%	-10,818,400	-2%	7,024,700	1%	0	0%	547,800	0%	537,721,300	1,800	0%
Total	759,864,000	3,391,900	0%	-15,265,400	-2%	7,024,700	1%	20,000	0%	776,700	0%	755,811,900	-4,062,100	-1%
Manufacturing														
Land	25,436,000	286,900	1%	467,500	2%	0	0%	0	0%	-214,000	-1%	25,966,400	530,400	2%
Imp	120,120,400	621,300	1%	-1,180,800	-1%	1,387,600	1%	0	0%	5,096,800	4%	126,045,200	5,924,800	5%
Total	145,556,400	908,200	1%	-723,400	0%	1,387,600	1%	0	0%	4,882,800	3%	152,011,600	6,456,200	4%
Agricultural														
Land/Total	805,800	5,000	1%	8,200	1%	0	0%	-3,800	0%	0	0%	816,200	9,400	1%
Undeveloped														
Land/Total	5,649,000	-108,000	-2%	0	0%	0	0%	-334,600	-6%	0	0%	5,200,200	-442,800	-8%
Aq Forest														
Land/Total	205,200	0	0%	0	0%	0	0%	0	0%	0	0%	205,200	0	0%
Forest														
Land/Total	485,000	0	0%	0	0%	0	0%	0	0%	0	0%	485,000	0	0%
Other														
Land	3,252,400	0	0%	0	0%	0	0%	0	0%	0	0%	3,252,400	0	0%
Imp	13,437,600	-9,100	0%	403,900	3%	0	0%	72,600	1%	0	0%	13,905,000	467,400	3%
Total	16,690,000	-9,100	0%	403,900	2%	0	0%	72,600	0%	0	0%	17,157,400	467,400	3%
Total Real Estate														
Land	947,485,800	509,300	0%	16,020,800	2%	1,251,500	0%	-318,600	0%	14,900	0%	954,963,700	17,477,900	2%
Imp	2,610,601,400	10,140,900	0%	44,826,100	2%	22,126,600	1%	72,600	0%	5,295,000	0%	2,693,062,600	82,481,200	3%
Total	3,558,087,200	10,650,200	0%	60,846,900	2%	23,378,100	1%	-246,000	0%	5,309,900	0%	3,658,026,300	99,959,100	3%
PERSONAL PROPERTY														
	Non-Mfg Personal Property			Manufacturing Personal Property			Total of All Personal Property							
	2015	2016	% Change	2015	2016	% Change	2015 Total	2016 Total	Tot. \$ Chg In PP	% Change				
Watercraft	0	0	0%	0	0	0%	0	0	0	0%				
Machinery Tools & Patterns	21,446,800	17,949,600	-16%	6,808,600	6,675,200	-2%	28,255,400	24,624,800	-3,630,600	-13%				
Furniture Fixtures & Equip	49,497,300	42,676,000	-14%	5,396,700	5,492,800	2%	54,894,000	48,168,800	-6,727,200	-12%				
All Other	7,909,900	5,141,400	-35%	2,612,800	3,289,800	26%	10,522,700	8,431,300	-2,091,400	-20%				
Prior Year Compensation	-2,575,400	-10,168,000		0	-80,100		-2,575,400	-10,248,100	-7,672,700					
Total Personal Property	76,278,600	55,699,000	-27%	14,820,100	15,377,800	4%	91,098,700	70,976,800	-20,121,900	-22%				
TOTAL EQUALIZED VALUE	2015 Total							2016 Total	Total \$ Change	% Change				
Real Estate & Personal Property	3,649,185,900							3,729,003,100	79,817,200	2%				

2016 REVALUATION PRELIM NUMBERS

2016 ASSESSED VALUE

CLASS	2016 LAND	2016 BLDG	2016 TOTAL
RES	675,970,200	2,021,279,500	2,697,249,700
COM	225,629,200	535,262,000	760,891,200
AGR/OTH	7,853,500	12,368,400	20,221,900
TOTAL LOCAL	909,452,900	2,568,909,900	3,478,362,800

DIFFERENCE

DIFF	%DIFF
292,259,000	1.12
227,600	1.00
2,996,400	1.17
295,483,000	1.09

2015 ASSESSED VALUE

CLASS	2015 LAND	2015 BLDG	2015 TOTAL
RES	629,609,500	1,775,381,200	2,404,990,700
COM	226,494,600	534,169,000	760,663,600
AGR/OTH	5,359,400	11,866,100	17,225,500
TOTAL LOCAL	861,463,500	2,321,416,300	3,182,879,800

2016 ASSESSED VALUE

CLASS	2016 LAND	2016 BLDG	2016 TOTAL
RES	675,970,200	2,021,279,500	2,697,249,700
COM	225,629,200	535,262,000	760,891,200
AGR/OTH	7,853,500	12,368,400	20,221,900
TOTAL LOCAL	909,452,900	2,568,909,900	3,478,362,800

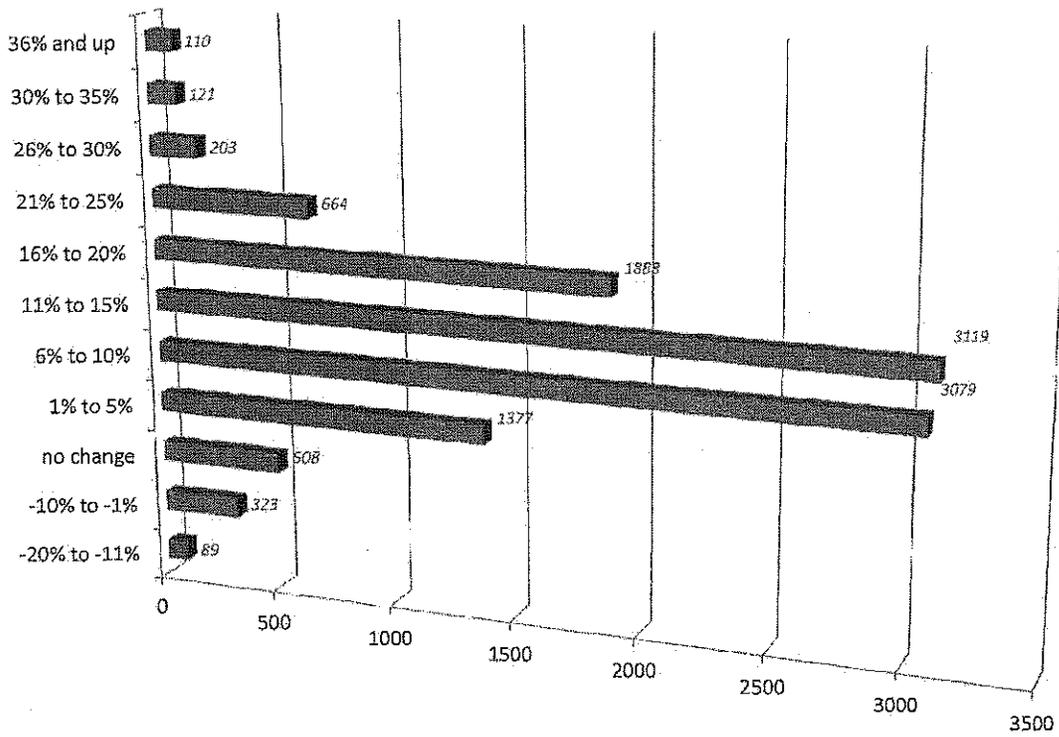
COMPARISON

VS. EQUALIZED
0.989330706
1.006720323
0.847345485
0.992113011

2016 DOR EQUALIZED

CLASS	2016 LAND	2016 BLDG	2016 TOTAL
RES	710,946,700	2,015,391,100	2,726,337,800
COM	218,090,600	537,721,300	755,811,900
AGR/OTH	9,960,000	13,905,000	23,865,000
TOTAL LOCAL	938,997,300	2,567,017,400	3,506,014,700

2016 Reval



<i>slw</i> Approval	Council Action Sheet	MEETING DATE 8/16/16
REPORTS & RECOMMENDATIONS	Traffic Impact Analysis Payment Agreement with Zimmerman Ventures, LLC.	ITEM NUMBER G.5.

Background

The City contracted GRAEF to complete a traffic impact analysis (TIA) of the area around West Loomis Road and 76th Streets and West Rawson Avenue in Franklin based on a proposal dated March 25, 2015. After reviewing the completed TIA, the Wisconsin Department of Transportation (WisDOT) requested additional information, related to the Ballpark Commons development proposed by Zimmerman Ventures on January 11, 2016.

Agreement:

The provided agreement states that the City will extend its contract with GRAEF for work outlined in the proposal dated June 30, 2016. Zimmerman Ventures will be responsible for paying all costs associated with this portion of the contract, a sum up to \$10,000 plus expenses. The City will retain sole oversight of the contract and share any available information and any resulting reports. A sum of \$12,000 will be deposited in a City escrow account by Zimmerman Ventures prior to execution of the contract with GRAEF. Upon completion of the project any remaining funds will be returned to Zimmerman Ventures.

Study & Next Steps:

The proposal from GRAEF includes analysis of the Ballpark Commons development on the existing road conditions. The results of the analysis will serve as a baseline for evaluating the previously proposed TIA and will help advance discussions with WisDOT. It may also impact phasing of projects.

It is possible that following this analysis further study will be needed. If further study is needed, staff will again work with the Ballpark Commons development team to allocate costs to the appropriate party, the City or the development team, prior to future requests for contract extensions.

Later on the 8/16/16 agenda, will be a corresponding resolution to authorize the payment to GRAEF and the contract amendment with GRAEF.

COUNCIL ACTION REQUESTED

Motion to approve the traffic impact analysis payment agreement with Zimmerman Ventures, LLC.

**GRAEF-USA, Inc. Traffic Impact Analysis Contract Cost Payment Agreement
between the City of Franklin and [Zimmerman Ventures, LLC]**

This Agreement, entered into this ___ day of August, 2016, is made between the City of Franklin ("City"), 9229 West Loomis Road, Franklin, Wisconsin 53132 and [Zimmerman Ventures, LLC] (Zimmerman), 4600 Loomis Road, Suite 310, Milwaukee, Wisconsin 53220.

WHEREAS, the City contracted GRAEF-USA, Inc. (GRAEF), an engineering consulting firm, to complete a traffic impact analysis (TIA) of the area around West Loomis Road and South 76th Street and West Rawson Avenue in Franklin based on a proposal dated March 25, 2015. After reviewing the completed TIA, the Wisconsin Department of Transportation requested additional information, related to the Ballpark Commons development proposed by Zimmerman on January 11, 2016.

NOW, THEREFORE, in consideration of these premises and the following mutual covenants, terms, and conditions, City and Zimmerman agree as follows:

1. The City will amend its existing traffic engineering services contract with GRAEF to perform the duties outlined in GRAEF's attached contract amendment proposal dated June 30, 2016, Exhibit A. (For the purpose of this agreement, "Contract" refers only to the amended portion of the City's contract with GRAEF outlined in the proposal dated June 30, 2016). The City may include Zimmerman or its designated representatives in discussions related to services performed by GRAEF's, but the Contract will remain under the sole oversight of the City.
2. Zimmerman hereby agrees to pay all costs associated with the Contract. The resulting report and information gathered will be the property of the City. Zimmerman will have full access to the information gathered and resulting reports as per Wisconsin laws regulating open records.
3. Additional work sought of GRAEF or other parties by the City or Zimmerman, shall not be covered by this agreement unless otherwise amended as outlined under the terms of this agreement.
4. As outlined in the Contract, GRAEF's fees are to be charged at an hourly rate, not to exceed \$10,000 plus reimbursable expenses. Reimbursable expenses are defined in the Contract. The City will be responsible for making payments to GRAEF to fulfill the terms of the Contract. Zimmerman shall deposit the sum of \$10,000 for Contract services payment plus estimated potential reimbursable expenses payment in the amount of \$2,000, for a total deposit of \$12,000 with the City Director of Finance & Treasurer who shall hold such funds in a separate account, make the payments under the Contract and provide all invoice and payment information to Zimmerman upon completion of the Contract. All unexpended funds remaining in the separate account shall be returned to Zimmerman forthwith upon the completion of the Contract and

full payment to GRAEF. Zimmerman shall make such deposit upon the execution of this Agreement and prior to the execution by the City of the Contract.

5. This agreement shall become effective when signed by both parties and will terminate on the earlier of:
 - the date services and payments required by this Agreement are fulfilled, or
 - the date both parties agree to terminate the Agreement by written notice to each other.
6. This Agreement may be modified only by a writing signed by both parties.
7. This Agreement shall be construed under and governed by the laws of the State of Wisconsin. The venue for any actions arising under this Agreement shall be the Circuit Court for Milwaukee County. The prevailing party shall be awarded its actual costs of any such litigation, including reasonable attorney fees.
8. This Agreement does not create a partnership relationship. Zimmerman does not have the right to amend the Contract between the City and GRAEF, nor those it have the right to otherwise represent the City.

IN WITNESS WHEREOF, the City and Zimmerman have caused this Agreement to be executed on the day and year first above written.

CITY OF FRANKLIN, WISCONSIN

[ZIMMERMAN VENTURES, LLC]

BY: _____

BY: _____

PRINT NAME: Stephen R. Olson

PRINT NAME: _____

TITLE: Mayor

TITLE: _____

DATE: _____

DATE: _____

BY: _____

PRINT NAME: Sandra L. Wesolowski

TITLE: City Clerk

DATE: _____

BY: _____

PRINT NAME: Paul Rotzenberg

TITLE: Director of Finance & Treasurer

DATE: _____



collaborate / formulate / innovate

June 30, 2016

Mayor Steve Olson
City of Franklin
9229 West Loomis Road
Franklin, Wisconsin 53132

Subject: Ballpark Commons – Traffic Engineering Services
Professional Services - Amendment
Franklin, Wisconsin

Dear Mr. Mayor:

Per your request, Graef-USA Inc. (GRAEF) is pleased to provide this proposal to amend our agreement to the City of Franklin (Client). An executed copy of this proposal will amend our Agreement dated March 25, 2015.

This amendment is for professional traffic engineering services for evaluating the Ballpark Commons development (project) on the existing transportation system. This analysis will be used as a baseline when coordinating with WisDOT for granting access to STH 36 (Loomis Road). The project is located at the STH 36 (Loomis Road) interchange with S. 76th Street (CTH U) and W. Rawson Avenue (CTH BB) in the City of Franklin, Wisconsin. This proposal is subject to GRAEF's Standard Terms and Conditions, which were attached to our original agreement.

GRAEF proposes to provide the following scope of services for the additional traffic engineering services:

- The study area will include the following intersections:
 1. STH 36 (W. Loomis Road) & W. Drexel Avenue
 2. W. Rawson Avenue (CTH BB) & W. Crystal Ridge Drive (Ballpark Commons Signalized Access)
 3. W. Rawson Avenue (CTH BB) & STH 36 (W. Loomis Road) Westbound ramps
 4. W. Rawson Avenue (CTH BB) & STH 36 (W. Loomis Road) Eastbound ramps
 5. W. Rawson Avenue (CTH BB) & S. 76th Street (CTH U)
 6. W. Rawson Avenue (CTH BB) & S. 68th Street
 7. S. 76th Street (CTH U) & Crystal Ridge Drive
 8. S. 76th Street (CTH U) & STH 36 (W. Loomis Road) Westbound ramps
 9. S. 76th Street (CTH U) & STH 36 (W. Loomis Road) Eastbound ramps

- The traffic analysis will be conducted for the same hours as the initial Area A TIA. Weekday evening (4:30-5:30pm) and Saturday midday (11:30am-12:30pm) peak hours.
- GRAEF utilize the WisDOT Traffic Forecast from the initial Franklin Area A TIA. The WisDOT forecast has been developed for the Year 2017 and 2032 background traffic forecasts for the weekday evening and Saturday midday peak hours.
- Identify the volume of traffic expected to be generated by the Ballpark Commons development during the weekday evening and Saturday midday peak hours based on trip data published in the ITE Trip Generation 9th Edition and on information provided by the CLIENT regarding the type of land use and building square footage.
- Develop directional trip distribution for the developments based on expected travel patterns using the existing transportation system (no ramp removals). The traffic generated by the developments will be assigned to the study area intersections.
- Complete traffic operational analysis for the study area intersections with the existing ramps for the 2032 build traffic volumes. GRAEF will identify the level of service and queuing for the 2032 build traffic conditions.
- Prepare a Technical Memorandum summarizing the operations of the Ballpark Commons development (project) on the existing transportation system for the City and WisDOT.
- Attendance of two meetings with the development team, the City and WisDOT. One meeting was held on June 29, 2016. A future meeting is anticipated in July, 2016.

For this PROJECT, it is our understanding that the CLIENT, City and/or Developer will provide the following information:

- Ballpark Commons site plan and development information for trip generation, including information for a stadium. (City/ Developer)

At your written request, GRAEF will provide the following Additional Services for additional compensation:

- Analysis of additional years or peak periods.
- Traffic signal warrants
- Updated TIA for Franklin Area A and/or Ballpark Commons
- Roadway engineering services
- Planning services
- Attendance of additional meetings with the City, Developer and/or WisDOT

Compensation

For the traffic engineering services listed in this amendment, the Client agrees to compensate GRAEF on an hourly bases of personnel assigned not-to-exceed fee of \$10,000 plus reimbursable expenses.

Reimbursable expenses including mileage, document reproduction, and express mail and delivery charges are not included in the lump sum fee and will be billed at cost.

Schedule

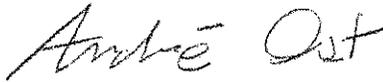
The supplemental traffic analysis and technical memorandum will be completed within three weeks of receipt of notice to proceed, and requested development information.

To accept this amendment, please sign and date both of the enclosed copies and return one to us. Upon receipt of an executed copy, GRAEF will commence work on the PROJECT.

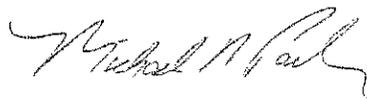
We look forward to working with you on this project. Please feel free to contact Andre Ost at 414.266.9256 if you have any questions or comments regarding this proposal.

Sincerely,

Graef-USA Inc.



Andre Ost, P.E., PTOE
Associate, Project Manager



Michael N. Paulos P.E., C .D.T., LEED AP
Municipal Market Team Leader
Principal

Accepted by: City of Franklin

Stephen R. Olson, Mayor

Date: _____

Sandra L. Wesolowski, City Clerk

Date: _____

Paul Rotzenberg, Director of Finance
& Treasure

Date: _____

APPROVED AS TO FORM:

Jesse A. Wesolowski, City Attorney

Date: _____

<p style="text-align: center;">Approval</p> <p style="text-align: center;"><i>Shw</i></p>	<p style="text-align: center;">Council Action Sheet</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">8/16/16</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Traffic Impact Analysis Contract Extension with GRAEF-USA for up to \$12,000</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.6.</i></p>

Background

The City contracted Graef-USA (GRAEF) to complete a traffic impact analysis (TIA) of the area around West Loomis Road and 76th Streets and West Rawson Avenue in Franklin based on a proposal dated March 25, 2015. After reviewing the completed TIA, the Wisconsin Department of Transportation (WisDOT) requested additional information, related to the Ballpark Commons development proposed by Zimmerman Ventures on January 11, 2016. On August 18, 2016, the Common Council will consider an agreement with Zimmerman Ventures to reimburse the City for expenses related to this contract.

Services:

The services are outlined in the attached proposal letter dated June 30, 2016. This includes a traffic impact analysis of the Ballpark Commons development on the existing road conditions. The results of the analysis will serve as a baseline for evaluating the previously proposed TIA and will help advance discussions with WisDOT. It may also impact phasing of projects. The City will retain sole oversight of the contract and share any available information and any resulting reports with Zimmerman Ventures. All costs associated with this contract extension will be paid from an escrow account funded by Zimmerman Ventures prior to finalizing the agreement with GRAEF.

Next Steps:

It is possible that following this analysis further study will be needed. If further study is needed, staff will again work with the Ballpark Commons development team to allocate costs to the appropriate party, the City or the development team, prior to future requests for contract extensions.

Funding

This action corresponds to previous agenda items, including a contract with Zimmerman Ventures to cover all fees to pay the contract. A specific line item in the City budget had not previously been established to provide the appropriations necessary to support the expenditure. There are sufficient General Fund Unrestricted Contingency appropriations available to support the contract extension. As with most uses of the Contingency fund, the Director of Finance may in the future bring forth a budget modification to reallocate the cost to the appropriate cost center and to recognize the offsetting revenue.

COUNCIL ACTION REQUESTED

Motion to approve the traffic impact analysis contract extension with Graef-USA for up to \$12,000 to be cover by General Fund Unrestricted Contingency appropriations and funded by payment from Zimmerman Ventures, LLC by a separate agreement.



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June 30, 2016

Mayor Steve Olson
City of Franklin
9229 West Loomis Road
Franklin, Wisconsin 53132

Subject: Ballpark Commons – Traffic Engineering Services
Professional Services - Amendment
Franklin, Wisconsin

Dear Mr. Mayor:

Per your request, Graef-USA Inc. (GRAEF) is pleased to provide this proposal to amend our agreement to the City of Franklin (Client). An executed copy of this proposal will amend our Agreement dated March 25, 2015.

This amendment is for professional traffic engineering services for evaluating the Ballpark Commons development (project) on the existing transportation system. This analysis will be used as a baseline when coordinating with WisDOT for granting access to STH 36 (Loomis Road). The project is located at the STH 36 (Loomis Road) interchange with S. 76th Street (CTH U) and W. Rawson Avenue (CTH BB) in the City of Franklin, Wisconsin. This proposal is subject to GRAEF's Standard Terms and Conditions, which were attached to our original agreement.

GRAEF proposes to provide the following scope of services for the additional traffic engineering services:

- The study area will include the following intersections:
 1. STH 36 (W. Loomis Road) & W. Drexel Avenue
 2. W. Rawson Avenue (CTH BB) & W. Crystal Ridge Drive (Ballpark Commons Signalized Access)
 3. W. Rawson Avenue (CTH BB) & STH 36 (W. Loomis Road) Westbound ramps
 4. W. Rawson Avenue (CTH BB) & STH 36 (W. Loomis Road) Eastbound ramps
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 6. W. Rawson Avenue (CTH BB) & S. 68th Street
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 8. S. 76th Street (CTH U) & STH 36 (W. Loomis Road) Westbound ramps
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- The traffic analysis will be conducted for the same hours as the initial Area A TIA. Weekday evening (4:30-5:30pm) and Saturday midday (11:30am-12:30pm) peak hours.
- GRAEF utilize the WisDOT Traffic Forecast from the initial Franklin Area A TIA. The WisDOT forecast has been developed for the Year 2017 and 2032 background traffic forecasts for the weekday evening and Saturday midday peak hours.
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- Develop directional trip distribution for the developments based on expected travel patterns using the existing transportation system (no ramp removals). The traffic generated by the developments will be assigned to the study area intersections.
- Complete traffic operational analysis for the study area intersections with the existing ramps for the 2032 build traffic volumes. GRAEF will identify the level of service and queuing for the 2032 build traffic conditions.
- Prepare a Technical Memorandum summarizing the operations of the Ballpark Commons development (project) on the existing transportation system for the City and WisDOT.
- Attendance of two meetings with the development team, the City and WisDOT. One meeting was held on June 29, 2016. A future meeting is anticipated in July, 2016.

For this PROJECT, it is our understanding that the CLIENT, City and/or Developer will provide the following information:

- Ballpark Commons site plan and development information for trip generation, including information for a stadium. (City/ Developer)

At your written request, GRAEF will provide the following Additional Services for additional compensation:

- Analysis of additional years or peak periods.
- Traffic signal warrants
- Updated TIA for Franklin Area A and/or Ballpark Commons
- Roadway engineering services
- Planning services
- Attendance of additional meetings with the City, Developer and/or WisDOT

Compensation

For the traffic engineering services listed in this amendment, the Client agrees to compensate GRAEF on an hourly bases of personnel assigned not-to-exceed fee of \$10,000 plus reimbursable expenses.

Reimbursable expenses including mileage, document reproduction, and express mail and delivery charges are not included in the lump sum fee and will be billed at cost.

Schedule

The supplemental traffic analysis and technical memorandum will be completed within three weeks of receipt of notice to proceed, and requested development information.

To accept this amendment, please sign and date both of the enclosed copies and return one to us. Upon receipt of an executed copy, GRAEF will commence work on the PROJECT.

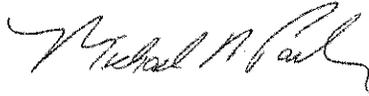
We look forward to working with you on this project. Please feel free to contact Andre Ost at 414.266.9256 if you have any questions or comments regarding this proposal.

Sincerely,

Graef-USA Inc.



Andre Ost, P.E., PTOE
Associate, Project Manager



Michael N. Paulos P.E., C .D.T., LEED AP
Municipal Market Team Leader
Principal

Accepted by: City of Franklin

Stephen R. Olson, Mayor

Date: _____

Sandra L. Wesolowski, City Clerk

Date: _____

Paul Rotzenberg, Director of Finance
& Treasure

Date: _____

APPROVED AS TO FORM:

Jesse A. Wesolowski, City Attorney

Date: _____

<p style="text-align: center;">APPROVAL</p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE 08/16/16</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR EVERGREEN PARK ESTATES SUBDIVISION (AT APPROXIMATELY 7501 SOUTH 49TH STREET) (RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER G. 7.</p>

At its July 21, 2016 meeting the Plan Commission recommended approval of a resolution conditionally approving a Preliminary Plat for Evergreen Park Estates Subdivision (at approximately 7501 South 49th Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).

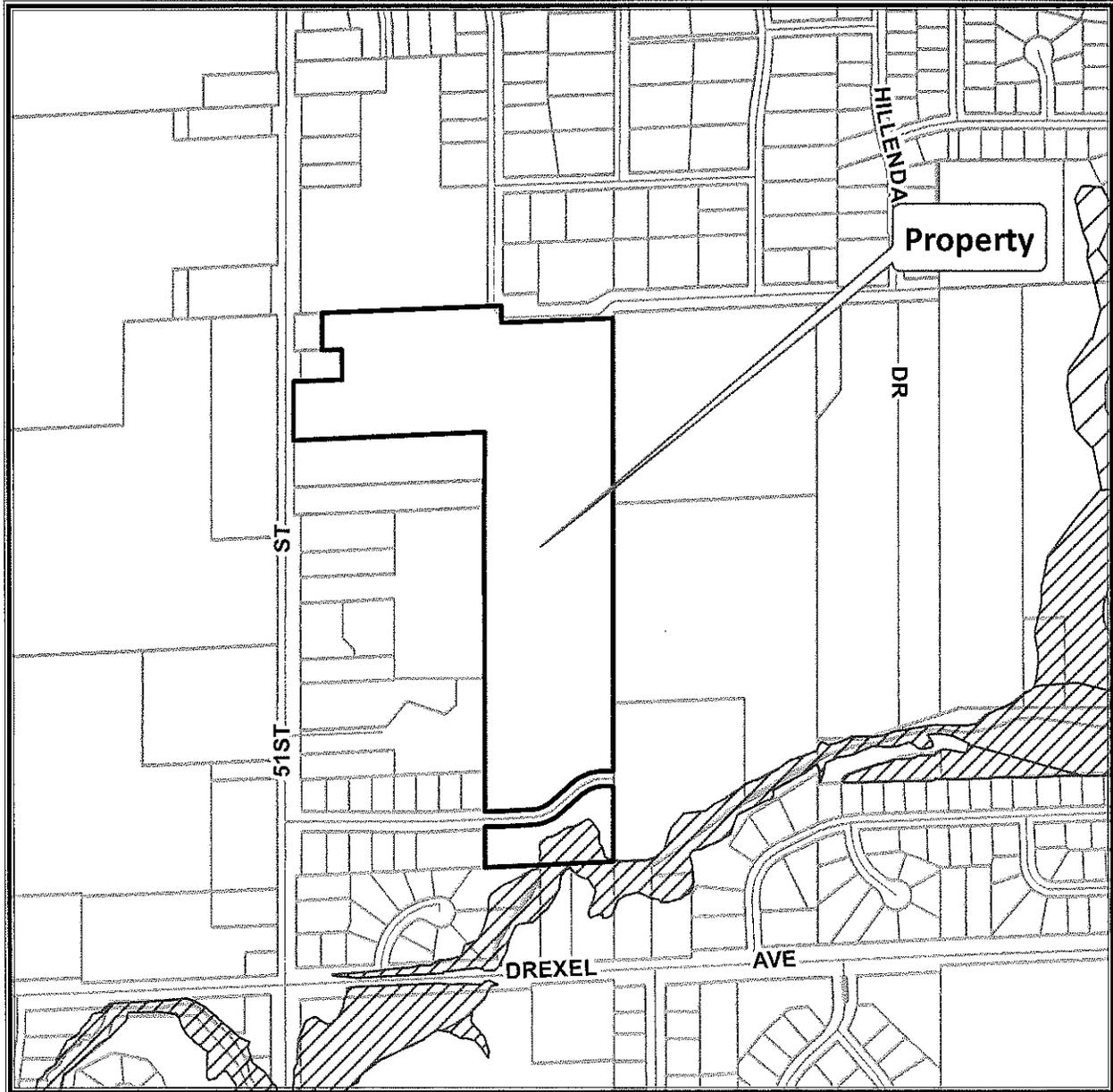
It should be noted that the Plan Commission expressed concerns related to the lack of detail within the submittal. The applicant indicated that additional information would be provided to the Common Council for review. At this time, staff has not received any new information from the applicant, except for the draft subdivision covenants and declarations of restrictions, which would be required as part of the Final Plat submittal.

COUNCIL ACTION REQUESTED

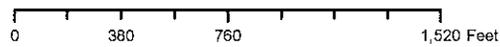
A motion to adopt Resolution No. 2016-_____, a resolution conditionally approving a Preliminary Plat for Evergreen Park Estates Subdivision (at approximately 7501 South 49th Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).



7501 S. 49th Street
TKN: 788 9981 001



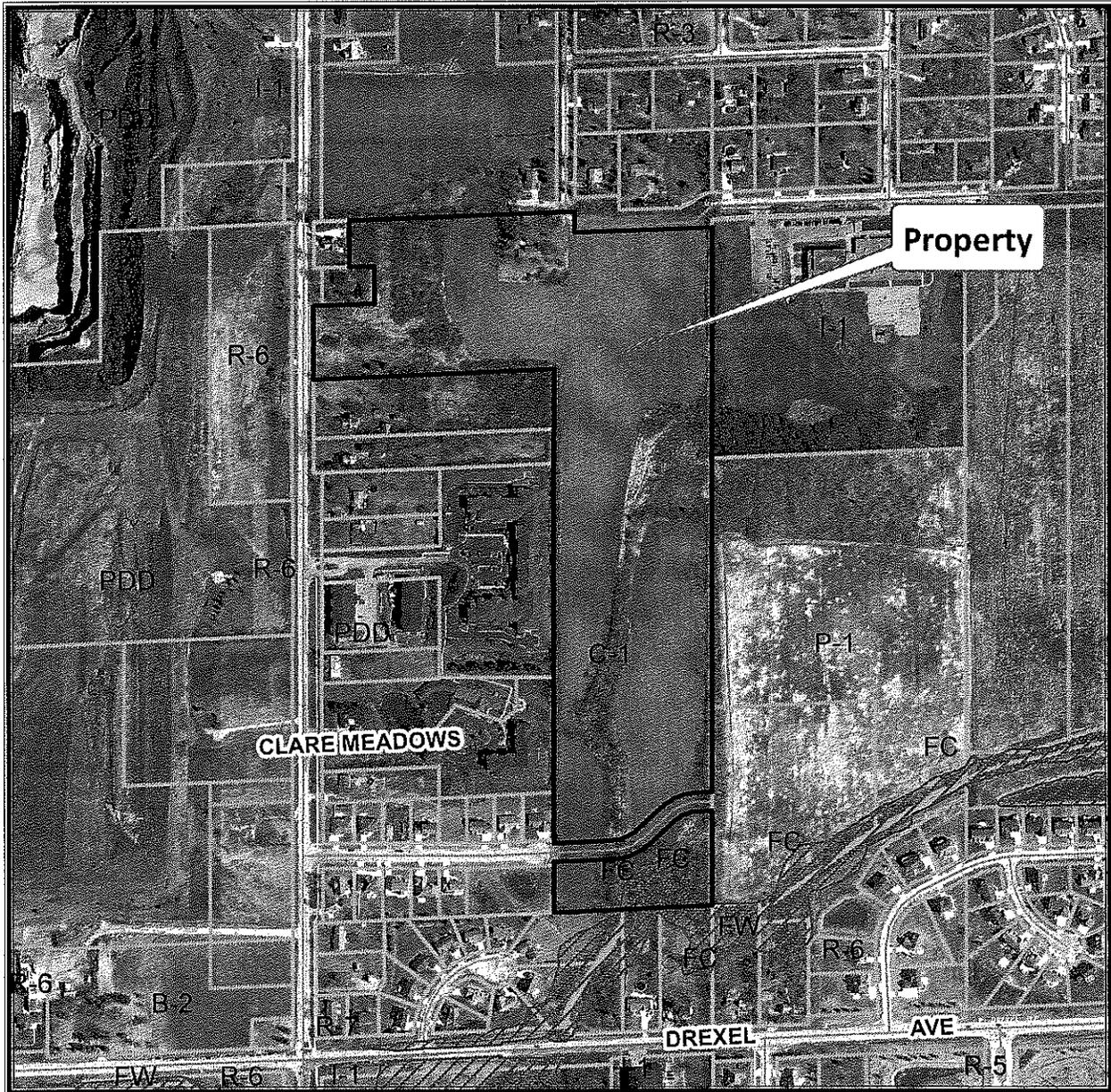
Planning Department
(414) 425-4024



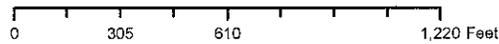
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



7501 S. 49th Street
TKN: 788 9981 001



Planning Department
(414) 425-4024



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



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of July 21, 2016

Rezoning and Preliminary Plat

RECOMMENDATION: City Development Staff recommends approval of the Rezoning and Preliminary Plat Applications for the development of six single-family residential lots, subject to the conditions as noted in the attached draft ordinance and resolution.

Project Name:	Evergreen Park Estates Rezoning and Preliminary Plat
Project Address:	7501 South 49 th Street
Applicant:	Rick Przybyla, Creative Homes, Inc.
Owners (property):	Franklin Oasis, LLC
Current Zoning:	R-6 Suburban Single-Family Residence District and C-1 Conservancy District
Proposed Zoning:	R-6 Suburban Single-Family Residence District
Use of Surrounding Properties:	Single-family residential to the north and south, Pleasant View Elementary School and Pleasant View Neighborhood Park to the east and single-family and multi-family residential to the west
Applicant Action Requested:	Recommendation of approval of the Rezoning and Preliminary Plat

Introduction:

Please note:

- Staff recommendations are underlined, in italics and are included in the draft ordinance.
- Staff suggestions are only underlined and are not included in the draft resolution.

On June 20, 2016, the applicant submitted an application for a Rezoning and Preliminary Plat for property located at 7501 South 49th Street. The preliminary plat proposes to subdivide the existing 32.67-acre property into six R-6 single-family residential lots and five outlots. The five outlots are reserved for future single-family residential lots, future storm water management facilities and/or consist of protected natural resource features. A concept plan of the future lot layout is attached.

At the request of Department of City Development staff, based upon Section 15-1.0111 of the Unified Development Ordinance (below), the applicant also submitted a Rezoning Application to rezone a portion of the property located at 7501 South 49th Street from C-1 Conservancy District to R-6 Suburban Single-Family Residence District.

SECTION 15-1.0111 REPEAL

A. Repeal of Zoning Ordinance. The City of Franklin Ordinance No. 221 adopted on February 6, 1968 and subsequent amendments thereto, relating to the zoning of land is hereby repealed and all other Ordinances or parts of Ordinances of the City of Franklin inconsistent or conflicting with this Ordinance, to the extent of the inconsistency or conflict only, are hereby repealed, excepting Section 8.5 of Ordinance No. 221 (B-4 Regional Shopping District) and Section 12.1 of Ordinance No. 221 (C-1 Conservancy District), which shall remain in effect until such time, after duly held public hearing, as the Common Council rezones the lands in a B-4 or C-1 zoning pursuant to Ordinance No. 221 to a zoning district provided for within this Ordinance. Immediately upon approval of said rezonings, the aforementioned Sections 8.5 and 12.1 shall be repealed without further public hearing.

Project Description/Analysis:

Rezoning:

At the request of staff, the applicant submitted a Rezoning Application to rezone the C-1 Conservancy District portion of the subject property to R-6 Suburban Single-Family Residence District.

The C-1 portion of land is approximately 1.867 acres. The natural resource features required for protection located upon the property, including the C-1 District portion of land, will be protected in perpetuity within a Conservation Easement upon approval of a Final Plat.

Preliminary Plat:

The subject property is located between West Evergreen Street and the future extension of West Marquette Avenue, east of South 51st Street (Taxkey No. 788-9981-001). The property currently contains one single-family home and is approximately 32.67 acres.

The proposed Evergreen Park subdivision layout includes six residential lots and five outlots. One lot is located south of West Evergreen Street (Lot 1), three lots north of West Evergreen Street (Lots 2, 3 and 4) and two lots east of South 51st Street (Lots 5 and 6). The lots range in size from about 18,024 square feet to approximately 37,200 square feet, all exceeding the R-6 Residence District minimum of 11,000 square feet. The average or mean lot size is about 27,312.53 square feet. Lots 1 through 4 will be accessible from West Evergreen Street and Lots 5 and 6 will have access from South 51st Street.

For simplicity's sake and to try to keep the subdivision plat uncluttered, staff suggests that the applicant combine the four outlots north of Evergreen Street into one outlot. As Outlot 1 is likely undevelopable due to the extent of floodplain and wetlands, staff suggests that the applicant remove the note from Outlot 1 which states "Retained by Developer for Future Development". Should the applicant envision different phases of development, owners and/or uses for the four outlots, and have such detail available at this time, staff suggests that one outlot be created solely for the natural resource features to be protected, and such other outlots identified and noted accordingly.

A storm water pond exists to the south east of West Evergreen Street and the proposed subdivision development. The storm water pond design anticipated six residential lots abutting

West Evergreen Street and was sized and constructed accordingly; therefore, no additional storm water management facilities are required for those lots. Storm water calculations must be submitted for Lots 5 and 6; however, it is anticipated that storm water management facilities will not be required at this time. Staff recommends that any land disturbance and impervious surface within Lots 5 and 6 be made part of and included in the storm water calculations for any future phase of development upon the subject property.

Staff recommends that the applicant shall submit a revised Preliminary Plat application for Department of City Development review and approval, prior to submittal of a Final Plat, which includes:

- delineation on the revised preliminary plat of all 30-foot wetland buffers, all protected woodlands, all floodplain and floodway, and the conservation easement boundary;
- Site Intensity and Capacity worksheets;
- a draft copy of the declaration of deed restrictions and protective covenants;
- a grading and drainage plan;
- a draft Subdivision Development Agreement; and
- storm water management calculations.

Natural Resource Protection Plan:

A Natural Resource Protection Plan (NRPP) is required as part of the Rezoning and Preliminary Plat Application submittals. According to the project narrative, the site contains wetlands and woodlands. The site also contains floodplains and wetlands south of West Evergreen Street, which delineations are absent or are based on out-of-date information. Staff recommends that the applicant shall identify all natural resource features that require protection per Table 15-4.0100 of the Unified Development Ordinance and submit a revised project narrative or supplemental letter that lists all protected natural resource features that are located within the property, for Department of City Development review and approval as part of a revised Preliminary Plat application. Staff also recommends that the applicant shall submit a separate Natural Resource Protection Plan map exhibit that illustrates the entire site, and the delineations and areas (square footage) of all natural resource features onsite, pursuant to the requirements of Section 15-7.0201 of the Unified Development Ordinance, for Department of City Development review and approval as part of a revised Preliminary Plat application.

The wetlands were delineated by Dave Meyer of Wetland and Waterway Consulting on November 11, 2015. A full and complete wetland delineation report is on file with the Department of City Development. The cover letter of that report is attached. Dave Meyer is a Wisconsin Department of Natural Resources (WDNR) assured delineator; therefore, Department of City Development staff did not require separate review by a City consultant.

The applicant has identified two wetlands on the property. The wetlands are illustrated on the Preliminary Plat. A large wetland runs through the middle of the property and a smaller wetland exists to the east of the properties located at 7582 and 7610 S. 51st Street. The Wisconsin Department of Natural Resource Features Water Surface Data Viewer identifies the larger wetland as an intermittent stream; therefore, staff recommends that the applicant shall obtain a navigability determination from the Wisconsin Department of Natural Resources as part of a

revised Preliminary Plat application. If determined to be navigable, the applicant shall revise the Preliminary Plat, Natural Resource Protection Plan and Conservation Easement accordingly, including but not limited to, illustrating the 75-foot shore buffer.

The Natural Resource Protection Plan illustrates tree lines on the subject property; however, it is unclear if these areas meet the definitions of a grove, mature woodland or young woodland. Therefore, it is also not clear as to the extent these areas are required to be protected. Staff recommends that the applicant shall clearly and accurately identify on the Preliminary Plat, the Natural Resource Protection Plan, and the Conservation Easement all woodlands required for protection as defined by the Unified Development Ordinance, for Department of City Development review and approval as part of a revised Preliminary Plat application.

Staff recommends, pursuant to Section 15-8.0204 of the Unified Development Ordinance, that the applicant shall identify all significant mature or specimen trees and indicate the proposed method for preserving such trees, for Department of City Development review and approval as part of a revised Preliminary Plat application. Please note that in particular, such trees are located north of Evergreen Street along the eastern property boundary adjacent to Pleasant View Park.

Staff recommends, pursuant to City policy, that the applicant shall revise all building setback lines to be a minimum of six feet from the conservation easement when protected groves or woodlands are present, for Department of City Development review and approval, as part of a revised Preliminary Plat application.

The applicant has not yet provided a written conservation easement for staff review. Staff recommends that the applicant shall prepare a written conservation easement document for submittal as part of the Final Plat Application for Common Council review and approval.

Furthermore, staff suggests:

- that whenever possible, the conservation easement boundaries shall be located entirely within outlots, opposed to on individual lots.
- if a conservation easement exists on an individual lot, staff suggests marking the location of the conservation easement onsite utilizing signage or boulders.
- that the 50-foot wetland setback be included within conservation easement and shown as such on the Preliminary Plat.

Signage:

The applicant did not provide any signage information for this phase of the development. Staff recommends that any proposed subdivision monument sign(s) shall be subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.

Comprehensive Master Plan:

The 2025 Future Land Use Map designates the property at 7501 South 49th Street as Residential and Areas of Natural Resource Features. The proposed single-family residential use, along with

the protection of natural resources features within a conservation easement, is consistent with the City of Franklin 2025 Comprehensive Master Plan.

Staff Recommendation:

City Development Staff recommends approval of the Rezoning and Preliminary Plat Applications for the development of six single-family residential lots, subject to the conditions as noted in the attached draft ordinance and resolution.

RESOLUTION NO. 2016-_____

A RESOLUTION CONDITIONALLY APPROVING A
PRELIMINARY PLAT FOR EVERGREEN PARK ESTATES SUBDIVISION
(AT APPROXIMATELY 7501 SOUTH 49TH STREET)
(RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a preliminary plat for Evergreen Park Estates Subdivision [contingent upon rezoning approval for the property located at 7501 South 49th Street], such plat being a part of lands in the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at approximately 7501 South 49th Street [The Preliminary Plat includes one lot south of West Evergreen Street (Lot 1), three lots north of West Evergreen Street (Lots 2, 3 and 4) and two lots east of South 51st Street (Lots 5 and 6), and five outlots, which are reserved for future single-family residential lots, future storm water management facilities and/or consist of protected natural resource features.], bearing Tax Key No. 788-9981-001, Rick J. Przybyla, President of Creative Homes, Inc., applicant; said preliminary plat having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof at its meeting on July 21, 2016, 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 preliminary plat 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 Preliminary Plat of Evergreen Park Estates Subdivision, as submitted by Rick J. Przybyla, President of Creative Homes, Inc., 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.
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. Franklin Oasis, LLC, successors and assigns and any developer of the Evergreen Park Estates 6 lot single-family residential subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Evergreen Park Estates 6 lot single-family residential subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
4. The approval granted hereunder is conditional upon Rick J. Przybyla, President of Creative Homes, Inc. and the Evergreen Park Estates 6 lot single-family residential subdivision development project for the property located at approximately 7501 South 49th Street [contingent upon rezoning approval for the property located at 7501 South 49th 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.
5. The Evergreen Park Estates 6 lot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
6. Any land disturbance and impervious surface within Lots 5 and 6 shall be made part of, and included in, the storm water calculations for any future phase of development upon the subject property.
7. The applicant shall submit a revised Preliminary Plat application for Department of City Development review and approval, prior to submittal of a Final Plat, which includes:
 - a. Delineation, on a revised preliminary plat, of all 30-foot wetland buffers, all protected woodlands, all floodplain and floodway, and the conservation easement boundary.
 - b. Site Intensity and Capacity worksheets.
 - c. A draft copy of the declaration of deed restrictions and protective covenants.
 - d. A Grading and Drainage Plan.
 - e. A draft Subdivision Development Agreement.

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. – PRELIMINARY
PLAT

RESOLUTION NO. 2016-_____

Page 3

- f. Storm water management calculations.
8. The applicant shall submit a revised project narrative or supplemental letter that lists all natural resource features that are located within the subject property that require protection pursuant to Table 15-4.0100 of the Unified Development Ordinance, for Department of City Development review and approval, as part of the revised Preliminary Plat application.
9. The applicant shall submit a separate Natural Resource Protection Plan map exhibit that illustrates the entire site, and the delineations and areas (square footage) of all natural resource features onsite, pursuant to the requirements of Section 15-7.0201 of the Unified Development Ordinance, for Department of City Development review and approval, as part of the revised Preliminary Plat application.
10. The applicant shall obtain a navigability determination from the Wisconsin Department of Natural Resources as part of a revised Preliminary Plat application. If determined to be navigable, the applicant shall revise the Preliminary Plat, Natural Resource Protection Plan, and Conservation Easement accordingly, including but not limited to, illustrating the 75-foot shore buffer.
11. The applicant shall clearly and accurately identify on the Preliminary Plat, the Natural Resource Protection Plan, and the Conservation Easement, all woodlands required for protection as defined by the Unified Development Ordinance, for Department of City Development review and approval, as part of the revised Preliminary Plat application.
12. The applicant shall identify all significant mature or specimen trees and indicate the proposed method for preserving such trees, for Department of City Development review and approval, as part of the revised Preliminary Plat application.
13. The applicant shall revise all building setback lines to be a minimum of six feet from the conservation easement when protected groves or woodlands are present, for Department of City Development review and approval, as part of the revised Preliminary Plat application.
14. The applicant shall prepare a written conservation easement document for submittal as part of the Final Plat Application for Common Council review and approval.
15. Any proposed subdivision monument sign(s) shall be subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. – PRELIMINARY
PLAT
RESOLUTION NO. 2016- _____
Page 4

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

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

APPROVED:

ATTEST:

Stephen R. Olson, Mayor

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



LYNCH & ASSOCIATES
ENGINEERING CONSULTANTS, LLC

June 20, 2016

Nick Fuchs
Principal Planner
Department of City Development
9229 W. Loomis Road, Franklin, WI 53132

RE: Evergreen Park Estates, 7501 S. 51st Street

Dear Nick:

NARRATIVE AND SUMMARY

Creative Homes, Inc. intends to develop the approximately 30 acres referenced above as a single family residential subdivision dubbed Evergreen Park Estates. The initial phase of this development is six lots all of which front on to existing city streets. Four of these lots front on to West Evergreen Street and two front on to S. 51st Street.

UTILITY SERVICE

All lots front onto existing city streets with sanitary sewer and water service available in the street. The four lots on Evergreen had laterals installed as part of the Evergreen road extension to the city park, the two lots on S. 51st Street will require lateral installation to the existing mains.

STORMWATER MANAGEMENT

The four lots on Evergreen has been included in the stormwater management plan for the Evergreen road extension. The two lots on S.51st Street will not trigger stormwater management requirements.

NATURAL RESOURCE PROTECTION

Natural resources on the overall site include wetlands and woodlands. None of the proposed lots in this application impact natural resources as defined by the UDO.

FUTURE DEVELOPMENT

It is anticipated that Creative Homes, Inc. will develop the remainder of the property on this plat when the necessary right-of-way issues are resolved. The development land retained for future development is noted on the plat.

Please do not hesitate to contact the undersigned should further details be required.

Sincerely,
LYNCH & ASSOCIATES – ENGINEERING CONSULTANTS, LLC

Michael P. Doble, P.E.
Director of Land Development Services

Franklin

JUN 20 2016

City Development



Wetland & Waterway Consulting, LLC

Dave Meyer

583 W23915 Artesian Avenue • Big Bend, WI 53103

262-710-4286 • Fax • 262-364-2197

E-Mail • wetland@wcllc.com

1-6-16

Mr. Rick Przybyla
Creative Homes
9244 W. Grandview Court
Franklin, WI 53132

Dear Mr. Przybyla:

Wetland & Waterway Consulting (WWC) has conducted a wetland delineation on property located in Sec. 11, T5N, R21E, City of Franklin. The delineation was conducted on 10-8-15 at your request. This site is under consideration for future development; therefore, location of the wetlands prior to construction is necessary. The purpose of the delineation was to identify and flag all wetlands within the boundaries identified on the attached maps.

Investigator

Dave Meyer, lead delineator, is an independent environmental consultant providing environmental permitting services, site assessments, wetland delineations, and planning advice. He obtained a master's degree in Natural Resources Management from Southern Illinois University-Carbondale in 1977. Mr. Meyer has held technical and administrative positions in wetland and water resources specialties with the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers. He has satisfactorily completed the Reg IV Wetland Delineation training offered by the U.S. Army Corps of Engineers, the Advanced Wetland Delineation training conducted by the University of Wisconsin-LaCrosse in 2002 and 2007, the USACOE/WIDNR 1987 Wetland Delineation Manual Midwest Region Supplement Training in 2009, the USACOE/WIDNR 1987 Wetland Delineation Manual Northcentral/Northeast Region Supplement Training in 2010, the Basic Hydric Soil ID training conducted by the University of Wisconsin-LaCrosse in 2011, and the SEWRPC Environmental Corridor Delineation Workshops in 2004 and 2015. Mr. Meyer is recognized by the Wisconsin Department of Natural Resources as an Assured Delineator.

Methods

The site visit was conducted according to the guidelines identified in the U.S. Army Corps of Engineers' 1987 manual and the Midwest Regional Supplement. The plot size used was a 30 foot radius circle for trees, shrub/saplings, and woody vines, and a 5 foot radius circle for herbaceous vegetation. Resources utilized in the investigation included the NRCS county soil survey, Wisconsin Wetland Inventory mapping, topo mapping, aerial photos, county plat mapping, *The Vegetation of Wisconsin, Wetland Plants and Plant Communities of Minnesota and Wisconsin - 3rd Edition*, *A Field Guide to Wildflowers of Northeastern and Northcentral North America*, and *Plants of the Chicago Region*. Sampling points were located in the areas that exhibited wetland characteristics as well as upland characteristics. Data was collected on the vegetation, soils, and hydrology at each sampling point. The wetlands were identified

using the technical approach described in the USACOE 1987 Manual. The wetland boundary was flagged using breaks in topography, transitions between hydric and upland vegetation, identification of wetland hydrology, and the presence of hydric soils. Roadside ditches were identified if they displayed hydric vegetation. Flags were placed at the beginning and ending points of the ditches for the surveyor to locate. If the ditch was very long or had unusual bends or turns in it, additional flags were placed within the central parts of the ditch to assist in its location. The flags were located in the field by a registered land surveyor and a wetland map was produced which identifies all flagged wetland complexes within the subject boundaries. Refer to the wetland map attached to the end of this report for locations. In addition, an FSA crop history slide review was undertaken prior to the delineation. In preparation for the slide review, the NRCS wetland map was used to locate mapped areas of Prior Converted "PC", Wetland "W", Farmed Wetland "FW", Non-Wetland "NW", etc. If less than 5 years of imagery during normal conditions was available, wet signatures noted in aerials with wet or dry antecedent conditions were used in the calculations for the number of hits.

Results and Discussion

The growing season remained intact. Continued vegetative growth was exhibited by turgid green leaves present on several species of herbaceous vegetation on the site. These species included reed canary grass, Kentucky bluegrass, Canada thistle, red clover, bird's foot trefoil, dandelion, and Canada goldenrod.

This site has not been previously delineated.

Only one short segment of wetland roadside ditch was present immediately adjacent to the project boundaries. This ditch is identified as D1 on the wetland map and runs parallel to S. 51st Street for 212'. See Photograph F. It is dominated by narrow leaf cattail, soft stem bulrush, and reed canary grass. No water was present. One segment of upland ditch borders the project boundary on W. Marquette Avenue in the northeast corner of the site. This is identified as D2 on the wetland map and is 235' linear feet. It is dominated by Kentucky fescue, smooth brome grass, and Kentucky bluegrass. No water was present. This ditch was newly constructed in 2014 in conjunction with the extension of W. Marquette Avenue.

The soil types mapped within the project boundaries are Blount silt loam (B1A), Morley silt loam (MzdB2), and Ashkum silty clay loam (AsA).

This approximately 29.77 acre site is divided into two parcels. The larger northern piece is bounded by W. Evergreen Lane on the south, W. Marquette Avenue on the north, and S. 51st Street on the west. Pleasant View Elementary School is offsite to the east. An unnamed intermittent creek flows through the center of this portion of the site. It is between 1 and 4 feet wide. No water was present anywhere along this stretch of the creek and the substrate was primarily silt loam soil. It appears that this creek has been historically dredged and straightened over the years to allow it to more effectively perform the functions of an agricultural drainage ditch. The site is actively cropped (DP #'s 4, 6, 7, 10) with the exception of the flagged wetlands (DP #'s 5, 8, 12, 13) and the upland tree and brush areas (DP #'s 9, 11, 14, 15, 16, 17, 18). The northeastern and southern portions of the site slope down toward the large wetland complex at between a 5%--10% grade. The wooded complex in the northwestern corner of the site slopes down to the west toward S. 51st Street also at 5 to 10% grade.

The smaller southern piece is bounded by W. Evergreen Lane on the north. This parcel is nearly level across the entire piece. It was used as a staging area for heavy equipment in 2014 during the construction activities that extended W. Evergreen Lane to the east. The attached soil map for this parcel shows the equipment on site.

The Wisconsin Wetland Inventory map shows a T3K/E2K and E2H complex occupying the south-central portion of the larger parcel. This complex was found and flagged in the general configuration as shown on the WWI map. In addition, a small drainage ditch was located and flagged on the western boundary line.

Wetland 1, a T3K/E2K and E2H complex occupying a depressional basin bordering an unnamed intermittent creek, is 3.65 acres. The wooded areas are dominated by American elm, common buckthorn, gray dogwood, prickly ash, and fowl manna grass (DP # 5); soils that meet the A-11 and F-3 indicators; and hydrology indicators of Geomorphic Position and FAC Neutral Test. The shallow water marsh areas (DP # 8) are dominated by narrow leaf cattail and reed canary grass; soils that meet the A-12 and F-6 indicators; and hydrology indicators of Saturation, High Water Table, Geomorphic Position, and FAC Neutral Test. This complex extends north up into the hedgerow bordering the eastern boundary of the parcel (DP # 12). A drainage ditch, located in the center of this hedgerow, flows to the south and makes a hydrological connection with the intermittent creek. It is dominated by green ash, common buckthorn, gray dogwood, and reed canary grass; soils that meet the A-11 indicator; and hydrology indicators of Geomorphic Position and FAC Neutral Test. The wetland lines were flagged along the topo breaks where the vegetation transitioned from hydric to upland in the vicinity of DP #'s 9 and 11 and along the topo breaks where the cropped field (DP #'s 4, 6, 7, 10) transitioned into hydric vegetation.

Wetland 2 is not identified on the WWI map. It is a shallow depressional ditch (DP # 13) that appears to have been excavated years ago to intercept water flow from the higher elevations to the west and prevent sheet flow erosion from occurring in the adjacent cropped field. It is dominated by common buckthorn and redtop grass; soils that meet the A-11 and F-6 indicators; and hydrology indicators of Geomorphic Position and FAC Neutral Test. The wetland lines were flagged along the top of the ditch perimeter where the vegetation transitioned from hydric to upland.

Adjacent upland areas throughout the site included the wooded hedgerow on the east boundary (DP # 11), a stand of upland hardwood trees and shrubs in the northwest corner of the site (DP #'s 14, 15, 16, 17, 18), and a shrubby area immediately south of the flagged large wetland complex (DP # 9). Neither hydric soil indicators nor hydrology indicators were present at any of the data points. Dominant vegetation included Canada goldenrod, white ash, apple, strawberry, smooth brome grass, Kentucky fescue, elecampane, common buckthorn, gray dogwood, Kentucky bluegrass, and silky dogwood. A single black willow tree was growing on the hillside. DP # 17 was located here to demonstrate the lack of hydric conditions even with the presence of this OBL tree species.

The FSA crop history slide review was undertaken to determine the extent of wetlands in the cropped areas of the site, especially those identified as "PC" on the NRCS wetland map. No areas of the subject property revealed wet signatures. Virtually all of the cropped field areas identified as "PC" are on a 5 to 10% grade which slopes down toward the large wetland complex. These areas remain effectively drained. There were no indications of wet conditions in the cropped portions of the fields. The soybean crop had been harvested prior to the delineation and only sparse understory upland vegetation remained intact at two points in the fields (DP #'s 4 and 10). Common dandelion was present in these two areas. The other portions of the field did not have any residual understory vegetation. The soybean stubble was uniform throughout the fields with no indication that there had been any drowned-out areas during the growing season.

Precipitation Data

Precipitation data from the websites of the USDA Natural Resource Conservation Service and the National Oceanic and Atmospheric Administration (NOAA) was reviewed.

Note that when a site is delineated in the first half of the month, the previous 3 months are taken into consideration.

Condition Value Dry = 1 Normal = 2 Wet = 3

	Month	Normal	3 yrs. In 10 less than	3 yrs. In 10 more than	Observed precip.	Condition dry, wet, normal	Condition value	Month weight value	Product of previous two columns
1st prior month	September	3.52	1.72	4.30	3.59	normal	2	3	6
2nd prior month	August	2.61	1.76	3.12	3.51	wet	3	2	6
3rd prior month	July	2.78	1.78	3.35	2.04	normal	2	1	2
								sum	14
		If sum is							
		6 - 9	drier than normal						
		10 - 14	normal						
		15 - 18	wetter than normal						

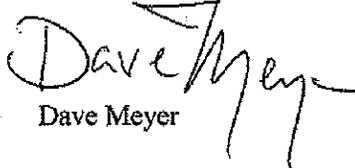
Conclusion

Antecedent precipitation was normal.

Conclusion

The wetland lines staked in the field and referred to in this report are the best estimate of the wetland boundaries based on the conditions present at the time of delineation. Because this delineation was conducted by Mr. Meyer, an Assured Delineator, obtaining a concurrence letter from the Wisconsin Department of Natural Resources is not necessary. Concurrence with these wetland lines by the U.S. Army Corps of Engineers, however, must be obtained before undertaking any alterations or modifications of this property. Activities affecting wetlands or surface waters may require permits from the U.S. Army Corps of Engineers, the Wisconsin Department of Natural Resources, and local municipal authorities. The client must obtain authorization from all proper regulatory authorities before altering, modifying, or using the property. If the required authorizations are not obtained, Wetland & Waterway Consulting, LLC shall not be liable or responsible for any resulting damages.

Sincerely,

A handwritten signature in black ink that reads "Dave Meyer". The signature is written in a cursive style with a large, prominent "D" and "M".

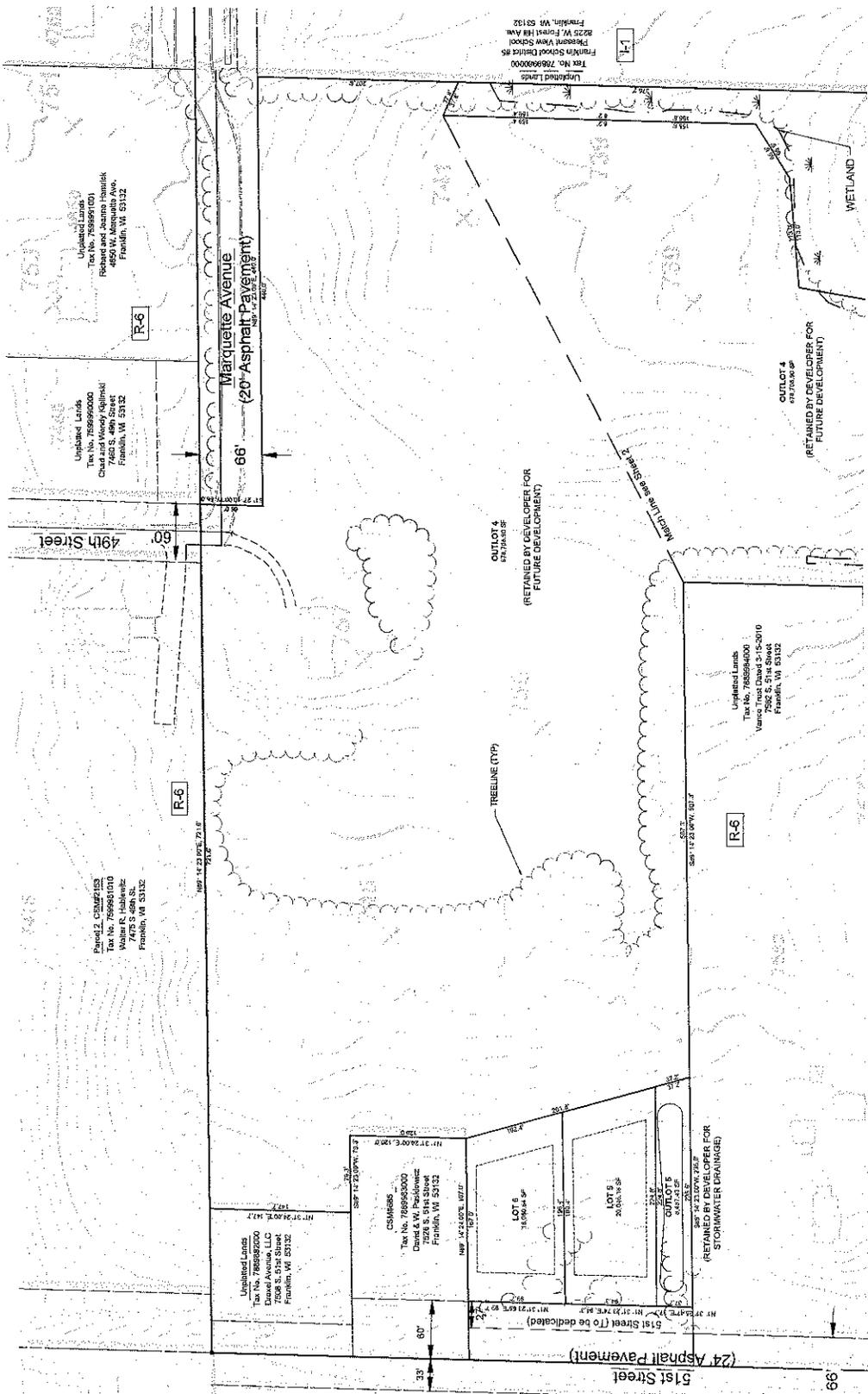
Dave Meyer

Attachments

1. Data points
2. Soil Survey maps
3. Wisconsin Wetland Inventory map
4. USGS topo map
5. Location map
6. Site photographs
7. Literature cited
8. Delineation checklist
9. FSA slide review
10. Wetland boundary map

PRELIMINARY PLAT: EVERGREEN PARK ESTATES

Part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.



- LEGEND**
- EXISTING TELEPHONE FEEDS
 - EXISTING CURB
 - EXISTING STORM INLET MANHOLE
 - EXISTING CONTOURS
 - EXISTING ZONING

I have surveyed the subject parcel(s) and the adjacent parcels as shown and have prepared this plat in accordance with the provisions of the Wisconsin Statutes, Chapter 199, and the rules and regulations of the Wisconsin Department of Transportation, Chapter DHSR 10.02. I am a duly licensed Professional Land Surveyor, State of Wisconsin, No. 10000.

All the information contained in this plat was obtained from the records of the County and City of Franklin, Wisconsin, and other sources as indicated. I have not conducted a field inspection of the subject parcel(s) or the adjacent parcels. This plat is prepared for the purpose of recording the same in the County of Franklin, Wisconsin, and shall be subject to the provisions of the Wisconsin Statutes, Chapter 199, and the rules and regulations of the Wisconsin Department of Transportation, Chapter DHSR 10.02.



Kenneth B. Wehring
 KENNETH B. WEHRING
 PROFESSIONAL LAND SURVEYOR
 STATE OF WISCONSIN

UMCR & ASSOCIATES
 5400 W. WISCONSIN AVENUE
 NEW BRISTOL, WI 53151
 (262) 784-8887

Sheet 3 of 3
 Project No. 18-0004
 Date: July 2018

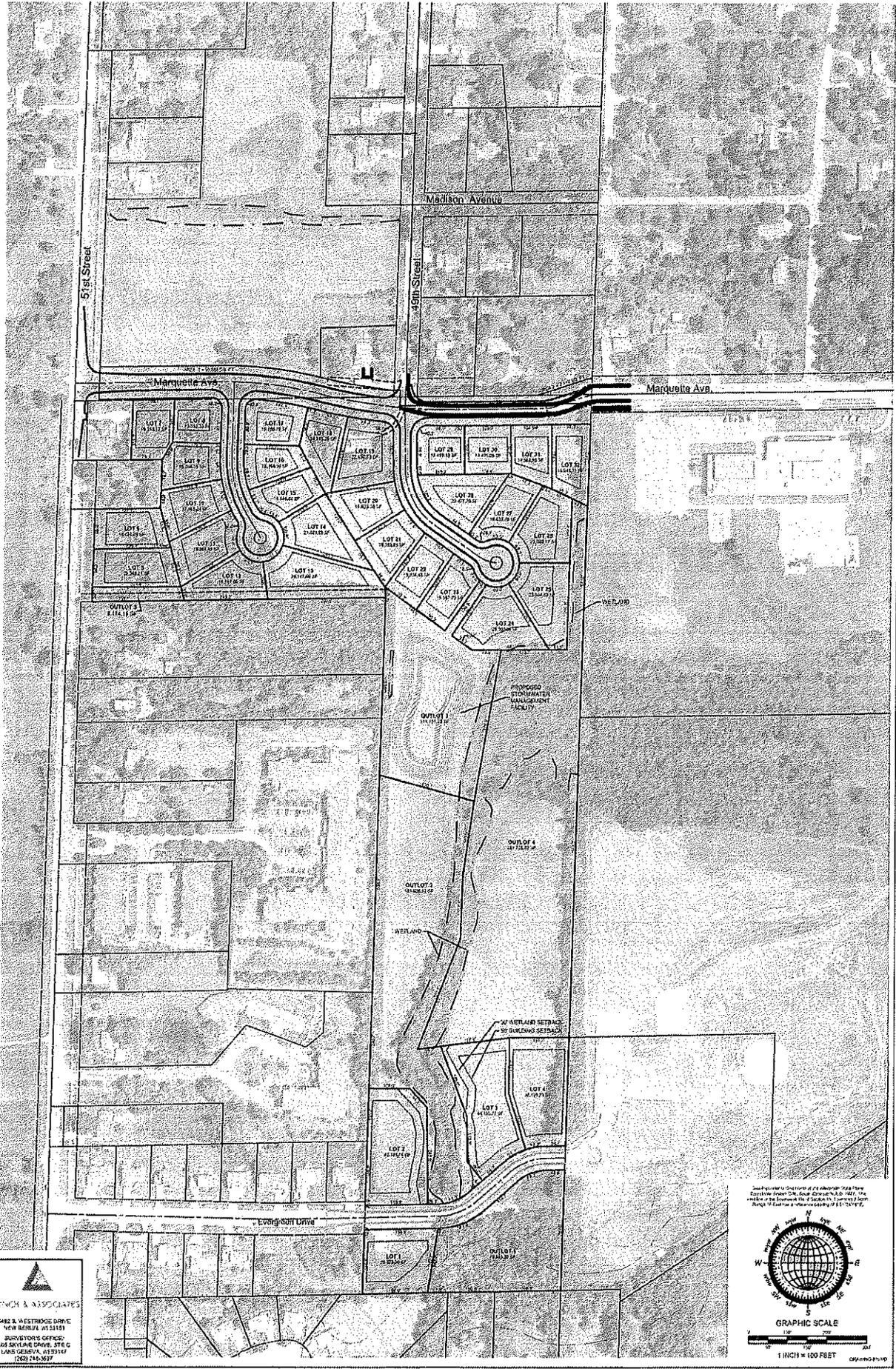
MAP PREPARED BY:
 Kenneth B. Wehring, PLS
 UMCR & Associates, Inc.
 5400 W. Wisconsin Ave.
 New Bristol, WI 53151

MARCH 22, 2018

LOCATION: 49th Street/Evergreen Drive, City of Franklin

CONCEPT PLAN
32 SINGLE FAMILY LOTS
898 FT OF NEW ROAD

Project No. 18-047
Creative Homes, Inc.



L:\Projects\18-047\18-047 - Creative Homes, Inc. - 49th St. & Evergreen (City of Franklin) (18-047) - 03-22-18.dwg

HATCH & ASSOCIATES
 3482 S. WESTROSE DRIVE
 NEW MEXICO 87110
 SURVEYING OFFICE
 105 SKYLAND DRIVE, STE C
 LANS BERMUDA, WISCONSIN
 (262) 244-2627

Created in AutoCAD 2018. All dimensions are in feet unless otherwise noted. The information on this drawing is the property of Creative Homes, Inc. and is confidential. It is not to be used for any other project without the written consent of Creative Homes, Inc.

GRAPHIC SCALE
 1 INCH = 100 FEET

COVENANTS AND DECLARATIONS OF RESTRICTIONS

EVERGREEN PARK ESTATES FRANKLIN, WI

KNOW ALL MEN BY THESE PRESENTS that the undersigned, CREATIVE HOMES, INC., being the owner of lots 1-6 being described as:

Part of the Northeast ¼, Southeast ¼, Southwest ¼, and Northwest ¼, of the Southeast ¼ of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

And intending to establish a general plan for the use, occupancy and enjoyment of said Subdivision, does hereby declare that all lots therein shall be subject to the following restrictions and covenants, which shall remain in force for a period of thirty (30) years from the date of recording hereof.

1. **GENERAL PURPOSES.** The purpose of this Declaration is to insure the best use and most appropriate development and improvement of each building site thereof; to protect owners of building sites against such use of surrounding building sites as will detract from the residential value of their property; to preserve as far as is practical, the natural beauty of said property, to guard against the erection thereon of poorly designed or poorly proportioned structures; to obtain harmonious use of material and color scheme; to insure the highest and best residential development of said property; to encourage and secure the erection of attractive homes hereon with appropriate locations thereof on building sites; to prevent haphazard and inharmonious improvements of building sites; to secure and maintain proper setbacks from street and adequate free spaces between structures, and in general, to provide adequately for a high quality of improvement in said property, and thereby to preserve and enhance the value of investments made by purchasers of building sites therein.

2. **STRUCTURES.** No lot shall be used for anything other than single-family residence purposes. All structures shall be designed by a registered architect or professional engineer or designer, experienced in residential design. The plans shall show the square footage for both first floor and second floor if a two story. Each dwelling shall have a minimum of two full baths. Each dwelling shall have a minimum roof pitch of 7/12, however actual roof pitch shall be at the developer's discretion and may vary depending on the type of home. Roof color shall be limited to that of weathered-wood, driftwood, black, deep browns, or similar color tones. Roof color **must** be approved by Developer. There shall be no bare walls allowed. It is at the sole discretion of the Developer to add windows, brick, shutters, trim boards, vents or any item that will enhance said dwelling. Vinyl windows will be allowed only when accompanied with trim boards and/or shutters around each vinyl window, or at Developer's discretion. Premium vinyl and premium aluminum siding shall be allowed at Developer's discretion. **All corner boards and fascia boards must be of natural material.** Soffit material may be vinyl or aluminum. It shall be solely at Developer's discretion to require front elevation of home to include some type of brick or stone.

Please note: Developer would like to see some brick or stone on the front elevation of homes, with the exception of a salt-box style home. Additional restrictions may be required for that of a salt-box style home. Please contact Developer for further information on such. Exterior of all homes shall be of a traditional, colonial, French, country, or Tudor design. No contemporary or Spanish style homes will be allowed. All exterior color selections, including, but not limited to siding, trim, gutters, roof, front door, shutters, garage door, etc. **MUST** be approved by Developer **PRIOR** to submitting plans to the City of Franklin for architectural approval.

Lot owner is encouraged to get approval prior to purchasing said Lot if there is a doubt about home to be constructed.

The following items **MUST** be submitted to Developer/Creative Homes, Inc. **PRIOR** to obtaining any approvals, (this includes architectural approval), from the City of Franklin:

- A. Three (3) sets of **final** home plans
- B. Three (3) copies of **final** survey showing location of home on said lot
- C. **Final** Color Selection Form (supplied by Creative Homes, Inc.), indicating all **final** color selections

**** Creative Homes, Inc. will not grant any approvals unless all of the required information is submitted ****

**** Creative Homes, Inc. will process and conduct an architectural review, within 20 Days, once all required information is submitted ****

**** Creative Homes, Inc. encourages buyer(s) to plan ahead in the submission of required information ****

Franklin
City Development

3. **RESTRICTION ON SUBDIVISION.** There shall be no further division or subdivision of lots in this Subdivision without approval of the Plan Commission of the City of Franklin.

4. **DWELLING STRUCTURE.** No Dwelling shall exceed two and one-half stories in height. The ground area within the perimeter of the building at grade exclusive of porches, garages, bays, patios, breezeways and similar additions, shall not be less than the following schedule: (a) Not less than 1,800 square feet in the case of a one-story dwelling; (b) Not less than 2,100 square feet total in the case of a dwelling of one and one-half stories; (c) Not less than 2,100 square feet in the case of a dwelling of two stories, and the floor area of the first floor shall not be less than 1,100 square feet.

For purposes of figuring total area, the undersigned, in his sole discretion, shall determine what constitutes a two-story or a one and one-half story dwelling. All buildings shall be completed within the allotted time set by the City of Franklin in its ordinance. **Three (3) sets of plans, and three (3) copies of the survey, showing the location of the homes, and naming the roof color, trim color, and the siding color, shall be submitted to Rick J. Przybyla/Creative Homes, Inc., / Developer 9244 W. Grandview Court, Franklin, WI 53132, of which one set will be signed by owner if it meets numbers 1, 2 and 4 above.**

5. **GARAGES.** No garage shall be larger than necessary to accommodate four (4) cars and all garages shall be attached to the dwelling either forming an integral part with the dwelling house or by connection of porch or breezeway. Garage design at Developer's discretion.

6. **TEMPORARY STRUCTURES.** No structures of any kind shall be moved onto any lot and no living quarters of temporary character shall be permitted at any time, it being the intention that only permanent, private dwellings and garages shall be permitted. All garages shall be built at the same time as the private dwellings and shall be large enough to accommodate a minimum of two (2) cars. No boats, trailers, mobile homes, RV's, or commercial trucks may be parked on the premises outside the garage other than for the delivery of materials or merchandise, except during the construction or remodeling periods.

7. **STORAGE.** No lot shall be used in whole or in part for the storage of rubbish of any character whatsoever, nor for the storage of any property that will cause such lots to appear in an unclean or untidy condition, or that will be obnoxious to the eye; nor shall any substance be kept upon any lot that will omit foul or obnoxious odor. Also prohibited is anything that will cause any noise that will or might disturb the peace, quiet, comfort or serenity of the occupants of surrounding properties. Storage sheds which are constructed, must comply with City requirements. These said sheds **must** match the home constructed on said lot in color, roof material and siding material and be approved by developer prior to obtaining approval from the City of Franklin. (See No. 12)

8. **UTILITY LINES.** All electric, cable and telephone lines shall be placed underground.

9. **CONCRETE APPROACH.** It is at the sole discretion of the Developer / Creative Homes, Inc. to install curb cuts on any of the lots. Curb cuts are anticipated to be installed on all lots within the development and will be installed on the high sides of the lots. If Developer / Creative Homes, Inc. does not install a curb cut, it shall be solely the lot owner(s) responsibility to install a curb cut per City of Franklin requirements. If Creative Homes, Inc. does install curb cut(s), and it is (are) not in the appropriate location, it shall be the sole responsibility of the property owner to relocate the curb cut. Also, if curb, gutter, and/or sidewalks are damaged and the city requires replacement, it shall be paid for by the owner of the lot. Buyer and Developer to inspect curb, gutters, and sidewalks prior to closing and to ensure they meet City of Franklin standards.

10. **ANIMALS.** No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot except two dogs, two cats, and other small household pets such as canaries or parakeets, provided they are not kept, bred or maintained for any commercial purposes.

11. **GRADES.** The undersigned reserves the right to set finished yard grades. It is the sole responsibility of the lot owner to remove the excess dirt from excavation that is not needed. All dirt from excavation of any lot which is not used on the premises shall be deposited in such place in the Subdivision as shall be directed by the undersigned, or if not needed in the Subdivision, within a three (3) mile radius of said Subdivision, if and only if the undersigned specifies and approves a need for the dirt. Trucking of such dirt shall be solely at the cost of the lot owner. If the undersigned does not want or need the excess dirt, it shall be the sole responsibility of the lot owner to remove the excess dirt from excavation.

11a. **SPLIT LEVEL LOTS.** To be determined per final master plan. Any change from said plan must be approved by Developer and the City of Franklin Engineering Department.

11b. **DRIVEWAY GRADES.** The City of Franklin recommends grades less than 6%, however they do allow driveway grades up to 10%. All driveway grades shall be at the sole discretion of the City of Franklin. A waiver from the City of Franklin is required to be signed by the homeowner at the time of building permit processing. Homeowners have the option, and are recommended and encouraged by Developer / Creative Homes, Inc. to add an additional step(s) in the garage from the garage floor to dwelling. With each additional step added, the grade percentage is lowered. All subdivision grading has been specifically designed for driveways to be located on the high side of the lot.

Buyer(s) are to solely follow the master grading plan, which specifies this information. Any desired change from said plan must be submitted to Developer / Creative Homes, Inc. in the form of a grading plan completed by a registered engineering firm, for review by Developer. Changes from master grading plan must be approved first by Developer, and second from the City of Franklin Engineering Department. **Approval from both is required.**

12. **CONTROL.** In order to maintain harmony in appearance and to protect the owners of the lots in the Subdivision, no building, fence, sign, wall, solar panels, satellite dish, 24" or larger, cyclone fences (landscape fences, open rail type, are the exception) or other structure shall be erected, constructed or maintained upon any lot, nor shall any change or alteration be made thereon unless the complete plans and specifications, thereof (a plot plan showing the exact location of such buildings, garage, fence, wall or other structure, the elevation thereof and the grade of the lot and sketch or view of such building or structures or changes), shall have been submitted to and approved in writing by the undersigned or his assigns as herein provided. The decision of the undersigned with respect to any such matter shall be final and binding upon all parties. **(Upon the undersigned owner being divested of all rights, will, and interest in and to any lot in said Subdivision, control hereunder shall be passed to a committee, to be designed by a majority of the owners of record of the lots of the Subdivision.) See # 18**

(Swimming pools must be located as close as possible to rear of home, with extensive landscaping and/or privacy fence surrounding swimming pool, per Developer's approval. A plan showing the exact location of the swimming pool, and landscape and/or privacy fence specifications must be submitted to Developer / Creative Homes, Inc. **PRIOR** to construction or installation).

13. **LANDSCAPE - ARCHITECTURAL CONTROL.** All landscaping, including driveway, must be completed within one (1) year after the completion of the residence, or, if home is completed during the winter season, landscaping shall be completed at the earliest opportunity season permits, and should conform to the grading as set forth by the City of Franklin Engineering Department. Landscaping is the sole responsibility of the homeowner. Driveway shall consist of concrete or similar material. No permanent gravel drive will be permitted. Developer will select and approve a mailbox and post which shall be purchased by Developer and the cost charged to buyer at time of closing (\$395.00). Installation shall be the sole responsibility of the lot owner and installed per Postal Service requirements. At least two trees, minimum caliper of 1-1/2 to 2 inches shall be installed on each lot at time of landscaping. Also, developer will install a city tree (per city requirements) at a cost to the lot owner of \$ 450.00 per tree, to be paid at the time of closing. Note: Corner lots may require 2 trees per the City of Franklin requirements.

It is the sole responsibility of the lot owner to cut grass and/or noxious weeds per city requirements.

14. **VIOLATION.** Any violations of these restrictions, which exist for a period of three years without a written protest thereof being received by the owner of the lot involved, shall not be considered a violation thereafter. These restrictions shall be deemed and construed to run with the land and shall be binding upon the respective owners of each of said lots and upon all persons holding or claiming under or through them. Upon the violation of any one or all of these restrictions by any owner or owners of said lots, their heirs, executors, administrators or assigns, the owner shall have the right to proceed at law or inequity against the person or persons violating or attempting to violate any such covenant or restrictions and shall be entitled to both equitable and legal relief. Invalidation of any one of these covenants and restrictions by judgment of Court order shall be construed and deemed severable and all of which are not so invalidated, shall remain in full force.

15. **UTILITIES.** Developer reserves the right for a period of three months after the execution of this document hereof, to grant easements to WE Energies and SBC, or other similar applicable companies, for utility purposes over, upon, under and across **ALL** lots in this Subdivision, whether owned by the developer or third parties. Such easements shall, so far as is reasonably possible, be confined to areas within 20 feet of all lot lines and be granted on standard utility forms.

16. **CONSTRUCTION.** The owner's builder and/or owner of said lot, shall be responsible for cleaning up the debris that has blown from their building site under construction. The owner's builder and/or owner of said lot, shall also be responsible for cleaning up the mud and dirt on the roadways caused by their construction. The owner's builder and/or owner, shall clean roadway of debris and dirt within twenty-four (24) hours after receiving verbal or written notice. Owner/builder is to advise Developer of any cracks or damage to curbs, gutters, and/or sidewalks prior to closing of lot. The owner's builder and/or owner shall be responsible for any damage done to curbs and/or gutters after closing.

17. **BUILDING CONSTRUCTION.** Owner and/or builder shall begin construction within two (2) years from date of closing. Owner and/or builder shall complete dwelling within one (1) year from start of construction.

It is the sole responsibility of the lot owner to cut grass and/or noxious weeds per city requirements.

18. **HOMEOWNERS' ASSOCIATION / MEMBERSHIP.** Each Homeowner / Lot-owner shall be a Member of the Association. Such membership shall be appurtenant to and may not be separated from ownership of any Lot. Every member of the association shall have one vote for each Lot owned by the Member. When more than one person or entity holds an interest in a Lot, who votes shall be determined among themselves. So long as Developer, or its successors, shall own 1 or more Lots, the authority and functions of the Board of Directors of the Association shall remain in and be exercised solely by the Developer, or its successors. When Developer, or its successors no longer own 1 or more Lots, Developer shall select two Homeowners to serve as the temporary Board of Directors of the Association until an annual meeting of Members is held. At that time the Board

of Directors shall be elected. After Developer appoints the temporary Board of Directors of the Association, it is the sole responsibility for this temporary Board of Directors to act on behalf of the Members. The Members of the Board of Directors shall not be entitled to any compensation for their services. Any Member who is delinquent in the payment of assessments charged against his Lot shall not be entitled to vote until all such assessments have been paid in full.

19. **GENERAL PROVISIONS; TERMS & EXTENSIONS.** The restrictions and covenants herein contained shall be binding upon all persons, parties, and entities having an interest in the land affected thereby, claiming under them for a period of thirty (30) years from the date hereof, at which time these Declarations of Restrictions shall be automatically renewed for successive periods of ten (10) years, unless, prior to the end of the initial or any successive period, a document signed by the owners of at least seventy-five percent (75%) of the lots has been recorded terminating or amending these Declarations of Restrictions either in whole or in part.

20. **AMENDMENT.** It shall be understood that the contents found within these Declarations of Restrictions, or any provisions to these Declaration of Restrictions, may be annulled, waived, changed, modified, or amended, at any time, by a written declaration, executed in such manner as to be recordable, setting forth such annulment, waiver, change, modification, or amendment, as executed,

- a. Solely by Developer / Creative Homes, Inc., or its successors or assigns, until such time the Developer / Creative Homes, Inc. shall no longer own 1 or more Lots.
- b. Thereafter, by the owners of at least seventy-five percent (75%) of the Lots.

21. **ANNUAL GENERAL ASSESSMENT.** There will be an annual Homeowners Association Assessment each year, which shall be used exclusively for the care, maintenance, operation, and preservation of the common lands of Evergreen Park Estates. The assessed fee shall include, but shall not be limited to, the cost of labor, equipment, materials, insurance, management, and supervision thereof, and fees paid for auditing the books of the Association, and for necessary legal services and counsel fees to the Board of Directors. No lot owner shall be responsible for more than one sixth (1/6) of the total cost of upkeep and maintenance of any common areas, if applicable. Payment may be made by special assessment or annual assessment, as the Association determines. The Homeowners Association shall have the power to levy assessments against the owners of individual lots for the purposes of carrying on the business of the Association, and for payment of expenses properly incurred by the Association.

21a. **DETERMINATION OF THE ASSESSMENT.** The Board of Directors of Evergreen Park Estates, once appointed by Developer, shall prepare and annually submit to Homeowners a budget of expenses for the coming year listing all costs contemplated within the purposes of the annual general assessment described in # 18 above. Upon adoption and approval of the annual budget by a majority of the Members, the Board shall determine the assessments by dividing the amount of the budget among the Lots equally.

22b. **METHOD OF ASSESSMENT.** The assessment for each lot shall be levied at approximately the same time each year. The Board shall declare the assessments so levied due and payable within 30 days from the date of such levy. The Secretary or other officer shall notify the Homeowner of each lot as to the amount of the assessment and the date such assessment becomes due and payable. Such notice shall be mailed to the Homeowners at the last known post office address by United States mail, postage prepaid.

22c. **INTEREST ON UNPAID ASSESSMENTS.** Any assessment which is not paid when due shall thereafter until paid in full, bear interest at the rate of 12% per annum or the highest rate permitted by law, whichever is higher.

23. **CITY OF FRANKLIN RESPONSIBILITIES.** In the event that the Evergreen Park Estates Association fails to maintain any common areas in reasonable and orderly condition, the City of Franklin Common Council may serve written notice upon the organization or upon the residents and/or lot owners of Evergreen Park Estates, setting forth the manner in which the organization has failed to maintain the common areas. Said notice shall include a demand that such deficiencies of maintenance be remedied within thirty (30) days, and shall also state the date and place of a public hearing which shall be held within fourteen (14) days of the notice. At such hearing, the Common Council may modify the terms of the original notice as to the deficiencies and may give an extension of time to correct the problems. Deficiencies not corrected within thirty (30) days of any extension may result in the City, in order to preserve taxable values of the development, or any common landscape area from becoming a public nuisance, being allowed to enter upon these areas and maintain them for a period of one (1) year. Prior to the end of the one (1) year period described above, the Common Council shall call a public hearing upon notice to the organization, or upon notice to the residents and lot owners of Evergreen Park Estates, at which hearing the residents and lot owners or the organization shall show why the City of Franklin shall not continue the maintenance on these lands for an additional year. If the Common Council does determine that the organization, and/or residents and lot owners are capable and able to maintain the applicable areas of Evergreen Park Estates in reasonable conditions, then the Common Council shall cease to maintain common areas at the end of said year. If the Common Council determines that the organizations and/or residents and lot owners are not capable and able to maintain common areas, then the Common Council may, at its discretion, continue to maintain these areas subject to a similar hearing and determination in the next succeeding year and in each year thereafter. The cost of such maintenance by the City of Franklin, shall be assessed against the property owners within Evergreen Park Estates, and shall become a tax lien on said property. The City of Franklin, at the time of entry upon the common areas, shall file a notice of such lien at the Milwaukee County Register of Deeds office, upon the properties affected by such liens.

24. **MODEL HOMES.** "MODEL HOMES" or "SPEC HOMES" will be allowed ONLY with written permission by **CREATIVE HOMES, INC. / RICK J. PRZYBYLA** on any lot in the subdivision except those as may be constructed by **CREATIVE HOMES, INC.** No owner, therefore, of any lot may construct thereon a home, which is not going to be occupied as a principal residence by the owner of said lot without written permission by **CREATIVE HOMES, INC. / RICK J. PRZYBYLA.** For the purposes of this paragraph, a model home and/or spec home are defined as any home constructed on any lot with the intent, purpose, or result of being displayed, presented, and/or advertised as a home which is capable of being duplicated and/or constructed again elsewhere, and is advertised as a model or spec for such purposes. This clause may be enforced by injunction against any such use of the lot.

THIS INSTRUMENT DRAFTED BY:

CREATIVE HOMES, INC.
Nicole M. Watson
Corporate Secretary

PLEASE RETURN TO:

NICOLE M. PRZYBYLA-WATSON
CREATIVE HOMES, INC.
9244 West Grandview Court
Franklin, WI 53132

Signature of Nicole M. Watson authenticated the ____ day of _____, 2016.

Notary Public

My commission expires: _____

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slu</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;">08/16/16</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A PORTION OF A CERTAIN PARCEL OF LAND FROM C-1 CONSERVANCY DISTRICT TO R-6 SUBURBAN SINGLE- FAMILY RESIDENCE DISTRICT (A PORTION OF THE PROPERTY AT 7501 SOUTH 49TH STREET) (APPROXIMATELY 1.867 ACRES) (RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.8.</i></p>

At their July 21, 2016 meeting, following a properly noticed public hearing, the Plan Commission recommended approval of an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone a portion of a certain parcel of land from C-1 Conservancy District to R-6 Suburban Single-Family Residence District (a portion of the property at 7501 South 49th Street) (approximately 1.867 acres) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance 2016-_____, an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone a portion of a certain parcel of land from C-1 Conservancy District to R-6 Suburban Single-Family Residence District (a portion of the property at 7501 South 49th Street) (approximately 1.867 acres) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2016-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT
ORDINANCE (ZONING MAP) TO REZONE A PORTION OF A CERTAIN PARCEL
OF LAND FROM C-1 CONSERVANCY DISTRICT TO
R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT
(A PORTION OF THE PROPERTY AT 7501 SOUTH 49TH STREET)
(APPROXIMATELY 1.867 ACRES)
(RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)

WHEREAS, Rick J. Przybyla, President of Creative Homes, Inc. having petitioned for the rezoning of a portion of a certain parcel of land from C-1 Conservancy District to R-6 Suburban Single-Family Residence District, such land being located at 7501 South 49th Street; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 21st day of July, 2016, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning 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 rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and 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: §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the property described below be changed from C-1 Conservancy District to R-6 Suburban Single-Family Residence District:

Part of the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more particularly described as follows: Commencing at the southwest corner of said Southeast 1/4 of Section 11, thence N 1° 31' 23.74" E, 666.07' along the west line of said 1/4 Section, thence N 90° 00' 00" E, 805.92' to a point on the north right-of-way line of Evergreen Drive, thence N

88° 50' 50.04" E, 185.72' along said right-of-way, thence 12.80' along a curve on said right-of-way with a chord bearing of N 85° 58' 15.14" E and radius of 125.04', to the point of beginning of the lands to be described: N 1° 25' 31.05" W, 185.37' thence; N 23° 34' 09.50" W, 56.87' thence; N 48° 19' 21.01" W, 127.24' thence; N 1° 30' 31.15" W, 50.80' thence; N 24° 17' 36.81" E, 271.62' thence; N 8° 51' 54.18" E, 104.16' thence; N 3° 20' 22.82" E, 103.49' thence; N 12° 00' 34.31" E, 238.00' thence; N 20° 23' 56.45" E, 142.07' thence; N 38° 58' 43.10" E, 40.40' thence; S 63° 55', 22.59" E, 36.49' thence; S 3° 04' 08.17" W, 37.48' thence; S 19° 43' 53.47" W, 122.82' thence; S 12° 01' 21.00" W, 154.05' thence; S 0° 49' 08.88" W, 46.78' thence; S 18° 02' 00.44" W, 58.33' thence; S 8° 09' 00.75" W, 226.56' thence; S 20° 27' 25.27" W, 78.46' thence; S 30° 09' 57.90" W, 155.81' thence; S 3° 22' 09.03" E, 22.76' thence; S 49° 39' 30.33" E, 105.30' thence; S 21° 31' 02.24" E, 94.82' thence; S 1° 48' 18.19" W, 175.43' to a point on the north right-of-way of Evergreen Drive, thence; 48.77' along said right-of-way along a curve with a chord bearing of N 71° 51' 43.53" E and radius of 125.03' to the point of beginning. Said lands containing 1.867 acres more or less. Tax Key No. (a part of) 788-9981-001.

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: i) its passage and publication; and ii) Common Council approval of and the recording of a Preliminary Plat, the application for which is on file and pending upon the date of adoption of this Ordinance.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016, by Alderman _____.

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

ORDINANCE NO. 2016-_____
Page 3

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

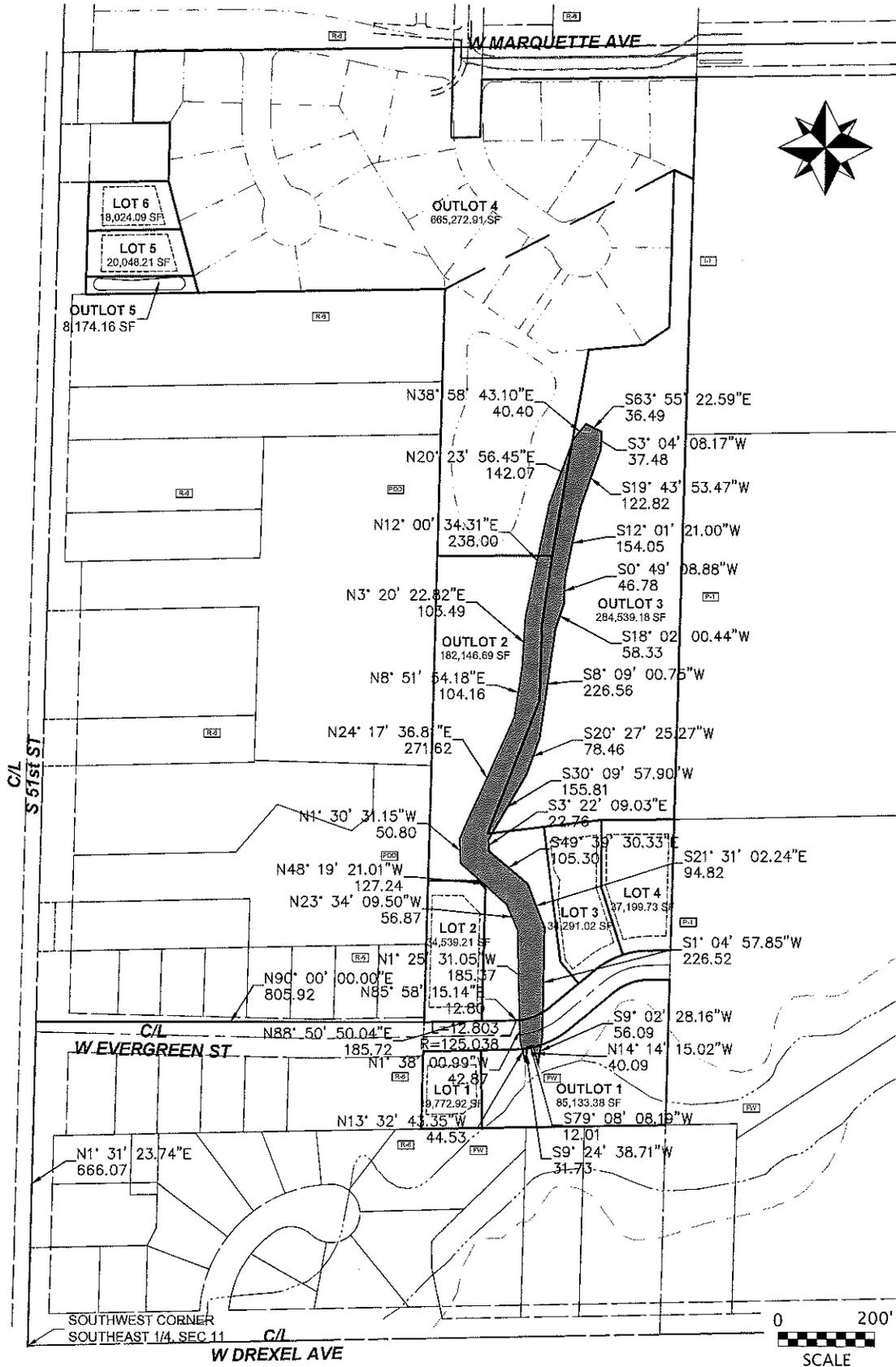
AYES _____ NOES _____ ABSENT _____

REZONING EXHIBIT

From retired C-1 Zoning to R-6
 Part of the Southeast 1/4 of Section 11, Town 5
 North, Range 21 East, in the City of Franklin,
 Milwaukee County, Wisconsin



LYNCH & ASSOCIATES
 ENGINEERING CONSULTANTS, LLC
 5482 S. WESTRIDGE DRIVE
 NEW BERLIN, WI 53151
 (262) 248-3897



Owners' Names and Addresses within 200 feet

TAXKEY	PARCEL_KEY	OWNERNAME1	OWNERNAME2	OWNERADDR	OWNERCTYST	OWNERZIP
7880047000	788-0047	CHRISTOPHER J WILSON	PAULINE WILSON	4854 W EVERGREEN ST	FRANKLIN, WI	53132
7880053000	788-0053	%CHRISTOPHER WILSON WINTERHAVEN HOME OWNER'S ASSOCIATION		4854 W EVERGREEN ST	FRANKLIN, WI	53132
7889986011	788-9986-011	FRANCISCAN SISTERS OF ST CLARE INC		7728 S 51ST ST	FRANKLIN, WI	53132
7889986012	788-9986-012	C/O HORIZON DEVELOPMENT CLARE MEADOWS OF FRANKLIN II LLC		5201 E TERRACE DR #300	MADISON, WI	53718
7889994000	788-9994	MILWAUKEE METROPOLITAN SEWERAGE DISTRICT		260 W SEEBOTH ST	MILWAUKEE, WI	53204-1446
7889995000	788-9995	HENRY O REYES	PATRICIA CABRAL	4720 W DREXEL AVE	FRANKLIN, WI	53132
7889996000	788-9996	CHERYL L UTPHALL		4714 W DREXEL AVE	FRANKLIN, WI	53132
7889999002	788-9999-002	FRANKLIN CITY OF		9229 W LOOMIS RD	FRANKLIN, WI	53132
788007000	788-0007	CARYL A CHMIELEWSKI		7801 S STONEBROOK CT	FRANKLIN, WI	53132
7889986009	788-9986-009	CLARE MEADOWS LLC		2601 OLD CAMDEN SQ,SUITE 111	MADISON, WI	53718
7889980000	788-9980	FRANKLIN SCHOOL DIST #5	PLEASANT VIEW SCHOOL	8255 W FOREST HILL AVE	FRANKLIN, WI	53132
7889981001	788-9981-001	%CHRISTINE BERINGER		9055 W ALLERTON AVE	GREENFIELD, WI	53228
7889981001	788-9981-001	%CHRISTINE BERINGER		9055 W ALLERTON AVE	GREENFIELD, WI	53228
7889981001	788-9981-001	%CHRISTINE BERINGER		9055 W ALLERTON AVE	GREENFIELD, WI	53228
7889981001	788-9981-001	%CHRISTINE BERINGER		9055 W ALLERTON AVE	GREENFIELD, WI	53228

<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;">August 16, 2016</p>
<p style="text-align: center;">REPORTS AND RECOMMENDATIONS</p>	<p>Direction regarding a proposed rezoning, and amendment of the South 27th Street Corridor Plan/Comprehensive Master Plan, of those lands located within the South 27th Street Corridor Area lying south of Oakwood Road, to facilitate development of that area for Mixed Use Business Park type uses (City of Franklin, Applicant)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.9.</i></p>

INTRODUCTION

The Department of City Development is requesting permission to undertake a rezoning of the lands within the South 27th Street Corridor Area lying south of Oakwood Road (currently zoned B-7 South 27th Street Mixed-Use Office District, RC-1 Conservation Residence District, South 27th Street Design Overlay District, and C-1 Conservancy District) to a proposed Mixed Use/Business Park Planned Development District.

Staff is also requesting permission to concurrently prepare an amendment of the South 27th Street Corridor Plan/Comprehensive Master Plan, to change the Future Land Use designation of the lands within the 27th Street Corridor lying south of Oakwood Road (currently planned Mixed Use Office) to Mixed Use Business Park, and to remove the design guidelines as they may pertain to this area.

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

Staff has provided a draft of this Action Sheet to the Alderman of the District for his review and information. Alderman Taylor may have additional comments and/or information he would like to provide to the Common Council on this matter.

BACKGROUND

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

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

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

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

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

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

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

ANALYSIS

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

- Proximity to I-94, with some limited visibility from I-94, which would particularly benefit those types of uses (such as businesses with a presence in both the Milwaukee and Chicago areas) which prefer some freeway visibility.
- Planned construction in 2017/2018 of a full interchange at I-94 and Elm Road, about ½ mile east of S. 27th Street, which would benefit those types of uses (such as businesses which need a fairly steady supply of materials and/or have a fairly steady delivery of finished goods or products) which need convenient freeway access but not necessarily freeway frontage.
- Location adjacent to STH 241 (S. 27th Street), a major four lane divided arterial highway, which contributes to a convenient transportation system that most development, not just businesses, finds valuable.
- Public sanitary sewers and water mains present on Oakwood Road sized to serve the entire subject area, which contributes to quality infrastructure that most development, not just businesses, finds valuable.
- The presence of a number of large (40 – 80 acres in size) vacant developable parcels, which tends to facilitate development of larger coordinated projects such as business parks.
- Existing, primarily industrial type uses, on Elm Road, which would tend to be compatible with, and would likely not adversely impact, adjacent business park type uses.
- The presence of attractive and prominent natural resources such as the Root River Parkway, which would particularly benefit those types of uses (such as businesses with a significant office component) which prefer attractive settings.
- The possibility of an eventual regional medical center associated with the Wheaton Franciscan Hospital and its adjacent medical office building --which is envisioned to be the first of four such buildings – which would benefit those types of uses (such as medically related/support businesses) which are often found in conjunction with and in close proximity to such regional centers.

Staff would also note that the Common Council, at their June 29, 2005 special meeting, approved a motion “that it remain a goal of the Common Council to obtain the 70/30 ratio of residential to commercial assessed valuation.” And further, that the Common Council stated at its September 3, 2013 meeting, “The Common Council concurs with and supports the recommendations of the Community Development Authority and the Plan Commission in regard to the 70/30 Goal which includes the method of calculation as set forth in the June 12, 2013 memo prepared by the Director of Administration.”

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

PROPOSAL

Based upon the preceding information, staff recommends that the City consider:

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

- an amendment of the South 27th Street Corridor Plan to remove the design standards from the lands located south of Oakwood Road;
- rezoning the lands south of Oakwood Road from B-7 South 27th Street Mixed-Use Office District, RC-1 Conservation Residence District, South 27th Street Design Overlay District, and C-1 Conservancy District to a proposed Mixed Use/Business Park Planned Development District; and
- inclusion of appropriate design standards within the proposed Planned Development District.

Staff envisions that the proposed Planned Development District would be patterned after PDD No. 18 Franklin Business Park and would consist of:

- certain permitted uses, such as common business park and compatible light industrial, retail, commercial, and office type uses;
- certain prohibited uses, such as those with a potential for adverse impact upon such permitted uses and/or which do not have a high assessed value per acre (such as truck terminals, warehouses, heavy industrial/manufacturing uses, uses with significant amounts of outdoor storage, etc.);
- certain special uses, such as uses with truck docks, limited outdoor storage, limited warehousing, large accessory structures, etc. (such as businesses with joint manufacturing/warehouse/distribution components);
- design standards incorporating:
 - high quality architecture on all building facades facing public streets;
 - enhanced landscaping along all yards facing public streets;
 - screening of all large parking lots, large accessory structures, etc.
 - pedestrian and recreation accommodations, primarily consisting of sidewalks and trails;
 - streetscaping along all major public streets;
 - etc.
- multi-story buildings incorporating a significant amount of office, retail, and/or mixed commercial uses for those lands fronting S. 27th Street.

CONCLUSION

To guide the provision of a coordinated development showcasing the City of Franklin to travelers along the I-94 corridor and along one of the City's principal gateways as expressed by STH 241 (S. 27th Street), to facilitate the creation of a high-quality development so as to benefit the City's non-residential tax base, to facilitate the creation of a high-value/low-cost development so as to minimize impacts upon the City's ability to provide cost-effective public services, to maximize the use of existing and planned infrastructure and associated public investments in the area, to more closely align with current and foreseeable market conditions and trends in terms of development potential, and to challenge these market factors to help create the best possible outcomes for the residents, property owners, and business owners of the area as well as for the citizens of the City of Franklin, staff proposes that the subject area be rezoned to a Mixed Use/Business Park Planned Development District and that the City's South 27th Street Corridor Plan/Comprehensive Master Plan be amended accordingly.

COUNCIL ACTION REQUESTED

A motion to direct staff to prepare an ordinance to amend the Unified Development Ordinance (zoning map) to rezone certain lands south of Oakwood Road to a Mixed Use/Business Park Planned Development District and to prepare a resolution to amend the South 27th Street Corridor Plan to change the future land use designation of certain lands south of Oakwood Road to Mixed Use Business Park, to schedule a public hearing before the Plan Commission upon the proposed zoning map amendment, to schedule a public hearing before the Common Council upon the proposed South 27th Street Corridor Plan/Comprehensive Master Plan amendment, to assist the Plan Commission in its deliberations thereon, and to subsequently forward this matter to the Common Council for its consideration and possible action.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE August 16, 2016
REPORTS AND RECOMMENDATIONS	DIRECTION REGARDING A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT TO AMEND TABLE 15-3.0603 TO REMOVE STANDARD INDUSTRIAL CLASSIFICATION MAJOR GROUP NO. 86 MEMBERSHIP ORGANIZATIONS FROM CERTAIN ZONING DISTRICTS (CITY OF FRANKLIN, APPLICANT)	ITEM NUMBER <i>G, 10.</i>

At the August 2, 2016 Common Council meeting, as part of the motion related to the Root River Church Unified Development Ordinance Text Amendment Application, Department of City Development staff was directed to file a Unified Development Ordinance Text Amendment Application to remove all Membership Organizations, Standard Industrial Classification Major Group No. 86, from the B-3 Community Business District.

In review of Table 15-3.0603 and Major Group No. 86, staff found that the B-2 General Business District, BP Business Park District and OL-2 General Business Overlay District allow all Membership Organizations, except for SIC Code No. 8661 Religious Organizations, similar to the B-3 District. Therefore, staff is recommending and requesting permission to also remove all Membership Organizations from the B-2, BP and OL-2 Districts as well as the B-3 District.

Furthermore, staff found that all Membership Organizations, including Religious Organizations are allowed in the B-6 Professional Office District, B-7 South 27th Street Mixed Use Office District, CC City Civic Center District and OL-1 Office Overlay District. As these districts are generally intended for retail and office type uses, and for similar reasons stated by staff regarding the B-3 District, staff recommends removing all Membership Organizations from these zoning districts as well.

Additionally, Table 15-3.0603 allows SIC Code No. 8611 Business Associations, 8621 Professional Organizations and 8699 Membership organizations, not elsewhere classified in PDD zoning. Staff recommends removing these as well and notes that individual uses may be addressed within specific planned developments. As such, staff also recommends that the entire PDD column within Table 15-3.0603 be eliminated.

Lastly, staff recommends adding all Membership Organizations as permitted uses in the I-1 Institutional District, along with Religious Organizations, which are already permitted in the I-1 District.

As a result, the amended table would allow SIC Code No. 8641 Civic and social associations as a permitted use in the B-4 District (per Ordinance No. 2012-2099) and SIC Code No. 8661 Religious Organizations and all other Membership Organizations as permitted uses in the I-1 Institutional District. The resulting proposed table is attached for your review.

Staff would further note that it is likely that many, although not all, Membership Organizations such as political organizations, civic and social organizations and professional organizations would fall under the General Office category and would be allowed in all zoning districts as a permitted use, except the M-2, A-1, A-2, M-3 and L-1 zoning districts. The General Office definition is below.

Office, General. Any business use conducting clerical and/or professional service activities within a room or group of rooms and generally furnished with desks, tables, file cabinets, computers, phones, communication equipment and/or the like. General office uses may include, but are not limited to: computer work; research; photocopying; filing; over the phone sales; and answering phones or otherwise responding to communications. A minimum of 75% of floor area shall be designated as office space to constitute a general office use. Other uses may include ancillary storage, kitchens; break rooms and other office support spaces. Retail, warehousing and outdoor storage shall be prohibited with a general office use. A general office use includes the addition or relocation on the property of office use, on a legal nonconforming use property, after September 10, 2015, when such office use addition or relocation occupies or shall occupy existing (as of September 10, 2015) building space on the property, which addition or relocation shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.100 of the Unified Development Ordinance, and which addition or relocation shall be a permitted use. In the event of an aforesaid relocation of office use upon a legal nonconforming use property, the space vacated by such office use within an existing (as of September 10, 2015) building may be otherwise occupied by the legal nonconforming use (if such space is less than 1,000 square feet in area), which occupation of such area shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.100 of the Unified Development Ordinance.

As discussed at the August 2, 2016 Common Council meeting, the Religious Land Use and Institutionalized Persons Act (RLUIPA) require that religious assemblies and institutions be treated on equal terms than non-religious assemblies and institutions. Staff finds that the proposed changes comply with RLUIPA.

Department of City Development staff continues to suggest an update from the Standard Industrial Classification system to the North American Industry Classification System or eliminating the use of these systems and allow uses based on a more traditional method of listing specific uses allowed and not allowed in each district. Staff finds that additional flexibility may be gained in allowing use types within zoning districts.

COUNCIL ACTION REQUESTED

A motion to direct staff to prepare an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Major Group No. 86 for all zoning districts as recommended by the Department of City Development.

Table 15-3.0603 (continued)

SIC	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
806	Hospitals																					
8062	General medical & surgical hospitals							S			P				P	S						
8063	Psychiatric hospitals							P			P				P	S						
8069	Specialty hospitals except psychiatric							P			P				P	S						
807	Medical and Dental Laboratories																					
8071	Medical laboratories		P	P				P	S				P	P	P	P	S					
8072	Dental laboratories		P					P		S			P	P	P	P	S					
808	Home Health Care Services																					
8082	Home health care services		P	P	P	P		P	S							P	S					P
809	Health and Allied Services, not elsewhere classified																					
8092	Kidney dialysis centers		S				P	P	S		P				P	P	S					P
8093	Specialty outpatient clinics, not elsewhere classified		S				P	P	S		P				P	P	S					P
8099	Health and allied services, not elsewhere classified		S	S			P	P	S		P				P	P	S					P
81	LEGAL SERVICES																					
811	Legal Services																					
8111	Legal Services	P	P	P	P		P	P	P	P					P	P	P					P
82	EDUCATIONAL SERVICES																					
821	Elementary and Secondary Schools																					
8211	Elementary and secondary schools										P											
822	Colleges and Universities																					
8221	Colleges and universities										P											
8222	Junior colleges										P											
823	Libraries																					
8231	Libraries										P											
824	Vocational Schools										P											
8243	Data processing schools		P	P				S/A							P	A	P					
8244	Business and secretarial schools		P	P				S/A			P		S		S	A	P					
8249	Vocational schools, not elsewhere classified		P	P				S/A			P		S	S		A	P					
829	Schools & Educational Services, not elsewhere classified																					
8299	Schools & educational services, not elsewhere classified			P				S			S		S	S								
83	SOCIAL SERVICES																					
832	Individual and Family Services																					
8322	Individual and family services		P	P			S		P				P		S		P					S
833	Job Training and Related Services																					
8331	Job training and related services		P		P		P	S/A	P				P	P		A	P					P
835	Child Day Care Services																					
8351	Child day care services		S	S	P		S	S/A	S				S		S	A	S					S
836	Residential Care																					
8361	Residential care																					
839	Social Services, not elsewhere classified																					
8399	Social services, not elsewhere classified		P	P					P								S					S
84	MUSEUMS, BOTANICAL, ZOOLOGICAL GARDENS																					
841	Museums and Art Galleries																					
8412	Museums and art galleries		P	P					P	S	P				P		P					
842	Botanical and Zoological Gardens																					
8422	Botanical and zoological gardens										P											
86	MEMBERSHIP ORGANIZATIONS																					
861	Business Associations																					
8611	Business associations		P	P			P	P	P						P	P	P					P
862	Professional Organizations																					
8621	Professional organizations		P	P			P	P	P						P	P	P					P
863	Labor Organizations																					
8631	Labor organizations		P	P			P	P	P						P	P	P					
864	Civic and Social Associations																					
8641	Civic and social associations		P	P	P		P	P	P						P	P	P					
865	Political Organizations																					
8651	Political organizations		P	P			P	P	P						P	P	P					
866	Religious Organizations																					
8661	Religious organizations						P	P	P		P					P						
869	Membership Organizations, not elsewhere classified																					
8699	Membership organizations, not elsewhere classified		P	P			S	S	P						S	S	P					P
87	ENGINEERING & MANAGEMENT SERVICES																					
871	Engineering & Architectural Services																					
8711	Engineering services		P		P		P	P	S	P					P	P	S					
8712	Architectural services		P		P		P	P	P	P					P	P	P					
8713	Surveying services		P		P		P	P	S	P					P	P	S					
872	Accounting, Auditing, & Bookkeeping																					
8721	Accounting, auditing, & bookkeeping		P		P		P	P	P	P					P	P	P					
873	Research and Testing Services																					
8731	Commercial physical research			S			S	S	S						S	S	S					
8732	Commercial nonphysical research			S			S	S	S						S	S	S					
8733	Noncommercial research organizations			S			S	S	S						S	S	S					
8734	Testing laboratories												P	P								
874	Management and Public Relations																					
8741	Management services		P		P		P	P	P	S					P	P	P					
8742	Management consulting services		P		P		P	P	P						P	P	P					

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

Table 15-3.0603 (continued)

SIC	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
808	Hospitals																					
8062	General medical & surgical hospitals							S			P				P	S						
8063	Psychiatric hospitals							P			P				P	S						
8069	Specialty hospitals except psychiatric							P			P				P	S						
807	Medical and Dental Laboratories																					
8071	Medical laboratories		P	P				P	S				P	P	P	P	S					
8072	Dental laboratories		P					P		S			P	P	P	P	S					
808	Home Health Care Services																					
8082	Home health care services		P	P	P	P		P	S							P	S					P
809	Health and Allied Services, not elsewhere classified																					
8092	Kidney dialysis centers		S				P	P	S		P				P	P	S					P
8093	Specialty outpatient clinics, not elsewhere classified		S				P	P	S		P				P	P	S					P
8099	Health and allied services, not elsewhere classified		S		S		P	P	S		P				P	P	S					P
81	LEGAL SERVICES																					
811	Legal Services																					
8111	Legal Services		P	P	P	P		P	P	P					P	P	P					P
82	EDUCATIONAL SERVICES																					
821	Elementary and Secondary Schools																					
8211	Elementary and secondary schools										P											
822	Colleges and Universities																					
8221	Colleges and universities										P											
8222	Junior colleges										P											
823	Libraries																					
8231	Libraries										P											
824	Vocational Schools										P											
8243	Data processing schools		P		P			S/A							P	A	P					
8244	Business and secretarial schools		P		P			S/A			P		S		S	A	P					
8249	Vocational schools, not elsewhere classified		P		P			S/A			P		S	S		A	P					
829	Schools & Educational Services, not elsewhere classified																					
8299	Schools & educational services, not elsewhere classified				P			S			S		S	S								
83	SOCIAL SERVICES																					
832	Individual and Family Services																					
8322	Individual and family services		P	P			S		P				P		S		P					S
833	Job Training and Related Services																					
8331	Job training and related services		P		P		P	S/A	P				P	P		A	P					P
835	Child Day Care Services																					
8351	Child day care services		S	S	P		S	S/A	S				S		S	A	S					S
836	Residential Care																					
8361	Residential care																					S
839	Social Services, not elsewhere classified																					
8399	Social services, not elsewhere classified		P	P					P								S					S
84	MUSEUMS, BOTANICAL, ZOOLOGICAL GARDENS																					
841	Museums and Art Galleries																					
8412	Museums and art galleries		P	P					P	S	P				P		P					
842	Botanical and Zoological Gardens																					
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863	Labor Organizations																					
8631	Labor organizations										P											
864	Civic and Social Associations																					
8641	Civic and social associations				P						P											
865	Political Organizations																					
8651	Political organizations										P											
866	Religious Organizations																					
8661	Religious organizations										P											
869	Membership Organizations, not elsewhere classified																					
8699	Membership organizations, not elsewhere classified										P											
87	ENGINEERING & MANAGEMENT SERVICES																					
871	Engineering & Architectural Services																					
8711	Engineering services		P		P		P	P	S	P					P	P	S					
8712	Architectural services		P		P		P	P	P	P					P	P	P					
8713	Surveying services		P		P		P	P	S	P					P	P	S					
872	Accounting, Auditing, & Bookkeeping																					
8721	Accounting, auditing, & bookkeeping		P		P		P	P	P	P					P	P	P					
873	Research and Testing Services																					
8731	Commercial physical research			S			S	S	S						S	S	S					
8732	Commercial nonphysical research			S			S	S	S						S	S	S					
8733	Noncommercial research organizations			S			S	S	S						S	S	S					
8734	Testing laboratories												P	P								
874	Management and Public Relations																					
8741	Management services		P		P		P	P	P	S					P	P	P					
8742	Management consulting services		P		P		P	P	P						P	P	P					

(Permitted Use = P, Special Use = S, Not Permitted = Blank)