

CITY OF FRANKLIN  
PLAN COMMISSION MEETING\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA  
THURSDAY, AUGUST 3, 2017, 7:00 P.M.

A. **Call to Order and Roll Call**

B. **Approval of Minutes**

1. Approval of regular meeting of July 20, 2017.

C. **Public Hearing Business Matters** (action may be taken on all matters following the respective Public Hearing thereon)

1. **MILLS HOTEL WYOMING, LLC SINGLE-FAMILY RESIDENTIAL DEVELOPMENT.** Rezoning and Comprehensive Master Plan Amendment applications by Mills Hotel Wyoming, LLC, to rezone the C-1 Conservancy District portion of land located upon Lots 1, 2 and 3 of Certified Survey Map No. 8907, located at 11906 and 11908 West Loomis Road, to R-8 Multiple-Family Residence District and to amend the Future Land Use Map designation of Lot 3 of Certified Survey Map No. 8907 from Areas of Natural Resource Features Use and Water Use to Residential Use and Areas of Natural Resource Features Use and Water Use; Tax Key No. 891-9989-001. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THE REZONING APPLICATION OF THIS MATTER.**

2. **ZENA’S COCINA LLC; “DIRECT SELLING ESTABLISHMENTS” USE.** Special Use application by Corrine Roszina, owner/operator of Zena’s Cocina LLC, to operate a commercial kitchen/home base for a food truck business use upon the Creative Wood Products, Inc. property zoned M-1 Limited Industrial District, located at 9710-9720 South 58th Street; Tax Key No. 899-9990-034. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**

D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)

1. **NEUMANN DEVELOPMENTS, INC. PARK CIRCLE DUPLEX SINGLE-FAMILY CONDOMINIUMS DEVELOPMENT.** Certified Survey Map and Condominium Plat applications by Neumann Developments, Inc., to create three lots from two existing lots (Lot 1 is approximately 4.65 acres, Lot 2 is approximately 2.36 acres and Lot 3 is 7.25 acres) for the Park Circle Condominiums development (total development includes 54 duplex single-family condominiums; the plat includes three building pads for three 2-unit condominiums, the remainder of the properties being

expansion lands), located at approximately 9733 South 76th Street, property zoned R-8 Multiple-Family Residence District; Tax Key Nos. 896-9999-007 and 896-9999-008. [The Certified Survey Map will also dedicate rights-of-way for future roads, including West Park Circle Way, West Park Circle and half of the right-of-way of South 80th Street.]

2. **CROATIAN EAGLES SOCCER CLUB FUTSAL COURTS CONSTRUCTION.** Site Plan Amendment application by Croatian Eagles Soccer Club, for construction of two futsal (variant of United States soccer (English football)) courts occupying a 100 foot by 130 foot (13,000 square feet) area, extending partly over an existing gravel surface and partly over existing lawn at the northeast corner of the Croatian Eagles Soccer Club property located at 9100 South 76th Street, property zoned P-1 Park District and C-1 Conservancy District; Tax Key No. 884-9995-000.
  
3. **DAVID GUDGEON AND JAMES L. LOUDON LAND DIVISION OF PORTIONS OF 2 LOTS INTO 1 LOT.** Certified Survey Map application by David Gudgeon, to create a third developable lot from the rear of two existing properties located at 7270 South 51st Street (David Gudgeon property owner) and 5050 West Minnesota Avenue (James L. Loudon Property owner), properties zoned R-6 Suburban Single-Family Residence District; Tax Key Nos. 759-0025-000 and 759-0024-000. [The proposed newly created lot would have frontage on West Minnesota Avenue.]

#### E. Adjournment

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

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

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

#### REMINDERS:

Next Regular Plan Commission Meeting: August 17, 2017

**City of Franklin**  
**Plan Commission Meeting**  
**July 20, 2017**  
**Minutes**

Unapproved

**A. Call to Order and Roll Call**

Mayor Steve Olson called the July 20, 2017 regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Commissioners Patricia Hogan, Patrick Leon, Commissioner Haley, Alderman Mark Dandrea and City Engineer Glen Morrow. Excused was Commissioner David Fowler. Also present was Planning Manager Joel Dietl.

**B. Approval of Minutes**

1. Regular Meeting of July 6, 2017. City Engineer Morrow moved and Commissioner Hogan seconded approval of the July 6, 2017 minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (5-0-1).

**C.1. SINGLE-FAMILY RESIDENTIAL SUBDIVISION DEVELOPMENT.** Rezoning application by Rick J. Przybyla, President of Creative Homes, Inc., to rezone the property located at 7543 South North Cape Road (approximately 18.35 acres) from R- 2 Estate Single-Family Residence District to R-3 Suburban/Estate Single-Family Residence District to allow for a single-family residential subdivision development which includes a cul-de-sac with 26 lots ranging in size from 20,378 square feet to 31,605 square feet; Tax Key No. 797-9946-000.

Planning Manager Joel Dietl presented the request by Rick J. Przybyla, President of Creative Homes, Inc., to rezone the property located at 7543 South North Cape Road (approximately 18.35 acres) from R- 2 Estate Single-Family Residence District to R-3 Suburban/Estate Single-Family Residence District to allow for a single-family residential subdivision development which includes a cul-de-sac with 26 lots ranging in size from 20,378 square feet to 31,605 square feet.

The Official Notice of Public Hearing was read into the record by Planning Manager Dietl and the Public Hearing was opened at 7:10 p.m. and closed at 8:15 p.m..

Commissioner Hogan moved and Alderman Dandrea seconded a motion to postpone action on this item to the August 17<sup>th</sup> Plan Commission meeting. On voice vote, all voted 'aye'. Motion carried (5-0-1).

**E. Adjournment**

Commissioner Hogan moved and Commissioner Leon seconded to adjourn the Plan Commission meeting of July 20, 2017 at 8:45 p.m. All voted 'aye'; motion carried. (5-0-1).



## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of August 3, 2017

## Rezoning and Comprehensive Master Plan Amendment

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**RECOMMENDATION:** Department of City Development staff recommends approval of the Rezoning and Comprehensive Master Plan Amendment Applications.

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<b>Project Name:</b>	Mills Hotel Wyoming, LLC Rezoning & Comprehensive Master Plan Amendment
<b>Project Location:</b>	11906 & 11908 West Loomis Road
<b>Property Owner:</b>	Mills Hotel Wyoming, LLC
<b>Applicant:</b>	Mills Hotel Wyoming, LLC
<b>Agent:</b>	Daniel Szczap, Bear Development, LLC
<b>Current Zoning:</b>	R-8 Multiple-Family Residence District and C-1 Conservancy District
<b>2025 Comprehensive Plan:</b>	Areas of Natural Resource Features and Water
<b>Use of Surrounding Properties:</b>	Single-family residential to the north and east, vacant land zoned R-2 to the south and vacant land zoned R-8 to the west
<b>Applicant's Action Requested:</b>	Approval of the Rezoning and Comprehensive Master Plan Amendment for future single-family residential development

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## Introduction and Project Description

On June 14, 2017 Dan Szczap of Bear Development, LLC filed a Rezoning and Comprehensive Master Plan Amendment Application for property located at approximately 11906 and 11908 W. Loomis Road. The subject applications request the following:

### Rezoning Application

The Rezoning Application requests to rezone the C-1 District portion of land located upon Lots 1, 2 and 3 of Certified Survey Map No. 8907 (Sheet 1 attached) to R-8 Multiple-Family Residence District.

### Comprehensive Master Plan Amendment Application:

- *Consistent with, as defined by Wisconsin State Statute, means "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan."*

The applicant is proposing to amend the 2025 Future Land Use Map designation of Lot 3 of CSM No. 8907 from Areas of Natural Resource Features and Water to Residential, Areas of Natural Resource Features and Water. This request is consistent with the proposed Rezoning land use.

Pursuant to the prior approvals noted below, staff has no objection to the proposed rezoning and Comprehensive Master Plan Amendment.

CSM No. 8907 was approved at the February 7, 2017 Common Council meeting and recorded on April 25, 2017. The CSM created the 4.55 acre parcel south of W. Ryan Road and the two lots adjacent to W. Loomis Road, which contain existing single-family dwellings. At the July 18, 2017 Common Council meeting the applicant also received Special Use approval for development of up to three single-family residential lots upon Lot 3.

It should be noted that the Special Use approval included the two conditions below, which will be addressed by the subject applications.

1. Approval of a Rezoning Application shall be obtained, prior to the issuance of any Building Permits for the property, to rezone the C-1 District portion of the property to R-8 Multiple-Family Residence District.
2. Approval of a Comprehensive Master Plan Amendment Application shall be obtained, prior to the issuance of any Building Permits for the property, to amend the future land use from Areas of Natural Resource Features and Water to Residential, Areas of Natural Resource Features and Water.

The applicant has also submitted a Certified Survey Map to further subdivide Lot 3 into three separate parcels. That application is currently under review.

#### Natural Resource Protection Plan

The applicant provided a Wetland Delineation Report, dated March 19, 2015, from R.A. Smith National, Inc. with the submittal of CSM 8907. All three lots of that CSM consist of a portion of the pond, wetland, wetland buffer and setback and the 75-foot shore buffer.

The NRPP did not contain a detailed woodland analysis for Lot 3. Opposed to completing a tree inventory, the applicant is proposing that the entirety of the wooded area upon Lot 3 be considered Mature Woodland, which carries the greater protection standard.

Below are several conditions related to the natural resources and development of Lot 3 required as part of the Special Use approval. No Building Permits will be issued until these conditions have been satisfied.

1. Additional details related to the woodland designation and trees located onsite shall be provided, including a tree inventory conducted within 25 feet of the areas being disturbed (per Section 15-4.0102B.1. of the Unified Development Ordinance), prior to the issuance of a Building Permit.
2. Significant trees onsite shall be identified and avoided wherever possible at the discretion of the Planning Manager.
3. Revised Site Intensity and Capacity Calculations shall be submitted, for staff review and approval, following completion of the woodland analysis.

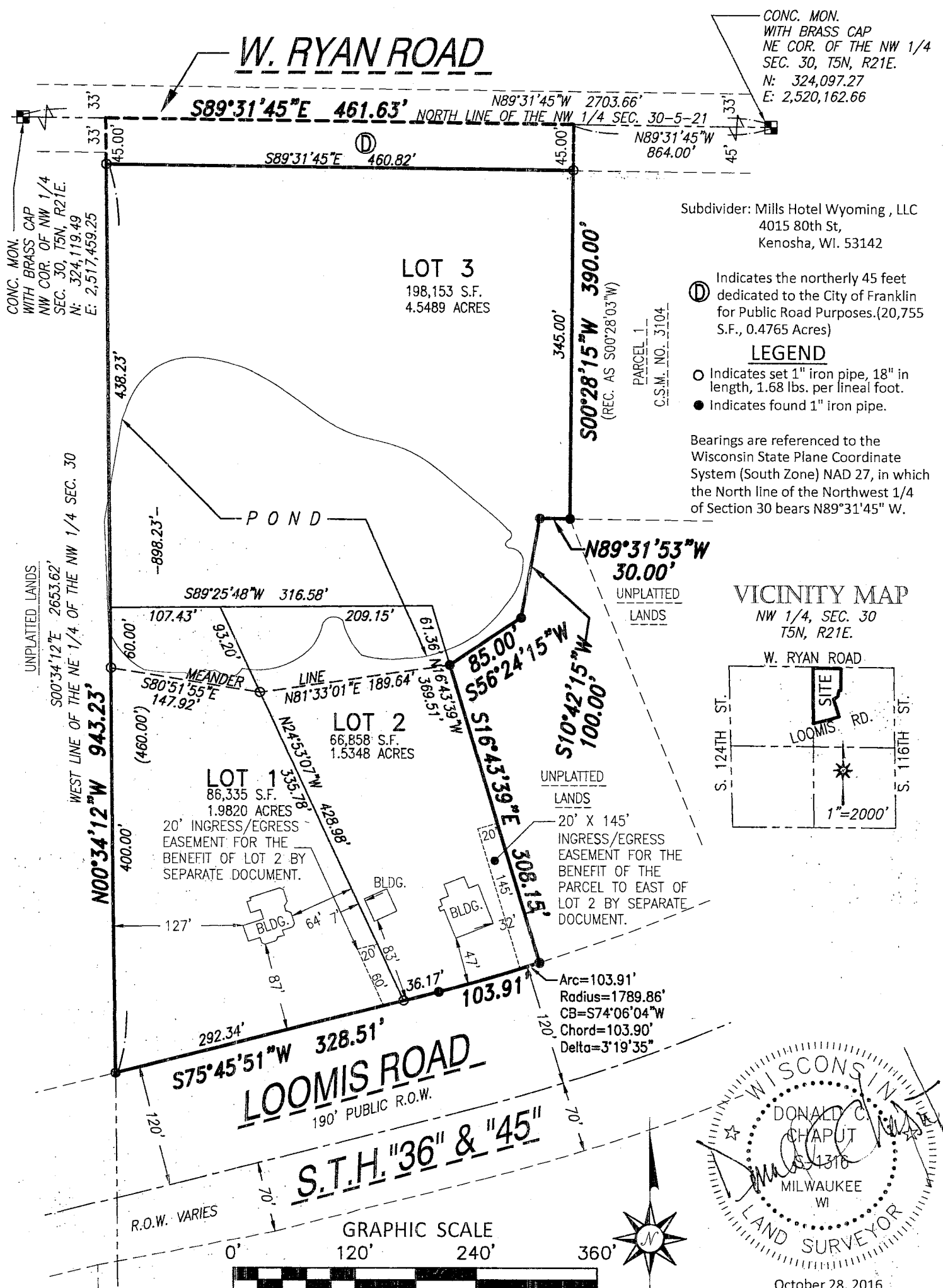
4. A Conservation Easement shall be submitted to the Common Council for review and approval and recording with Milwaukee County, prior to the issuance of a Building Permit, to protect a minimum of 70% of the mature woodland onsite (and 50% of any young woodland onsite, if identified upon further review).
5. Signage, boulders or other demarcation method as may be approved by the Planning Manager shall be utilized to mark the location of the conservation easement boundary on the property or any future individual lots that may be created.

**Staff Recommendation**

Department of City Development staff recommends approval of the Rezoning and Comprehensive Master Plan Amendment Applications.

# CERTIFIED SURVEY MAP NO. 8907

Part of the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.



CONC. MON.  
WITH BRASS CAP  
NE COR. OF THE NW 1/4  
SEC. 30, T5N, R21E.  
N: 324,097.27  
E: 2,520,162.66

Subdivider: Mills Hotel Wyoming, LLC  
4015 80th St,  
Kenosha, WI. 53142

Ⓧ Indicates the northerly 45 feet  
dedicated to the City of Franklin  
for Public Road Purposes. (20,755  
S.F., 0.4765 Acres)

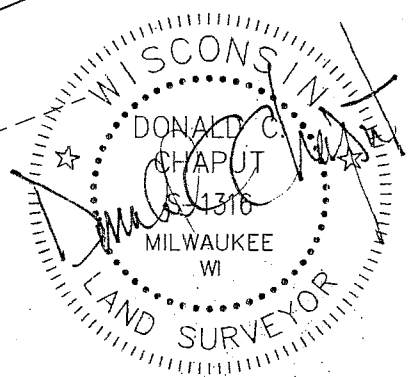
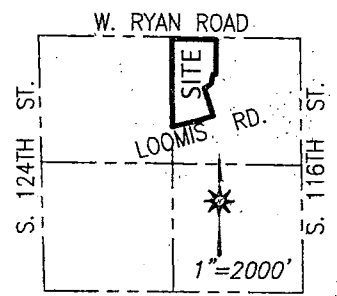
### LEGEND

○ Indicates set 1" iron pipe, 18" in  
length, 1.68 lbs. per lineal foot.  
● Indicates found 1" iron pipe.

Bearings are referenced to the  
Wisconsin State Plane Coordinate  
System (South Zone) NAD 27, in which  
the North line of the Northwest 1/4  
of Section 30 bears N89°31'45" W.

### VICINITY MAP

NW 1/4, SEC. 30  
T5N, R21E.



October 28, 2016  
Revised: December 19, 2016  
Revised: December 22, 2016  
Revised: January 4, 2017  
Revised: March 30, 2017

**CHAPUT LAND SURVEYS LLC**  
234 W. FLORIDA STREET  
MILWAUKEE, WI 53204  
414-224-8068  
www.chaputlandsurveys.com

This instrument was drafted by Donald C. Chaput  
Professional Land Surveyor S-1316

Drawing No. 2160-grb  
Sheet 1 of 5 Sheets

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 7-17-17]*

ORDINANCE NO. 2017-\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE  
(ZONING MAP) TO REZONE THE C-1 CONSERVANCY DISTRICT PORTION  
OF LAND LOCATED UPON LOTS 1, 2 AND 3 OF CERTIFIED SURVEY MAP  
NO. 8907, LOCATED AT 11906 AND 11908 WEST LOOMIS ROAD, TO R-8  
MULTIPLE-FAMILY RESIDENCE DISTRICT  
(APPROXIMATELY 3.7271 ACRES (TAX KEY NO. 891-9989-001))  
(MILLS HOTEL WYOMING, LLC, APPLICANT)

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WHEREAS, Mills Hotel Wyoming, LLC having petitioned for the rezoning of the C-1 Conservancy District portion of land located upon Lots 1, 2 and 3 of Certified Survey Map No. 8907 to R-8 Multiple-Family Residence District, such land being located at 11906 and 11908 West Loomis Road; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 3rd day of August, 2017, 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-8 Multiple-Family Residence District:

Part of Lots 1, 2 and 3 in Certified Survey Map No. 8907 in the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, In the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Northeast corner of the Northwest 1/4 of said Section, thence North 89°31'45" West along the North line of said 1/4 Section 864.00 feet to a point;



thence South 00°28'15" West along the West line of Parcel 1 of Certified Survey Map 3104 and its extension 354.53 feet to the point of beginning of lands hereinafter described; thence continuing thence South 00°28'15" West along said West line 35.47 feet to the Southwest corner of said Parcel 1; thence North 89°31'53" West along the South line of Lot 3 of Certified Survey Map No. 8907 a distance of 30.00 feet to a point; thence South 10°42'15" West along said South line 100.00 feet to a point; thence South 56°24'15" West along said South line 85.00 feet to a point on the East line of Lot 2 of Certified Survey Map No. 8907; thence South 16°43'39" East along said East line 59.65 feet to a point; thence South 71°53'09" West 26.21 feet to a point; thence South 84°07'55" West 30.67 feet to a point; thence South 87°05'29" West 28.31 feet to a point; thence North 82°35'43" West 27.53 feet to a point; thence North 76°14'53" West 18.11 feet to a point; thence North 63°50'58" West 3.78 feet to a point; thence South 62°19'45" West 14.92 feet to a point; thence South 71°41'35" West 23.07 feet to a point; thence South 76°43'50" West 20.00 feet to a point; thence South 83°59'34" West 12.56 feet to a point; thence South 61°12'07" West 4.34 feet to a point; thence South 75°52'10" West 22.20 feet to a point; thence South 88°54'29" West 35.55 feet to a point; thence North 56°38'20" West 5.88 feet to a point; thence North 88°20'10" West 20.51 feet to a point; thence North 74°11'53" West 4.50 feet to a point; thence North 89°18'09" West 15.90 feet to a point; thence North 83°45'46" West 16.50 feet to a point; thence North 79°23'09" West 18.17 feet to a point; thence North 67°38'10" West 11.13 feet to a point on the West line of the Northeast 1/4 of the Northwest 1/4 of Section 30; thence North 00°34'12" West along said West line 459.89 feet to a point; thence 28.83 feet along the arc of curve whose radius is 50.00 feet and whose center lies to the southwest, having a bearing of South 40°31'03" East 28.44 feet to a point; thence North 65°19'36" East 11.83 feet to a point; thence North 74°39'37" East 30.08 feet to a point; thence North 85°31'06" East 26.12 feet to a point; thence South 84°33'48" East 25.66 feet to a point; thence South 78°53'41" East 19.41 feet to a point; thence South 76°10'49" East 23.63 feet to a point; thence South 67°45'52" East 27.83 feet to a point; thence South 60°16'21" East 3.75 feet to a point; thence North 88°04'41" East 36.27 feet to a point; thence South 51°29'11" East 65.76 feet to a point; thence South 43°02'17" East 14.69 feet to a point; thence South 27°51'17" East 11.73 feet to a point; thence South 73°50'39" East 33.41 feet to a point; thence South 65°34'16" East 23.82 feet to a point; thence South 56°35'28" East 32.44 feet to a point; thence South 52°47'06" East 13.49 feet to a point; thence South 50°27'17" East 53.06

feet to a point; thence South 50°07'18" East 28.00 feet to a point; thence South 46°05'35" East 8.93 feet to a point; thence South 50°14'54" East 16.52 feet to the point of beginning (approximately 3.7271 acres). Tax Key No. 891-9989-001.

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 its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

## RESOLUTION NO. 2017-\_\_\_\_\_

A RESOLUTION RECOMMENDING THE ADOPTION OF AN  
ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN  
2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 11906 AND 11908  
WEST LOOMIS ROAD FROM AREAS OF NATURAL RESOURCE FEATURES USE  
AND WATER USE TO RESIDENTIAL USE, AREAS OF NATURAL RESOURCE  
FEATURES USE AND WATER USE, PURSUANT TO WIS. STAT. § 66.1001(4)(b)

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

WHEREAS, pursuant to Wis. Stat. § 66.1001(4)(b), the Plan Commission may recommend the amendment of the Comprehensive Master Plan to the Common Council by adopting a resolution by a majority vote of the entire Commission, which vote shall be recorded in the official minutes of the Plan Commission; and

WHEREAS, Mills Hotel Wyoming, LLC having applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located at 11906 and 11908 West Loomis Road (Lot 3 of Certified Survey Map No. 8907) from Areas of Natural Resource Features Use and Water Use to Residential Use, Areas of Natural Resource Features Use and Water Use, such property bearing Tax Key No. 891-9989-001, more particularly described as follows:

Lot 3 of CSM No. 8907, being part of the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin. Containing 4.5489 acres; and

WHEREAS, the Plan Commission having determined that the proposed amendment, in form and content as presented to the Commission on August 3, 2017, in conjunction with an application to rezone the subject property as is more particularly described within the ordinance draft presented to the Commission for such purpose, is consistent with the Comprehensive Master Plan's goals, objectives and policies and in proper form and content for adoption by the Common Council as an amendment to the 2025 Comprehensive Master Plan, subject to such modifications the Common Council may consider reasonable and necessary, following public hearing, in order to protect and promote the health, safety and welfare of the City of Franklin.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of

Franklin, Wisconsin, that the application for and the proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located at 11906 and 11908 West Loomis Road (Lot 3 of Certified Survey Map No. 8907) from Areas of Natural Resource Features Use and Water Use to Residential Use, Areas of Natural Resource Features Use and Water Use, be and the same is hereby recommended for adoption and incorporation into the 2025 Comprehensive Master Plan by the Common Council.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Chairman

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

ORDINANCE NO. 2017-\_\_\_\_\_

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN  
 2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 11906 AND 11908  
 WEST LOOMIS ROAD FROM AREAS OF NATURAL RESOURCE FEATURES USE  
 AND WATER USE TO RESIDENTIAL USE, AREAS OF NATURAL RESOURCE  
 FEATURES USE AND WATER USE  
 (APPROXIMATELY 4.55 ACRES)  
 (MILLS HOTEL WYOMING, LLC, APPLICANT)

---

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

WHEREAS, Mills Hotel Wyoming, LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located at 11906 and 11908 West Loomis Road (Lot 3 of Certified Survey Map No. 8907) from Areas of Natural Resource Features Use and Water Use to Residential Use, Areas of Natural Resource Features Use and Water Use; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on August 3, 2017, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property located at 11906 and 11908 West Loomis Road (Lot 3 of Certified Survey Map No. 8907) from Areas of Natural Resource Features Use and Water Use to Residential Use, Areas of Natural Resource Features Use and Water Use; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on August 15, 2017; and

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

SECTION 1:           The City of Franklin 2025 Comprehensive Master Plan is hereby amended to change the City of Franklin 2025 Future Land Use Map designation for property located at 11906 and 11908 West Loomis Road (Lot 3 of Certified Survey Map No. 8907) from Areas of Natural Resource Features Use and Water Use to Residential Use, Areas of

Natural Resource Features Use and Water Use. Such property is more particularly described within Resolution No. 2017 \_\_\_\_ of even-date herewith.

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_ day of \_\_\_\_\_, 2017, by Alderman \_\_\_\_\_.

Passed and adopted by a majority vote of the members-elect of the Common Council at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

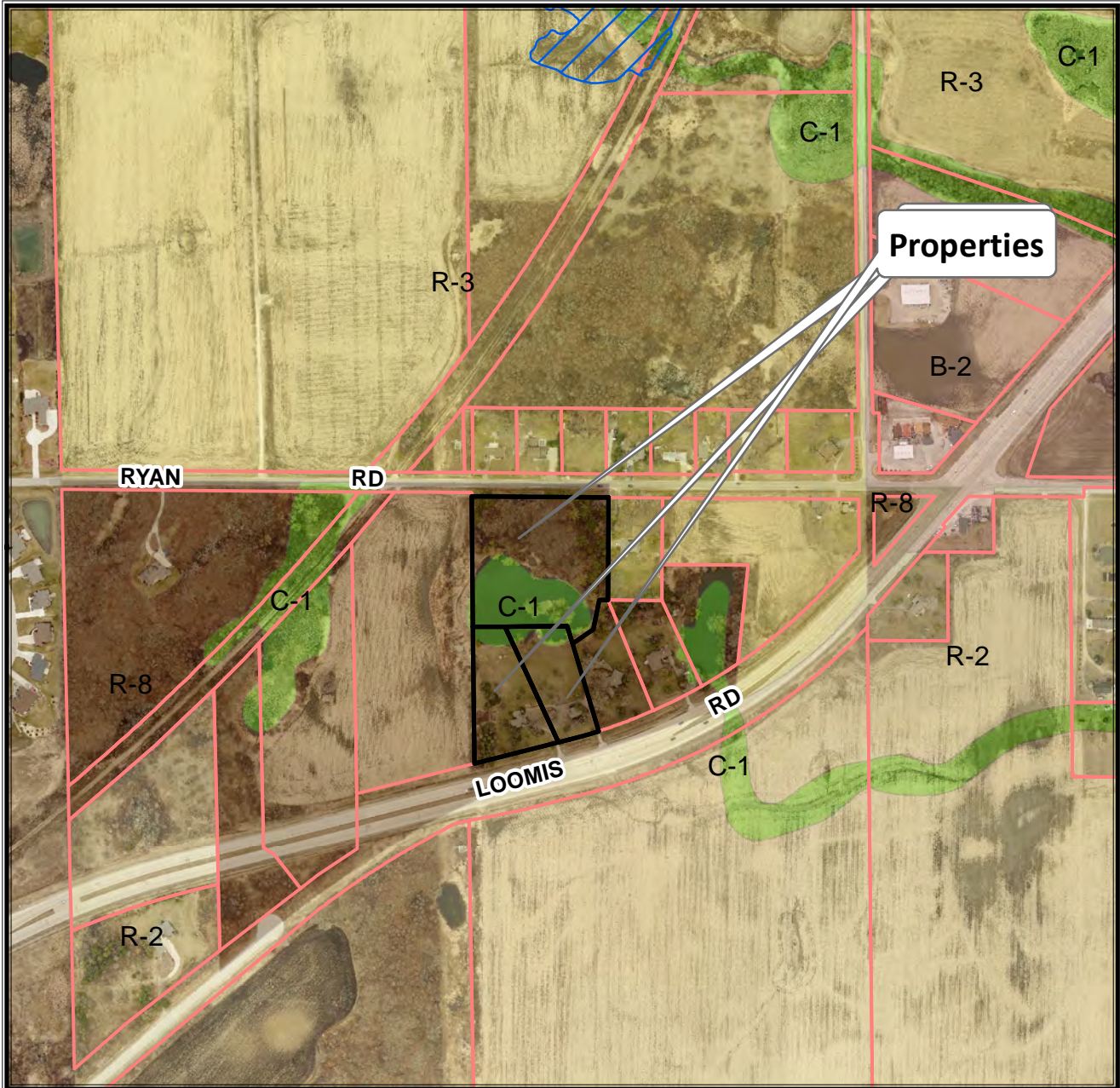
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

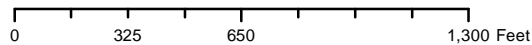
\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

11906 & 11908 & TKN 891 9003 000  
TKNs: 891 9002 000, 891 9001 000 & 891 9003 000



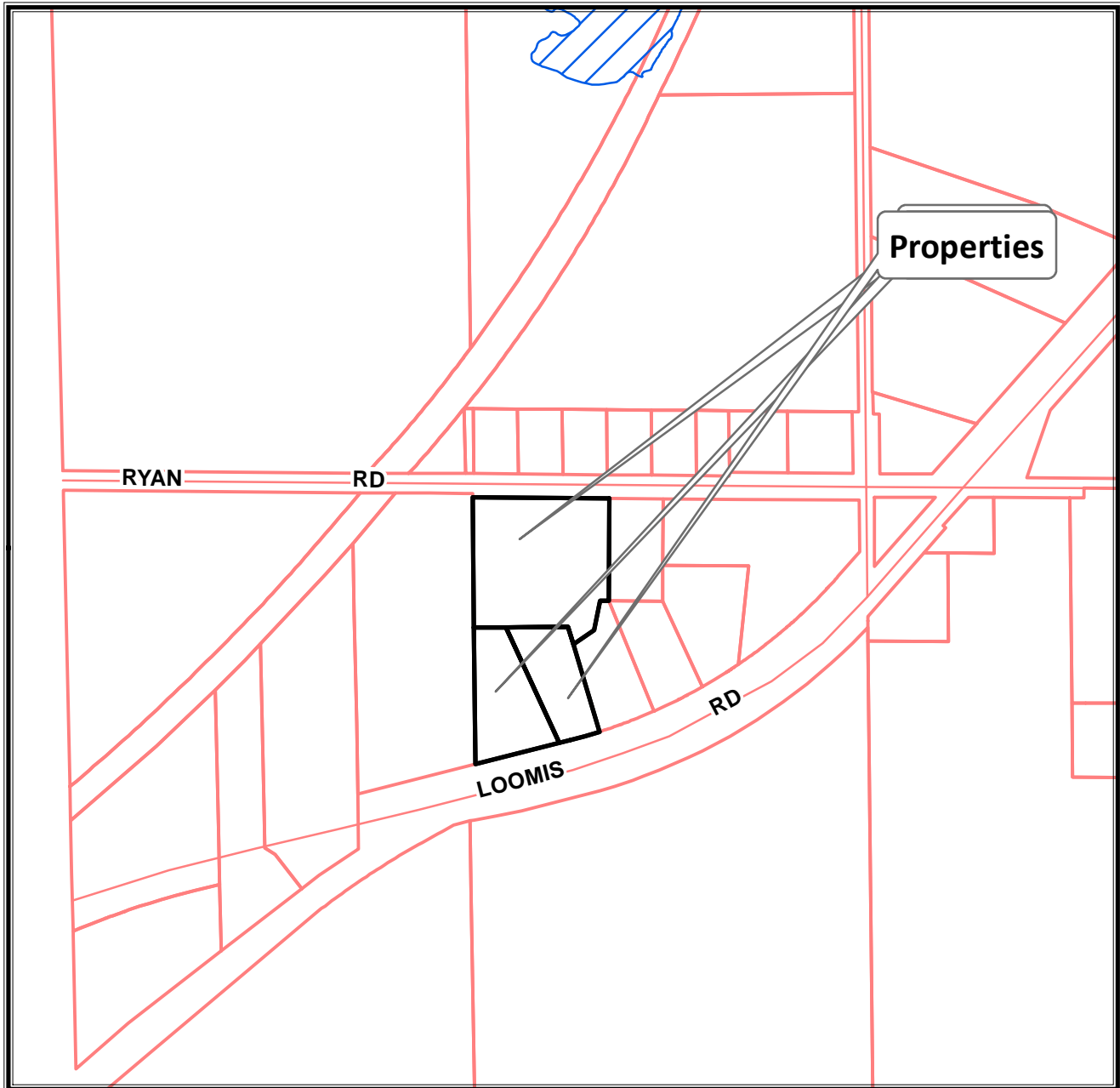
**Planning Department**  
**(414) 425-4024**



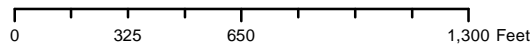
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



11906 & 11908 & TKN 891 9003 000  
TKNs: 891 9002 000, 891 9001 000 & 891 9003 000



**Planning Department**  
**(414) 425-4024**



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







June 6, 2017

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

Dear Mr. Fuchs:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for zoning reclassification for property currently zoned C-1. The property owner is respectfully requesting reclassification from the C-1 Conservancy District to the R-8 Residential District. Bear Development is acting on behalf of the owner of record, Mills Hotel Wyoming, LLC.

**Project Summary**

The property in question, consists of 3.7 acres and is located within Tax Parcel 891 998 9001. The property was recently divided via CSM #8907. The property in question is part of lots 1, 2 and 3 of said CSM #8907. A Conservation Easement was recently recorded which includes the entire property that is subject to the proposed zoning reclassification. In accordance with City of Franklin requirements, we have completed a Natural Resource Protection Plan for the property in question.

At the direction of City Planning Staff, the owner is requesting zoning reclassification from the C-1 Conservancy District to the R-8 Residential District. No development on the subject property is contemplated, as an existing Conservation Easement prohibits any alteration to the property.

Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, [dan@beardevelopment.com](mailto:dan@beardevelopment.com)

Thank you for your time and consideration.

Sincerely,

Daniel Szczap  
Bear Development, LLC

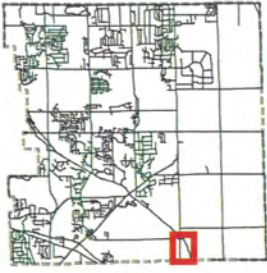
Franklin

JUN 12 2017

City Development

# REZONING EXHIBIT

Overview Map



**Legend**

- Aldermanic District**
- Building**
- City Boundary**
- Condo**
- CSM**
- Easement**
- Elementary District**
- Environmental Corridor**
- FEMA DFIRM Flood - Zone A**
- FEMA DFIRM Flood - Zone AE**
- FEMA - 0.2% Annual Chance**
- Parcel**
- Park**
- Pavement**
- County or State Hwy**
- Local Road**
- Road Right-of-Way**
- School District**
- Wetland**

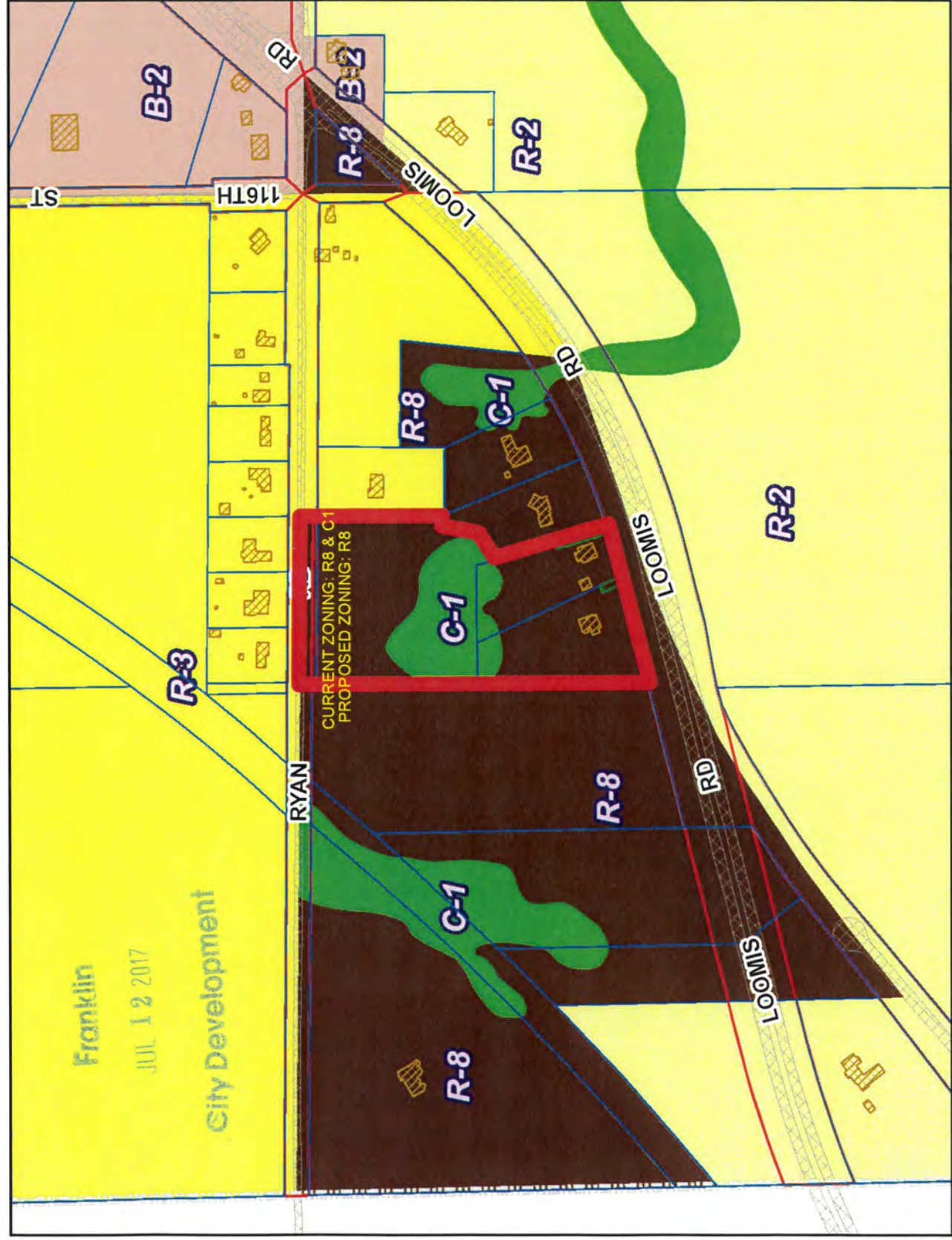
**Zoning Districts**

- A-1, A-2, B-1, B-2, B-3, B-4, B-5, B-6, B-7, BP, CC, C-1, FC, R-1, R-2, R-3, R-3E, R-4, R-5, R-6, R-7, R-8, RC-1, VB, VR

Legend includes all layers even if they are not visible in the map.



Map Printed: 7/11/2017



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(C) City of Franklin, WI

Franklin

June 12 2017

City Development



## DEVELOPMENT

4011 80<sup>th</sup> Street, Kenosha, WI 53142  
Phone: (262) 842-0556 Fax: (262) 842-0557

June 6, 2017

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

Dear Mr. Fuchs:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for Comprehensive Plan Amendment for property located along W. Ryan Road. The property owner is respectfully requesting reclassification from "Areas of Natural Resource Features and Water" to "Residential, Areas of Natural Resource Features and Water". Bear Development is acting on behalf of the owner of record, Mills Hotel Wyoming, LLC.

### **Project Summary**

The property in question, consists of 4.55 acres and is located within Tax Parcel 891 998 9001. The property was recently divided via CSM #8907. The property in question is Lot 3 of said CSM #8907. A Conservation Easement was recently recorded which includes a portion of the property delineated as wetlands, wetland buffer and shore buffer. In accordance with City of Franklin requirements, we have completed a Natural Resource Protection Plan for the property in question.

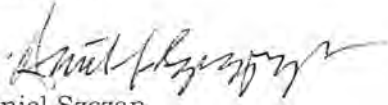
Upon favorable hearing, Mills Hotel Wyoming, LLC intends to divide the property into estate style home sites. Each home site will be approximately 1.5 acres (approximately twice the acreage of the home sites across W. Ryan Road) and will be planned and designed to conserve much of the wooded character of the property in accordance with the Natural Resource Protection Standards set forth in the UDO. By UDO definition, much of the site is classified as Mature Woodlands, however, the site includes significant underbrush of undesirable species and dead/dying trees.

At the direction of City Planning Staff, the owner is requesting amendment of the Comprehensive Plan. No development is contemplated where significant natural resources exist, as an existing Conservation Easement prohibits any alteration to the property.

Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, [dan@beardevelopment.com](mailto:dan@beardevelopment.com)

Thank you for your time and consideration.

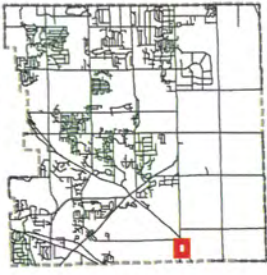
Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Szczap", with a long, sweeping horizontal stroke extending to the right.

Daniel Szczap  
Bear Development, LLC

# COMPREHENSIVE MASTER PLAN AMENDMENT EXHIBIT

Overview Map



	Aldermanic District		Building
	City Boundary		Condo
	GSM		Easement
	Elementary District		Environmental Corridor
	FEMA DFIRM Flood - Zone A		FEMA DFIRM Flood - Zone AE
	FEMA - 0.2% Annual Chance		Parcel
	Park		Pavement
	County or State Hwy		Local Road
	Road Right-of-Way		School District
	Wetland	<b>Zoning Districts</b> A-1  R-2 A-2  R-3 B-1  I-1  R-3E B-2  I-1  R-4 B-3  M-1  R-5 B-4  M-2  R-6 B-5  M-3  R-7 B-6  OL-1  R-8 B-7  OL-2  RC-1 BP  P-1  VB CC  PDD  VR C-1  R-1 FC  R-1E	

Legend includes all layers even if they are not visible in the map.



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(C) City of Franklin, WI

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

Meeting of August 3, 2017

**Special Use**

**RECOMMENDATION:** City Development Staff recommends approval of the Special Use application for Zena's Cocina, LLC, to operate a food truck business use upon the Creative Wood Products, Inc. property located at 9710-9720 South 58<sup>th</sup> Street, subject to the conditions of approval in the attached draft resolution.

<b>Project Name:</b>	Zena's Cocina, LLC Special Use
<b>Project Address:</b>	9710-9720 South 58 <sup>th</sup> Street
<b>Property Owner:</b>	Corrine M. Roszina
<b>Applicant:</b>	Zena's Cocina, LLC
<b>Zoning:</b>	M-1 Limited Industrial District
<b>Use of Surrounding Properties:</b>	Industrial to the north, south, east and west
<b>Comprehensive Plan:</b>	Industrial
<b>Applicant Action Requested:</b>	Recommendation of approval to the Common Council for the proposed Special Use for Zena's Cocina, LLC.

Please note:

- Staff suggestions are only underlined and are not included in the draft resolution.

**INTRODUCTION/BACKGROUND:**

On July 12, 2017, Corrine Roszina submitted a Special Use application on behalf of Zena's Cocina, LLC requesting approval for a food truck business use upon the property she owns located at 9710-9720 South 58<sup>th</sup> Street. This property is also home to the Creative Wood Products, Inc. business, which Ms. Roszina also owns. The proposed use corresponds to Standard Industrial Classification (SIC) Title No. 5963, Direct Selling Establishments which is allowed within the M-1 General Business District as a Special Use.

On November 10, 1977, the Plan Commission granted a Use Approval to Mr. Dean Schultz to allow for manufacturing of cabinets and laminated counter tops for Dean Royce, Corp.

**PROJECT DESCRIPTION/ANALYSIS:**

The applicant is requesting Special Use approval to operate a food truck business use upon the Creative Wood Products, Inc. property located at 9710-9720 South 58<sup>th</sup> Street in Phase I of the Franklin Industrial Park. Zena's Cocina, LLC is a food truck serving tacos, burritos, hamburgers, hotdogs and soup. There will be approximately 2-3 employees working in the truck at any one time. The applicant is not proposing any signage on the property at this time. Any future signage for this use

will be subject to the review and approval of the Architectural Review Board and issuance of a Sign Permit from the Inspection Department.

The applicant has a license pending with the State of Wisconsin. If the Special Use is granted, then the applicant will be applying for a building permit to convert the kitchen at 9710 S. 58<sup>th</sup> Street into a commercial prep kitchen for Zena's Cocina, LLC. According to the project narrative, the building has an 18,000 square foot warehouse with an overhead garage door. The applicant may use this area for loading and occasionally parking the food truck.

Parking:

According to Section 15-5.0202G.3. of the City of Franklin Unified Development Ordinance any overnight parking for a vehicle over 8,000 pounds rated Gross Vehicle Weight may be allowed only with a Special Use. Therefore, the overnight parking of the food truck at Creative Wood Products, Inc. is part of the applicant's Special Use request.

The applicant is proposing to park the Zena's Cocina, LLC food truck overnight in the southeast corner of the Creative Wood Products, Inc. parking lot (see Aerial Photograph). Staff suggests the food truck be parked on the portion of pavement in the south parking lot behind the building, to screen the food truck from the view of the South 58<sup>th</sup> Street right-of-way. No other outdoor storage associated with the food truck business use is allowed on the property without an amendment to the Special Use approval.

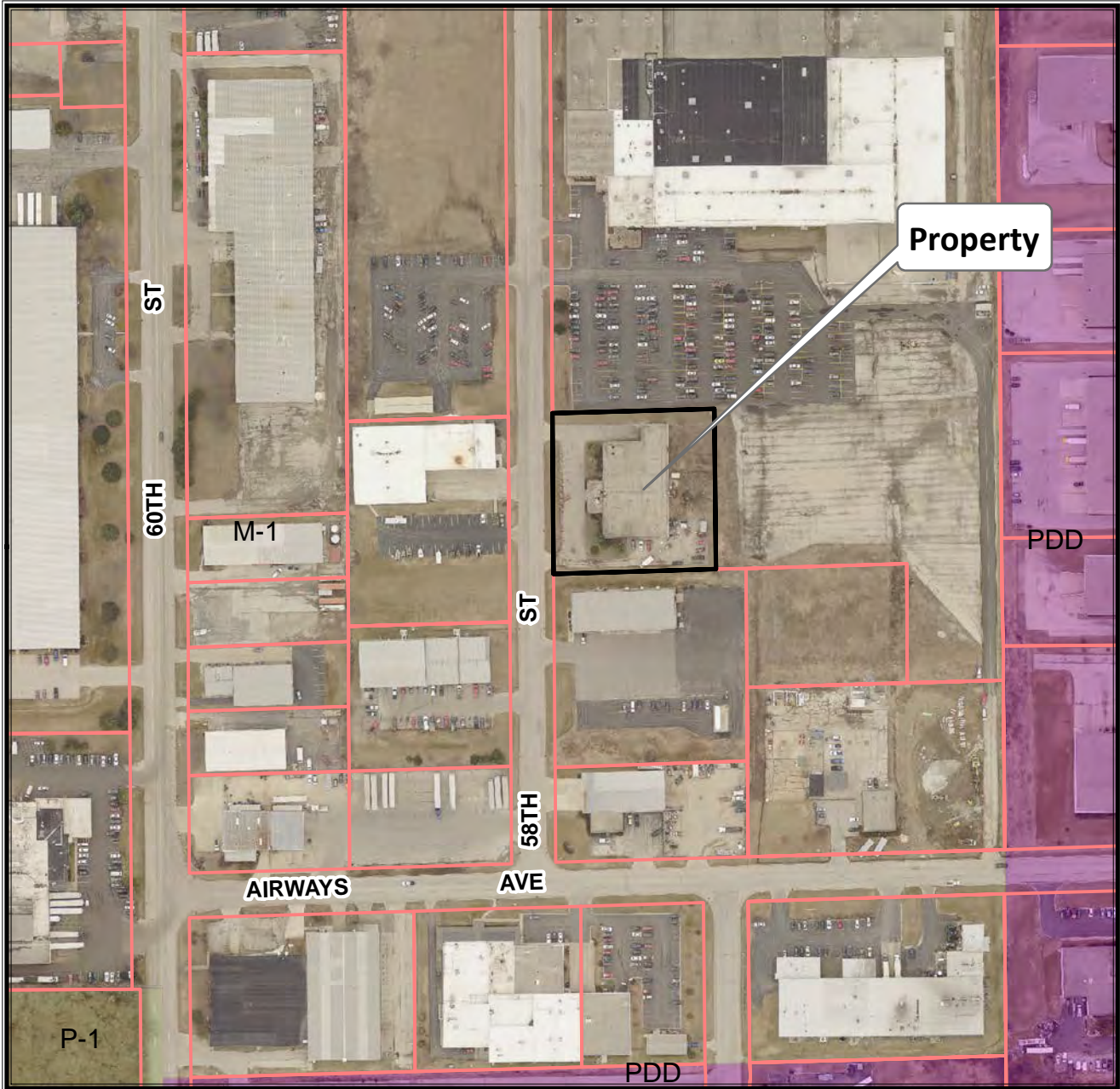
Special Use Standards:

Section 15-3.0701(A) and (C) of the UDO contains the General Standards and Considerations that must be examined for each proposed Special Use prior to granting approval. The applicant has provided a written response to these standards, which is included in your packet.

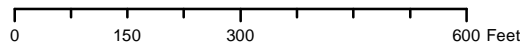
**STAFF RECOMMENDATION:**

City Development Staff recommends approval of the Special Use application for Zena's Cocina, LLC, to operate a food truck business use upon the Creative Wood Products, Inc. property located at 9710-9720 South 58<sup>th</sup> Street subject to the conditions of approval in the attached draft resolution.

9710 - 9720 S. 58th Street  
TKN 899 9990 034



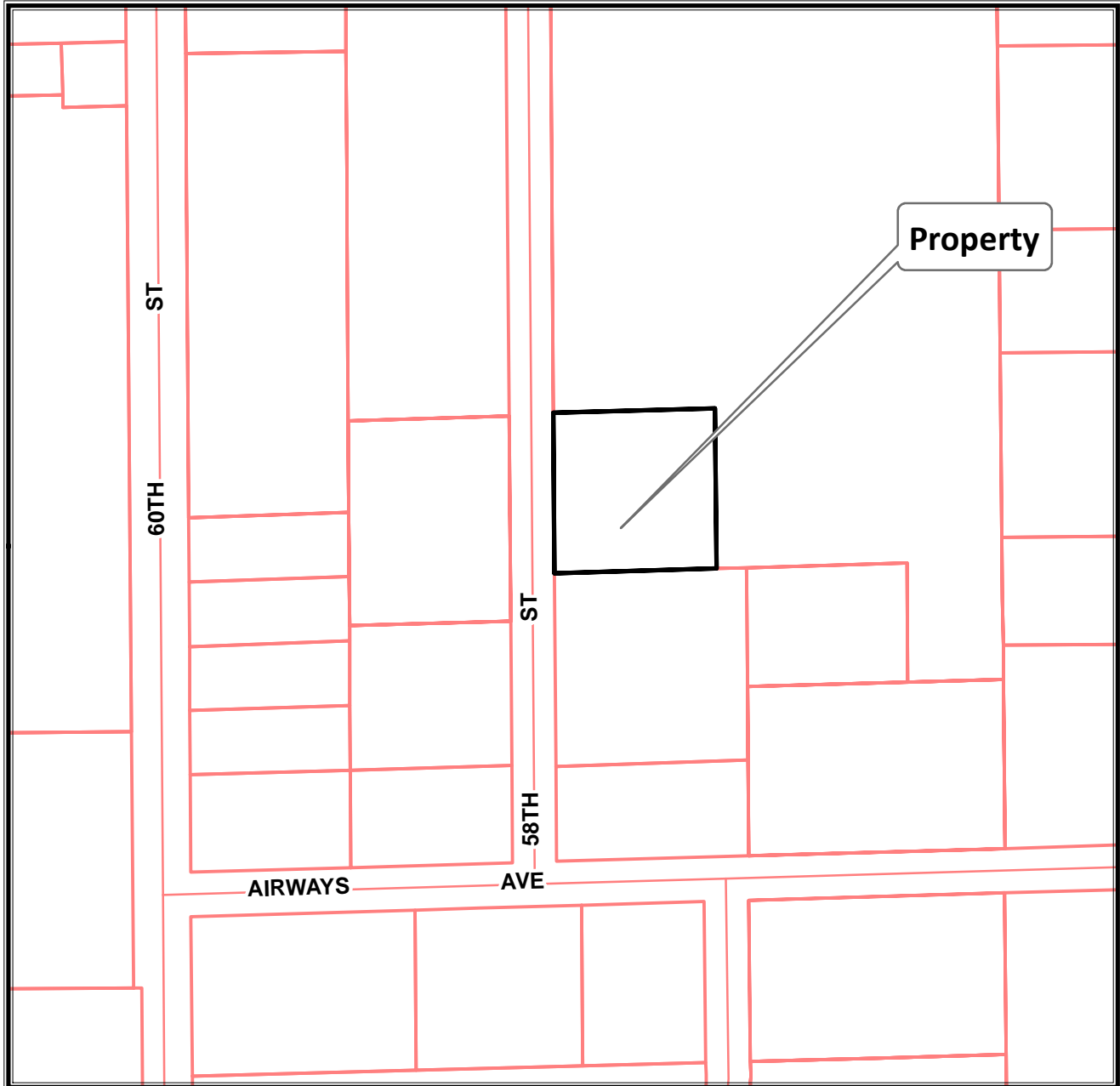
**Planning Department**  
**(414) 425-4024**



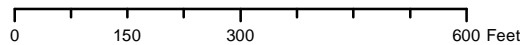
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



9710 - 9720 S. 58th Street  
TKN 899 9990 034

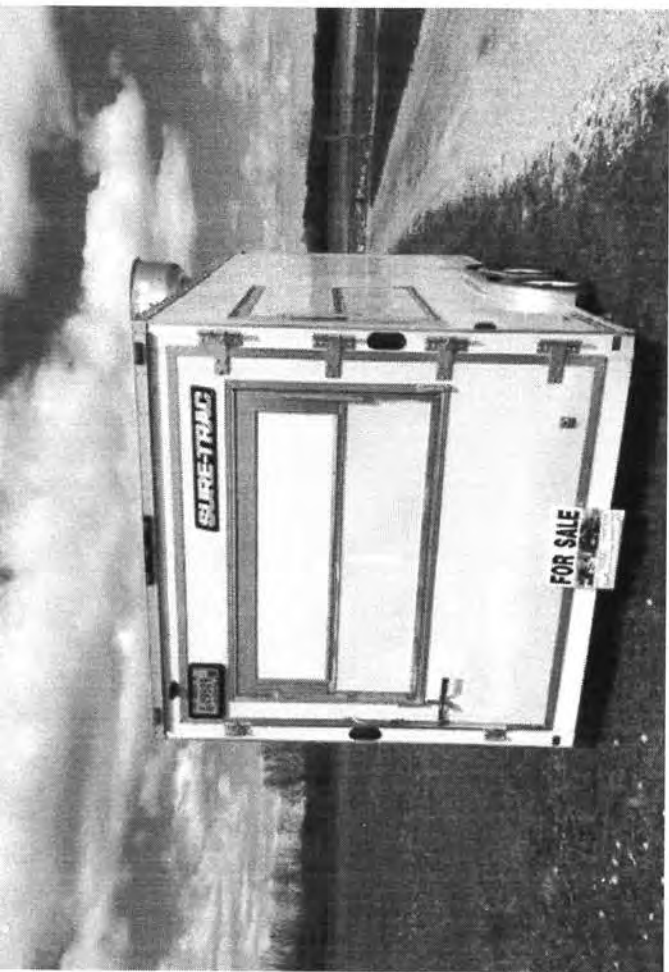
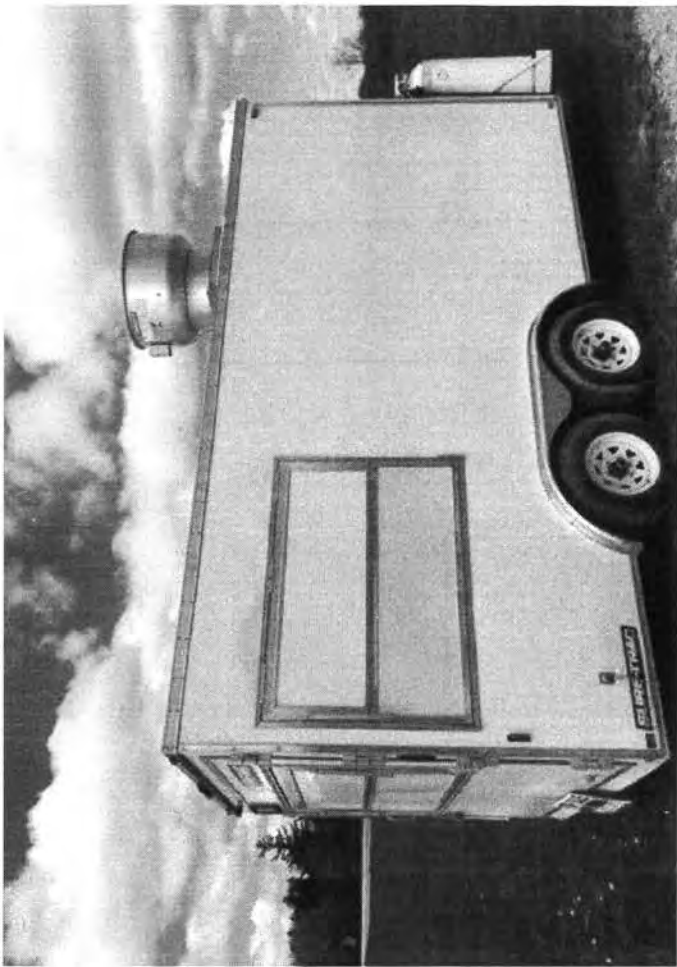


**Planning Department**  
**(414) 425-4024**



*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.*





I Corrine Roszina currently own Creative Wood Products the property located at 9710 & 9720 S. 58<sup>th</sup> St., Franklin Industrial Park. I recently purchased a Taco Truck which I would like to service here.

My plan is to update and create a Commercial Prep Kitchen which will be rented to Zena's Cocina LLC at 9720 S. 58<sup>th</sup> St., Franklin

Creative Wood Products will to continue business as normal at 9710 S. 58<sup>th</sup> St.

Our 18,000 square foot warehouse includes 2 pull up docs and a garage door. We have ample parking on the East Side of our building. The shop has ample electric to maintain what is needed for any servicing and/ maintenance of our truck.

Thank you for your time!

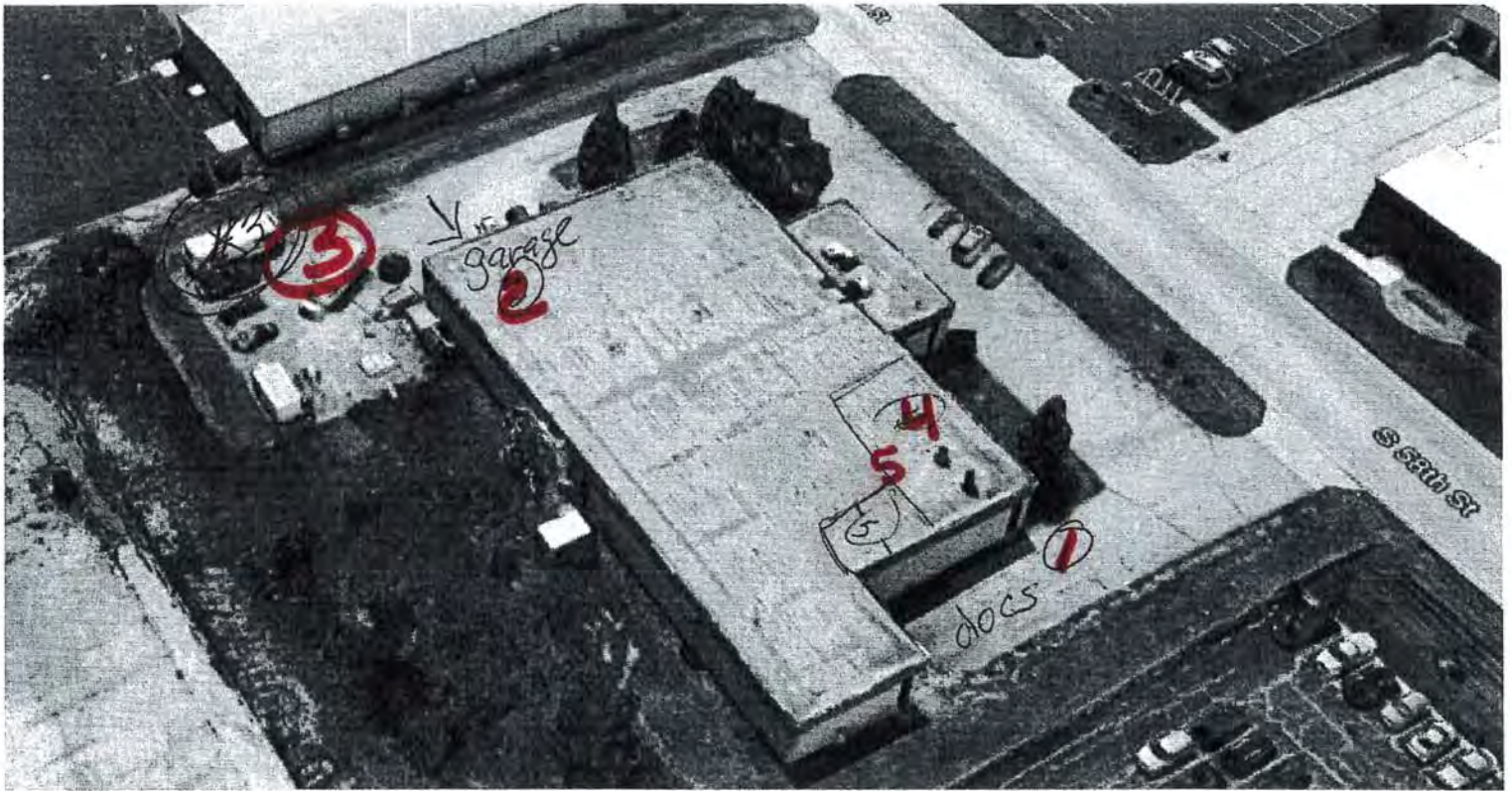


Corrine Roszina  
414-232-9584

Franklin

JUL 26 2017

elopment



- ① 2 docking doors for possible deliveries
- ② garage entrance
- ③ parking outside if needed
- ④ commercial kitchen
- ⑤ bath rooms

## Zena's Cosine

Franklin

JUL 26 2017

elopment

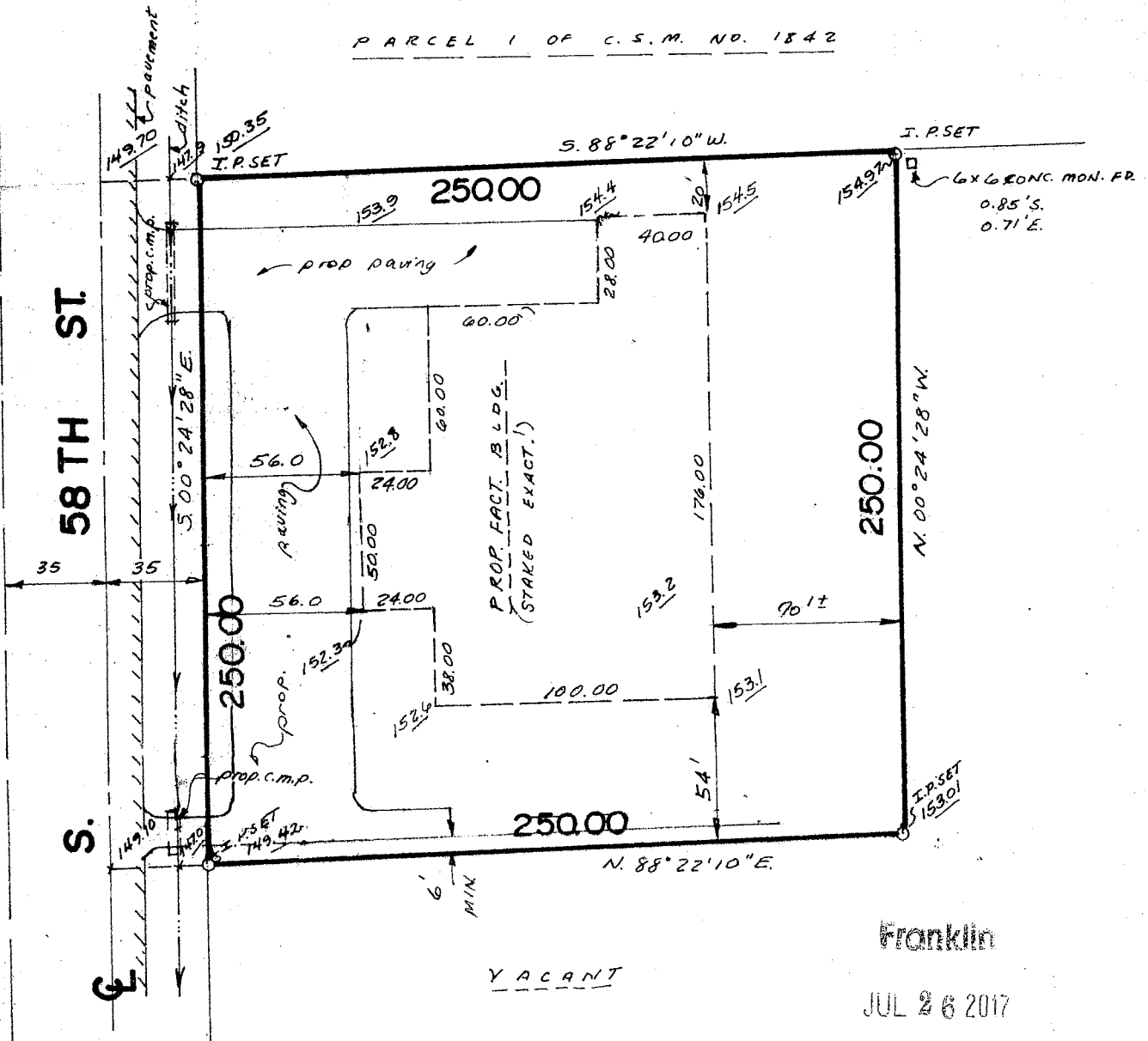
# Plat of Survey

Survey For: Dean Royce Corp.  
 Location: S. 58th Street

Description: Parcel 1 of Certified Survey Map No. \_\_\_\_\_ being a part of the N.W. 1/4 of Section 24, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

prop. fin.gr.=154.0  
 (FACTORY PART OF BLDG. (FRONT))

PARCEL 1 OF C.S.M. NO. 1842



Franklin

JUL 26 2017

Development

Scale: 1" = 60'



**INMAN ENGINEERING  
 OF  
 MILWAUKEE, INC.**  
 ENGINEERS - SURVEYORS

NOTE:  
 PROP BLDG TO BE RE-STAKED,  
 AS SHOWN, AT A LATER DATE.

**SURVEY CERTIFICATE**

State of Wisconsin) ss I certify that I have surveyed the above described (property) and the above map is a true  
 Milwaukee County representation thereof and shows the size and location of the Property, its exterior boundaries, the location and  
 dimensions of all visible structures thereon, fences, apparent easements and roadways and visible encroach-  
 ments, if any.

This survey is made for the exclusive use of the present owners of the Property, and also those who purchase,  
 mortgage, or guarantee the title thereto within one (1) year from date hereof;

*Thomas Inman*  
 THOMAS INMAN, Registered Land Surveyor

DATE: 11-7-77  
 JOB NO.: 4555

## Staff Recommendations Parking

---

1. Please note according to §210-10 of the City of Franklin Municipal Code, "Signs placed or affixed to vehicles and/or trailers, which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way, where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property, are prohibited. This provision shall not prohibit signs placed on or affixed to vehicles and/or trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer". **Yes**
2. If the food truck is parked outside overnight, then Staff suggests it be on the portion of pavement in the south parking lot behind the building. This would screen the truck from the view of the South 58th Street right-of-way. **Yes**

## Sign Plan

---

3. At this time, any proposed signage would be subject to review and approval by City of Franklin Architectural Review Board. Please contact the Building Inspection Department at 414-425-0084 for approval process and any required applications, if signage is proposed. **Agreed**

## Project Narrative

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4. Please provide an estimated timetable for the completion of the commercial kitchen remodel. **Our target date is set for August 15, 2017 upon approval from this hearing.**
5. What type of food you will be selling from your food truck?  
**We are looking to serve Tacos, Burritos etc. as well as some American foods such as hamburgers and hotdogs. I plan on a Friday by making my Shrimp soup. ( my family's favorite)**
6. How many employees does Zena's Concina, LLC have?  
**No more than 2 – 3 in the truck at any one time.**
7. Where will your truck primarily operate? **That is still up for review. Kitchen has to be completed so we can get our service base permit first.**

8. Will you provide food sales from your truck at Creative Wood Products? If so, then please provide details about the operation such as; hours of operation, how often food sales will occur, and where your vehicle will be parked when actively open for business vs. parking for storage as shown on the Site Plan.

No, not at our Creative Wood Products' location.

9. Please explain the approvals you have received or are working on with the State of Wisconsin for your food truck business. **Pending**
10. Please state the approvals you have received or are working on with the Franklin Health Department for your food truck business.

**Police Department and Fire Departments have no comments or concerns. Copy is attached.**

#### **Police Department Staff Comments**

The Franklin Police Department has reviewed the application for 9710-9720 S. 58<sup>th</sup> Street. The Police Department has no issues with this request.

#### **Fire Department Staff Comments**

The Fire Department has no concerns regarding the proposed special use. Fire protection and alarm systems must remain compliant with occupancy and use type (i.e., Hood/vent and Ansul system required where "grease laden vapors" are produced, class-K extinguisher, etc.).

11. Please state the rated Gross Vehicle Weight (in pounds) of your truck. Typically, this information may be found inside the driver's side door on a sticker or metal plate. Other

We have a food trailer,

12. Please provide a color picture of your food truck in your submittal. I will supply colored photos of the food truck for you to view at the hearing.

## **Engineering Staff Comments**

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13. No Comments Police Department Staff Comments

**DIVISION 15-3.0700**

**SPECIAL USE STANDARDS AND REGULATIONS**

**SECTION 15-3.0701**

**GENERAL STANDARDS FOR SPECIAL USES**

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

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

Response: *yes*

Franklin

JUL 26 2017

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

Response:

*NO, there will not be any adverse impact to our community or neighborhood*

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

Response:

*there will be no interfering with any neighbors.*

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

Response:

*yes*

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

Response:

*We will not be selling food from this location. only preparing. Serving food*



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

Response:

We are only servicing the truck here.

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

Response:

Yes we will following each regulation as it arises.

- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

Response:

Application is attached.

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

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Response: The food truck will serve our neighborhoods.

2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

Response:

We are looking to rent a service base until which time we can use ours as proposed.

3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

We will be remodeling the sight to a Commercial Prep Kitchen  
no visible changes will be noticed  
Page | 2

*Response:*

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

*Response:* 



## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of August 3, 2017

**Certified Survey Map and Condominium Plat**


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**RECOMMENDATION:** City Development Staff recommends approval of the Certified Survey Map and Condominium Plat Applications for the development of 27 two-family residential lots, subject to the conditions as noted in the attached draft resolutions.

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<b>Project Name:</b>	Neumann Developments, Inc. Certified Survey Map and Condominium Plat for Park Circle
<b>Project Location:</b>	Approximately 9733 S. 76 <sup>th</sup> Street (Taxkey Nos. 896-9999-007 & 896-9999-008)
<b>Property Owner:</b>	Southbrook Church, Inc.
<b>Applicant:</b>	Neumann Developments, Inc.
<b>Agent:</b>	Cory O'Donnell, Project Manager, Neumann Developments, Inc.
<b>Current Zoning:</b>	R-8 Multiple-Family Residence District
<b>2025 Comprehensive Plan:</b>	Residential - Multi-Family and Areas of Natural Resource Features
<b>Use of Surrounding Properties:</b>	City of Franklin Public Works facility (zoned I-1), vacant land (zoned M-1) and single-family residential (zoned M-1 and R-8) to the north, single-family residential (zoned R-8) to the south, vacant land and single-family residential (zoned R-8) to the east and vacant land owned by the Archdiocese of Milwaukee to the west
<b>Applicant's Action Requested:</b>	Approval of the Certified Survey Map and Condominium Plat for the Park Circle condominium development

---

**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 July 17, 2017, the applicant submitted an application for a Certified Survey Map and Condominium Plat for properties located at approximately 9733 South 76<sup>th</sup> Street. The applicant is proposing a 3-Lot CSM, which includes the dedication of three future streets. The Condominium Plat includes three building pads and three future expansion areas.

The subject applications are a continuation of the proposed Park Circle development, which recently received approval of a Rezoning and Comprehensive Master Plan Amendment to rezone the subject properties from BP Business Park District to R-8 Multiple-Family Residence District

and amended the Future Land Use Map use designation from Business Park to Residential – Multi-Family and Areas of Natural Resource Features.

A Special Use application (to address the envisioned use, site layout, stormwater, erosion control, landscaping, architecture, etc.) is also required for this project as the subject property is zoned R-8 Multiple-Family Residence District. As the applicant has just recently submitted the Special Use application for initial staff review, the Special Use will be submitted to the Plan Commission and Common Council subsequent to the Certified Survey Map and the Condominium Plat.

### **Project Description/Analysis:**

#### Certified Survey Map

The proposed Certified Survey Map creates three lots from the two existing lots located at approximately 9733 S. 76<sup>th</sup> Street (Tax Key Nos. 896-9999-007 & 896-9999-008). Lot 1 is approximately 4.65 acres, Lot 2 is about 2.36 acres and Lot 3 is 7.25 acres. The three new lots will be developed as the Park Circle Condominiums. In addition to the three lots, the CSM also dedicates rights-of-way for future roads, including West Park Circle Way, West Park Circle and half of the right-of-way needed for South 80<sup>th</sup> Street.

The applicant has included drainage easement details on the CSM. It should be noted that the exact location of these and other easements are subject to change. The final locations will be determined upon completion of the construction plans. Staff will review these changes prior to the CSM being recorded.

*In addition, staff recommends that the applicant address all Engineering Department technical comments, dated July 24, 2017, prior to recording the Certified Survey Map with the Milwaukee County Register of Deeds.*

#### Condominium Plat

The subject property is located to the west of S. 76<sup>th</sup> Street and a single-family home, to the east of the future extension of S. 80<sup>th</sup> Street, north of two single-family homes and south of vacant property zoned M-1 District and the Department of Public Works facility, which currently consists of two ball fields adjacent to the subject development. As these ball fields are planned to be removed and the Public Works yard expanded, the applicant has included a note on the Condominium Plat, as recommended by staff, stating, “The City of Franklin Department of Public Works facility located to the north is to be expanded for future storage yard use, including the removal of existing recreation/baseball field use.”

The initial phase and proposed Park Circle Condominium Plat includes three building pads for three 2-unit condominiums. The remainder of the development is shown as three separate expansion areas.

Based upon the preliminary site plan for the complete Park Circle development, the proposed development layout includes 27 two-family residential lots and three outlots. The lots are arranged adjacent to the proposed public streets, West Park Circle Way and West Park Circle. All lots will have access from West Park Circle Way or West Park Circle.

Three storm water ponds are proposed along the southernmost portion of the property. Public sanitary sewer is available from S. 76<sup>th</sup> Street. Public water is planned to be extended from the existing S. 80<sup>th</sup> Street cul-de-sac, southward along the proposed 80<sup>th</sup> Street dedication, to the subject property. A tree line exists within the future S. 80<sup>th</sup> Street right-of-way, which will likely be impacted as part of the water main extension. The extension of the water main is an essential service; therefore, that disturbance of the tree line/woodland is permitted. However, as part of the Special Use Application, the applicant intends to request that any replacement of these trees not be required as part of the restoration of this area. The applicant has stated that any new trees planted would eventually be removed for the extension of S. 80<sup>th</sup> Street in the future.

Details related to the site plan, building types, architecture, landscaping, lighting, signage, grading, erosion control, utility plan and storm water management will be submitted as part of a Special Use Application. The applicant recently submitted the Special Use Application, which will be reviewed by staff and forwarded to the Plan Commission and Common Council. Note that the development may not move forward without City approval of the Special Use Application.

A Site Plan and Landscape Plan have been provided for reference. The final approval of the Site Plan and Landscape Plan will be completed as part of the Special Use review and approval.

Natural Resource Protection Plan:

A Natural Resource Protection Plan (NRPP) has been completed for the subject development by Dave Meyer of Wetland & Waterway Consulting, LLC, dated May 24, 2017. According to the NRPP, the site contains four wetlands and associated wetland buffers and setbacks, two areas of mature woodlands and a 75-foot shore buffer.

The wetlands were delineated by Dave Meyer of Wetland and Waterway Consulting on April 22, 2017 and May 5, 2017. A full and complete wetland delineation report is on file with the Department of City Development. The cover letter of that report is attached as well as the overall NRPP Map. 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.

In total, 2.65-acres of the site consist of protected natural resource features. The applicant has provided a written conservation easement for staff review. Staff recommends that the Conservation Easement be reviewed and approved by the Common Council, prior to recording and the issuance of any Building Permits related to the Park Circle development.

Wetlands/Wetland Buffers/Wetland Setbacks/Shore Buffers. The applicant is not proposing to impact any wetland or associated wetland buffer nor disturb the 75-foot shore buffer, and will include these features within the Conservation Easement.

However, the applicant is proposing to temporarily disturb portions of the wetland setback for grading associated with construction of the corner of Park Circle Way and Park Circle (on the east side of the development), and to permanently disturb portions of the wetland setbacks for various stormwater management facilities. The applicant is not including these wetland setbacks

within the Conservation Easement. Staff suggests that these wetland setbacks be included within the Conservation Easement, the Certified Survey Map revised accordingly, and the Easement revised as may be necessary to accommodate the stormwater management facilities.

Woodlands. The mature woodland on the south side of the property will not be impacted and will be included within the Conservation Easement.

A mature tree line extends along the west property line. It is envisioned that these trees may be disturbed during construction of the proposed water main (which would require restoration pursuant to Section 15-4.0102I of the UDO), and may be permanently removed during construction of S. 80<sup>th</sup> Street at some time in the future. Therefore, staff recommends that the applicant apply for and obtain, concurrently with the required Special Use application, a determination from the Common Council that the public road is reasonable and necessary in the public interest and shall not require the grant of a special exception (as set forth in Ordinance No. 2016-2224). Or alternatively, demonstrate that a minimum of 70 percent of the mature woodlands onsite are protected within the Conservation Easement, or prepare a restoration plan for the woodland impacts associated with the water main extension which confirms that the remaining tree line no longer meets the criteria for protection, for Department of City Development review and approval prior to issuance of a Building Permit.

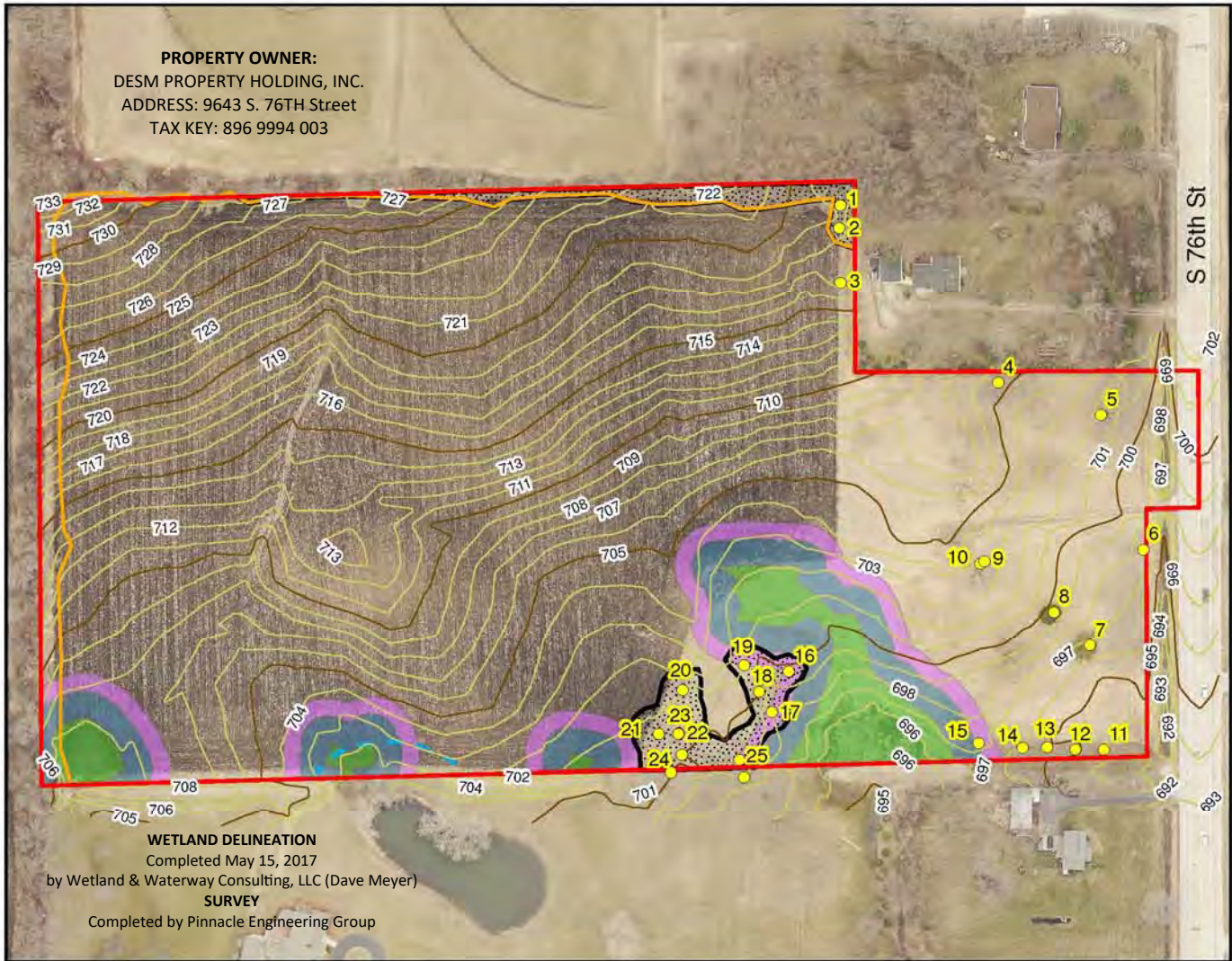
A mature tree line also exits along the north property line. The majority of these trees are located on the property to the north; however, the tree canopies extend onto the subject property in certain areas. The applicant is not proposing to include this tree line within the conservation easement (where it extends onto the property). Staff recommends that the trees along the north property line, including those onsite and the canopies of trees located on the property to the north, be illustrated and included as part of the conservation easement. Alternatively, the applicant may demonstrate that a minimum of 70% of the mature woodlands onsite are protected within the conservation easement and not protect the remaining 30%. The Certified Survey Map and Condominium Plat shall be revised accordingly.

Pursuant to Section 15-7.0201J. of the Unified Development Ordinance, staff recommends that the applicant shall revise the Natural Resource Protection Plan to clearly identify all natural resource features that will be disturbed, for review and approval by the Department of City Development, prior to issuance of a Building Permit.

### **Staff Recommendation:**

City Development Staff recommends approval of the Certified Survey Map and Condominium Plat Applications for the development of 27 two-family residential lots, subject to the conditions as noted in the attached draft resolutions.

PROPERTY OWNER:  
DESM PROPERTY HOLDING, INC.  
ADDRESS: 9643 S. 76TH Street  
TAX KEY: 896 9994 003



**WETLAND DELINEATION**  
Completed May 15, 2017  
by Wetland & Waterway Consulting, LLC (Dave Meyer)  
**SURVEY**  
Completed by Pinnacle Engineering Group



- Property Boundary
- Wetland
- Wetland Buffer - 30 feet
- Wetland Setback - 50 feet
- Mature Woodland
- Tree
- Contour 5'
- Contour 1'
- 75' Shore Buffer
- Drip Line

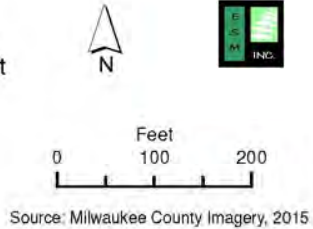


FIGURE 2:

**NATURAL RESOURCE PROTECTION PLAN**  
**Southbrook Church Property**

Being a part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin,

TABLE 15-3.0503 PROTECTION LAND: Southbrook Church Site

NATURAL RESOURCE FEATURE	RESIDENTIAL PROTECTION STANDARD	AREA IN RESOURCE FEATURE (ACRES)	AREA OF RESOURCE PROTECTION LAND (ACRES)
<b>Steep Slopes</b>			
10-19%	0.6	0	0
20-30%	0.75	0	0
30+%	0.85	0	0
<b>Woodlands and Forests</b>			
Mature	0.7	0.59	0.41
Young	0.5	0	0
<b>Lakes and Ponds</b>			
	1	0	0
<b>Streams</b>			
	1	0	0
<b>Shore Buffer</b>			
	1	0.12	0.03*
<b>Floodplains / Floodlands</b>			
	1	0	0
<b>Wetland Buffers / Setbacks</b>			
	1	1.54	1.54
<b>Wetlands / Shoreland Wetlands</b>			
	1	0.67	0.67
<b>TOTAL RESOURCE PROTECTION LAND (Total Land in Resource Protection Feature to be Protected)</b>			<b>2.65</b>

\*a portion of the area for shore buffer is accounted for in wetland setbacks due to overlap

MAP NUMBER	TREE SPECIES		DBH (in)
	SCIENTIFIC NAME	COMMON NAME	
1	<i>Quercus rubra</i>	Red oak	17.3
2	<i>Quercus rubra</i>	Red oak	28.7
3	<i>Juglans nigra</i>	Black walnut	23.6
4	<i>Acer saccharinum</i>	Silver maple	31.9
5	<i>Acer saccharinum</i>	Silver maple	59.4
6	<i>Acer saccharinum</i>	Silver maple	39.0
7	<i>Pinus strobus</i>	White pine	18.9
8	<i>Picea pungens</i>	Colorado spruce	20.5
9/10	<i>Juglans nigra</i>	Black walnut clump of 2	29.3
11	<i>Juglans nigra</i>	Black walnut	9.1
12	<i>Juglans nigra</i>	Black walnut	11.0
13	<i>Juglans nigra</i>	Black walnut	18.9
14	<i>Juglans nigra</i>	Black walnut	5.9
15	<i>Juglans nigra</i>	Black walnut	8.7
16	<i>Juglans nigra</i>	Black walnut	14.2
17	<i>Juglans nigra</i>	Black walnut	15.7
18	<i>Juglans nigra</i>	Black walnut	16.1
19	<i>Juglans nigra</i>	Black walnut	16.1
20	<i>Juglans nigra</i>	Black walnut	23.2
21	<i>Juglans nigra</i>	Black walnut	26.0
22	<i>Juglans nigra</i>	Black walnut	20.9
23	<i>Juglans nigra</i>	Black walnut	18.9
24	<i>Juglans nigra</i>	Black walnut	17.7
25	<i>Juglans nigra</i>	Black walnut	25.2

CONSERVATION EASEMENT

PARK CIRCLE

Development

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

## WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, being part of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 28, Township 5 North, Range 21 East, described in Exhibit A and shown in Exhibit B attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, mature woodlands, shore buffers, wetland buffers and setbacks, wetlands and shoreland wetlands, and refer to Natural Resource Protection Plan (NRPP) Report prepared by Wetland & Waterway Consulting, LLC and Ecological Services of Milwaukee, Inc, dated May 24, 2017, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

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

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

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

WHEREAS, \_\_\_\_\_, mortgagee of the Protected Property ("Mortgagee"), consents to the grant of this Easement by Grantor to Grantee and Mortgagee's consent is attached hereto and identified as "Mortgage Holder Consent".

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

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

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



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

1. Construct or place buildings or any structure;
2. Construct or make any improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like;
3. Excavate, dredge, grade, mine, drill, or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;
4. Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste, or other landscape materials, ashes, garbage, or debris;
5. Plant any vegetation not native to the protected property or not typical wetland vegetation;
6. Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.

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

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

To Grantor:  
Park Circle, LLC  
Attn: Matthew J. Neumann  
N27 W24025 Paul Court, Suite 100  
Pewaukee, WI 53072

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

In witness whereof, the grantor has set its hand and seals this on this date of \_\_\_\_\_, 20\_\_.

PARK CIRCLE, LLC

By: \_\_\_\_\_  
Matthew J. Neumann – Managing Member

STATE OF WISCONSIN      )  
  ) ss  
COUNTY OF MILWAUKEE    )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_ by

Matthew J. Neumann, Managing Member of Park Circle, LLC

To me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said limited liability company.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

**Acceptance**

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

In witness whereof, the undersigned has executed and delivered this acceptance on the \_\_\_\_ day of \_\_\_\_\_, A.D.20\_\_.

CITY OF FRANKLIN

By: \_\_\_\_\_  
Stephen R. Olson, Mayor

By: \_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN     )  
  ) ss  
COUNTY OF MILWAUKEE    )

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

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

This instrument was drafted by the City of Franklin.

Approved as to contents:

\_\_\_\_\_  
Nicholas Fuchs, Principal Planner  
Department of City Development

\_\_\_\_\_  
Date

Approved as to form only:

\_\_\_\_\_  
Jesse A. Wesolowski  
City Attorney

\_\_\_\_\_  
Date

**MORTGAGE HOLDER CONSENT**

The undersigned, \_\_\_\_\_, a Wisconsin banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering encumbering the Property and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on \_\_\_\_\_, 20\_\_\_\_, as Document No. \_\_\_\_\_, hereby consents to the execution of the foregoing easement and its addition as an encumbrance title to the Property.

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

\_\_\_\_\_  
a Wisconsin Banking Corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF WISCONSIN            )  
  )ss  
COUNTY OF MILWAUKEE        )

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, a Wisconsin banking corporation, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained.

Name: \_\_\_\_\_

Notary Public, State of Wisconsin

My commission expires \_\_\_\_\_

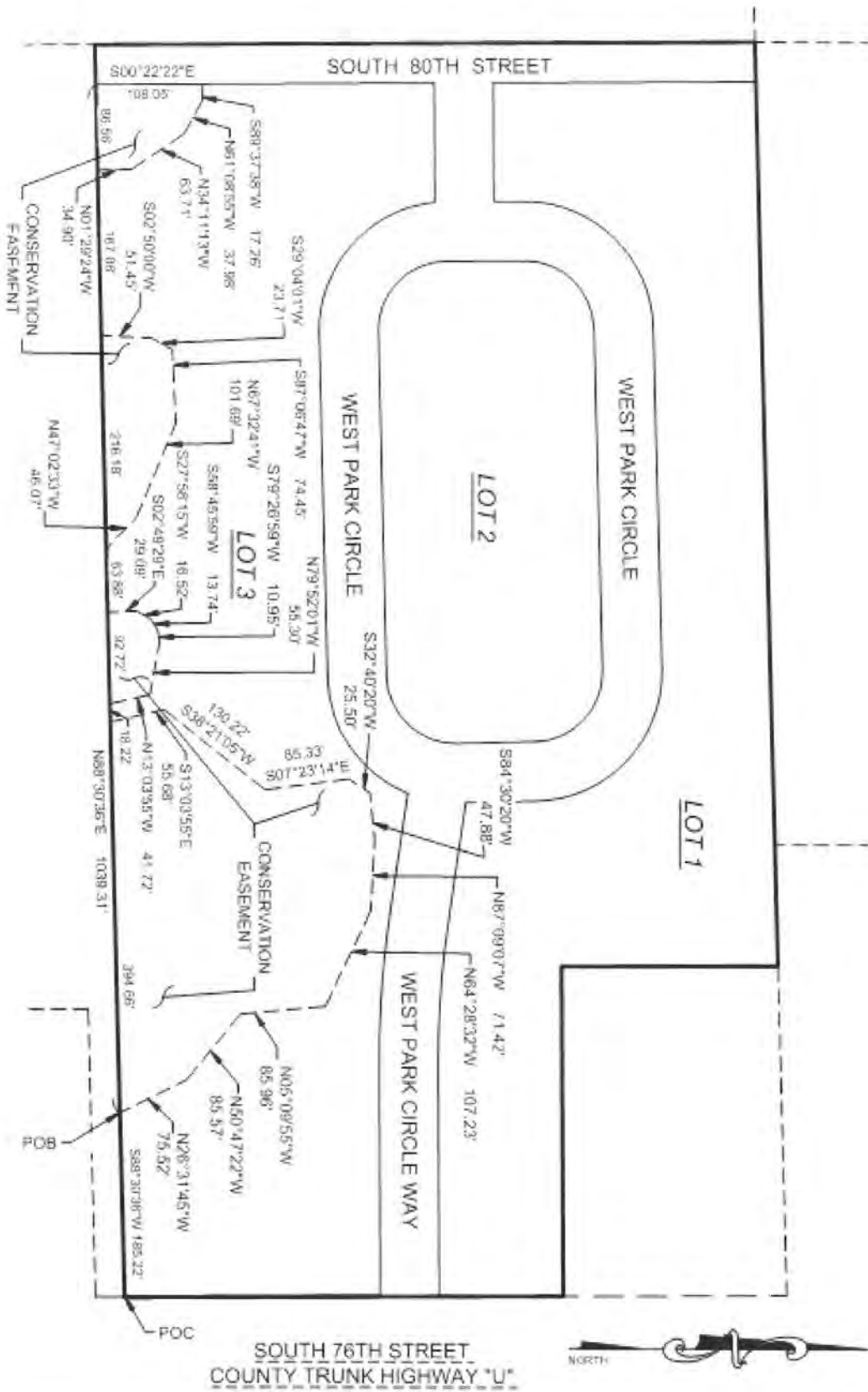
Exhibit A

Legal Description of Park Circle:

Lot 1, 2 and 3 of Certified Survey Map No. \_\_\_\_\_, as recorded in the Register of Deeds Office for Milwaukee County as Document No. \_\_\_\_\_, being a part of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

Legal Description of the Conservation Easement:

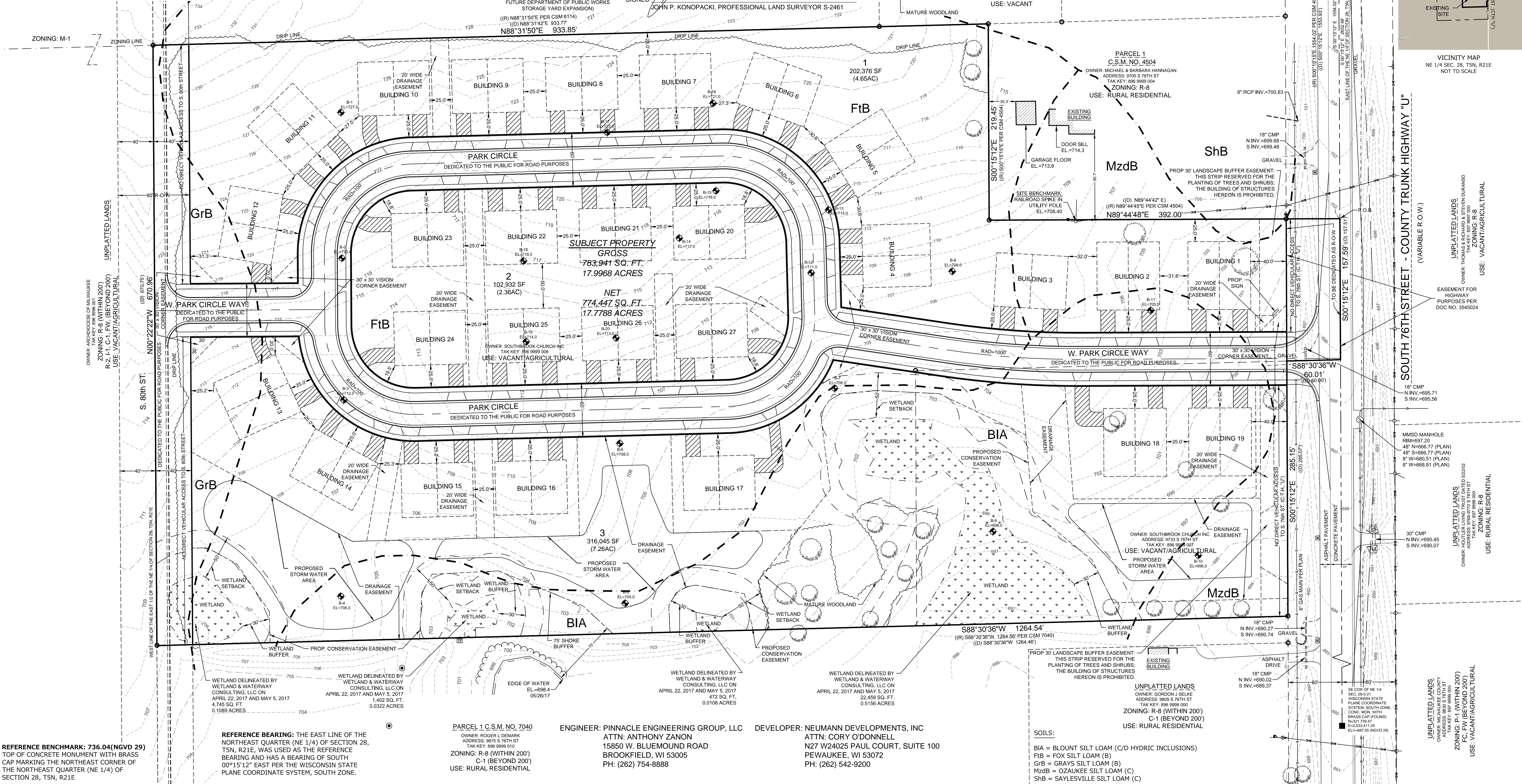
All that part of Lot 3 of Certified Survey Map No. \_\_\_\_\_, as recorded in the Register of Deeds Office for Milwaukee County as Document No. \_\_\_\_\_, being a part of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the southeast corner of said Lot 3; thence South 88°30'36" West along the south line of said Lot 3, 185.22 feet to the place of beginning of the land hereinafter to be described; thence North 26°31'45" West 75.52 feet; thence North 50°47'22" West 85.57 feet; thence North 05°09'55" West 85.96 feet; thence North 64°28'32" West 107.23 feet; thence North 87°09'07" West 71.42 feet; thence South 84°30'20" West 47.88 feet; thence South 32°40'20" West 25.50 feet; thence South 07°23'14" East 85.33 feet; thence South 38°21'05" West 130.22 feet; thence South 13°03'55" East 55.68 feet to the south line of said Lot 3; thence South 88°30'36" West along the south line of said Lot 3, 18.22 feet; thence North 13°03'55" West 41.72 feet; thence North 79°52'01" West 55.30 feet; thence South 79°26'59" West 10.95 feet; thence South 58°45'59" West 13.74 feet; thence South 27°58'15" West 16.52 feet; thence South 02°49'29" East 29.09 feet to the south line of said Lot 3; thence South 88°30'36" West along the south line of said Lot 3, 63.88 feet; thence North 47°02'33" West 46.07 feet; thence North 67°32'41" West 101.69 feet; thence South 87°06'47" West 74.45 feet; thence South 29°04'01" West 23.71 feet; thence South 02°50'00" West 51.45 feet to the south line of said Lot 3; thence South 88°30'36" West along the south line of said Lot 3, 167.08 feet; thence North 01°29'24" West 34.90 feet; thence North 34°11'13" West 63.71 feet; thence North 61°08'55" West 37.98 feet; thence South 89°37'38" West 17.26 feet to the west line of said Lot 3; thence South 00°22'22" East along said west line 108.05 feet to the south line of said Lot 3; thence North 88°30'36" East along said south line 1039.31 feet to the place of beginning.



THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PINNACLE ENGINEERING GROUP, LLC. DESIGNED: ASZ REVIEWED: ASZ DRAFTED: BR

- NOTES:**
1. WETLAND FIELD DELINEATED IN 2010 (PER DNR SURFACE WATER VIEWER-INF-SE-2010-41-04882). WETLAND CONCURRENCE FROM THE WIS DNR ON 9/3/2010 AND FROM THE US ARMY CORPS ON 9/2/2010. THE WETLAND WAS REDELINEATED IN 2017 AS SHOWN.
  2. NATURAL RESOURCE PROTECTION PLAN COMPLETED BY ECOLOGICAL SERVICES OF MILWAUKEE, INC ON MAY 24, 2017.
  3. PROPERTY CONSISTS OF TAX KEY NUMBERS 896-9999-007 (ADDRESS 9733 S. 76TH ST.) AND 896-9999-008. TOTAL GROSS SITE AREA = 783,941 SF (17.9968 AC)
  4. PROPERTY IS CURRENTLY ZONED R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT.
  - a. MIN LOT AREA=6,000 SF
  - b. MIN LOT WIDTH AT SETBACK LINE=60 FEET / 75 FEET ON CORNER
  - c. MIN FRONT SETBACK=25 FEET
  - d. MIN SIDE YARD=5 FEET / 15 FEET ON CORNER
  - e. MIN REAR YARD=25 FEET
  5. CURRENT 2025 FUTURE LAND USE MAP DESIGNATION: RESIDENTIAL-MULTI-FAMILY AND NATURAL RESOURCE FEATURES.
  6. USE STATEMENT: THE PROPOSED LOTS WILL BE USED AS MULTI-FAMILY RESIDENTIAL CONDOMINIUM. THERE ARE 27 BUILDINGS WHICH WILL INCLUDE 54 UNITS. DENSITY IS 0.66 BUILDINGS/ACRE AND 0.33 UNITS/ACRE.
  7. UTILITIES SHOWN PER VISIBLE INSPECTION AND MARKINGS AND PLANS FROM DIGGERS HOTLINE. (TICKET NUMBERS 20172022452, 20172022460, 20172022487 AND 20172022498)
  8. VISION CORNER EASEMENT: NO VISUAL OBSTRUCTIONS, SUCH AS STRUCTURES, PARKING, OR VEGETATION, SHALL BE PERMITTED BETWEEN THE HEIGHTS OF 2.5 FEET AND 10 FEET ABOVE THE PLANE THROUGH THE MEAN CURB GRADES WITHIN THE VISION CORNER EASEMENT.

**LIMITED COMMON ELEMENT**  
(DRIVEWAY, SIDEWALK, PATIO, DECKS)  
ALL OTHER OPEN SPACE IS COMMON ELEMENT



**REFERENCE BEARING:** THE EAST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 28, T5N, R21E, WAS USED AS THE REFERENCE BEARING AND HAS A BEARING OF SOUTH 00°15'12" EAST PER THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

**REFERENCE BENCHMARK:** 736.04 (NGVD 29)  
TOP OF CONCRETE MONUMENT WITH BRASS CAP MARKING THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 28, T5N, R21E

**PARCEL 1 C.S.M. NO. 7040**  
OWNER: ROGER J. DEMAK  
ADDRESS: 9675 S 76TH ST  
TAX KEY: 896 9999 001  
ZONING: R-8 (WITHIN 200)  
C-1 (BEYOND 200)  
USE: RURAL RESIDENTIAL

**ENGINEER:** PINNACLE ENGINEERING GROUP, LLC  
ATTN: ANTHONY ZANON  
15850 W. BLUEMOUND ROAD  
BROOKFIELD, WI 53005  
PH: (262) 754-8888

**DEVELOPER:** NEUMANN DEVELOPMENTS, INC  
ATTN: CORY O'DONNELL  
N27 W24025 PAUL COURT, SUITE 100  
PEWAUKEE, WI 53072  
PH: (262) 542-9200

**PINNACLE ENGINEERING GROUP**  
ENGINEERING | NATURAL RESOURCES | SURVEYING

WISCONSIN OFFICE:  
15850 W. BLUEMOUND ROAD  
BROOKFIELD, WI 53005  
(262) 754-8888  
CHICAGO | MILWAUKEE | NATIONWIDE

**PLAN | DESIGN | DELIVER**  
www.pinnacle-engr.com

# PARK CIRCLE

## CITY OF FRANKLIN, MILWAUKEE CO.

### SITE PLAN

NO.	DATE	DESCRIPTION

NO.	DATE	DESCRIPTION

PEG JOB No. 901.00-01  
REG. No. ASZ  
START DATE 07-25-17  
SCALE 1" = 50'

**SHEET C-1**  
**SITE PLAN C-1**

www.pinnacle-engr.com

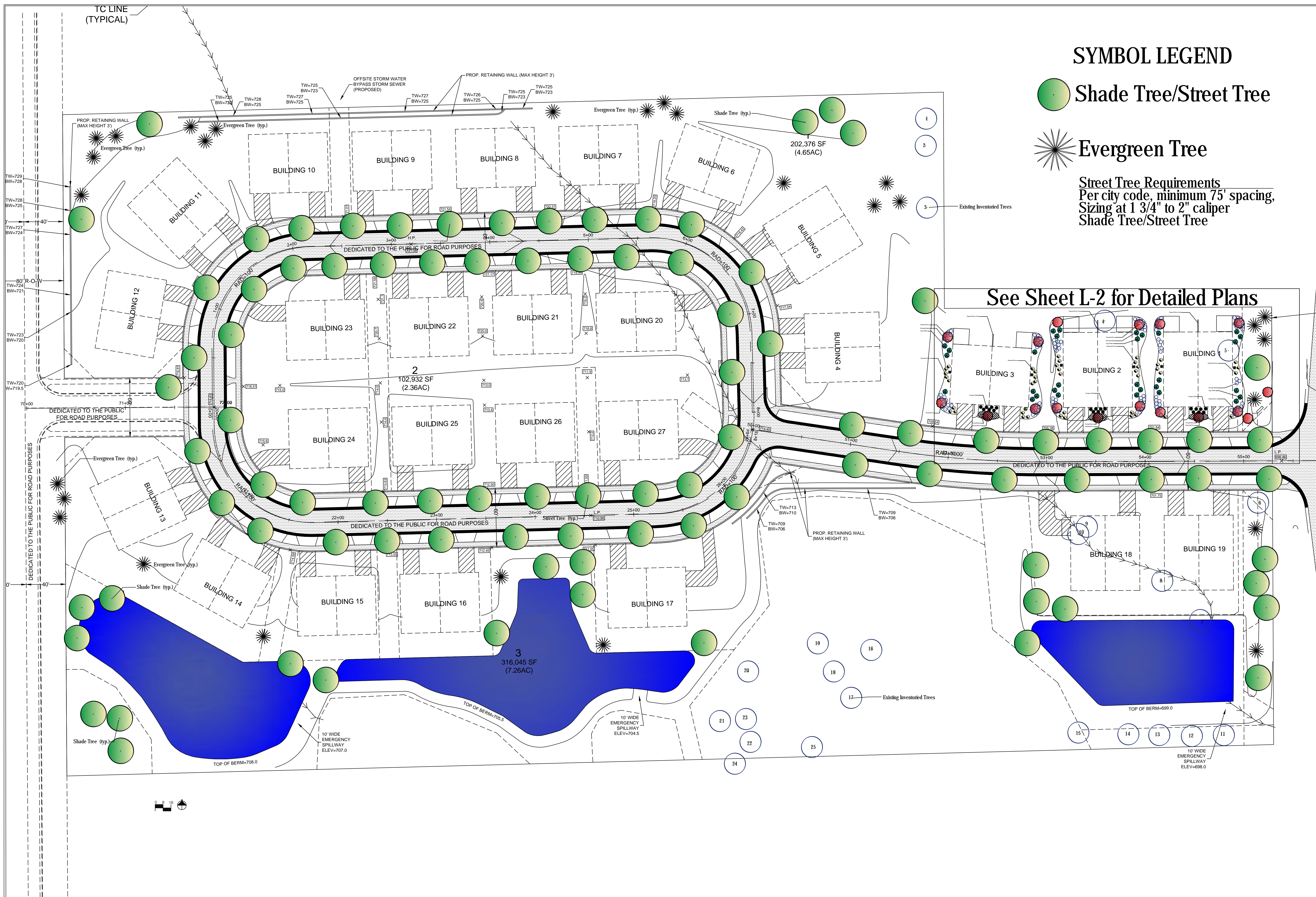
### SYMBOL LEGEND

 Shade Tree/Street Tree

 Evergreen Tree

Street Tree Requirements  
Per city code, minimum 75' spacing,  
Sizing at 1 3/4" to 2" caliper  
Shade Tree/Street Tree

See Sheet L-2 for Detailed Plans



# Master Landscape Concept

## Landscape Development for Park Circle Condominiums

Franklin, WI

Date: July 26, 2017  
Scale: AS SHOWN  
Designer: crm  
Drawn By: crm

Seal:  
To protect against legal liability,  
the plans presented herein are  
"schematic," and should not be  
outsourced as "biddable" or  
"construction documents" unless  
stamped and approved by the  
Landscape Architect. This is  
not an original document unless  
the seal is RED.

Revisions:

Sheet No.

L1

Reference Name:

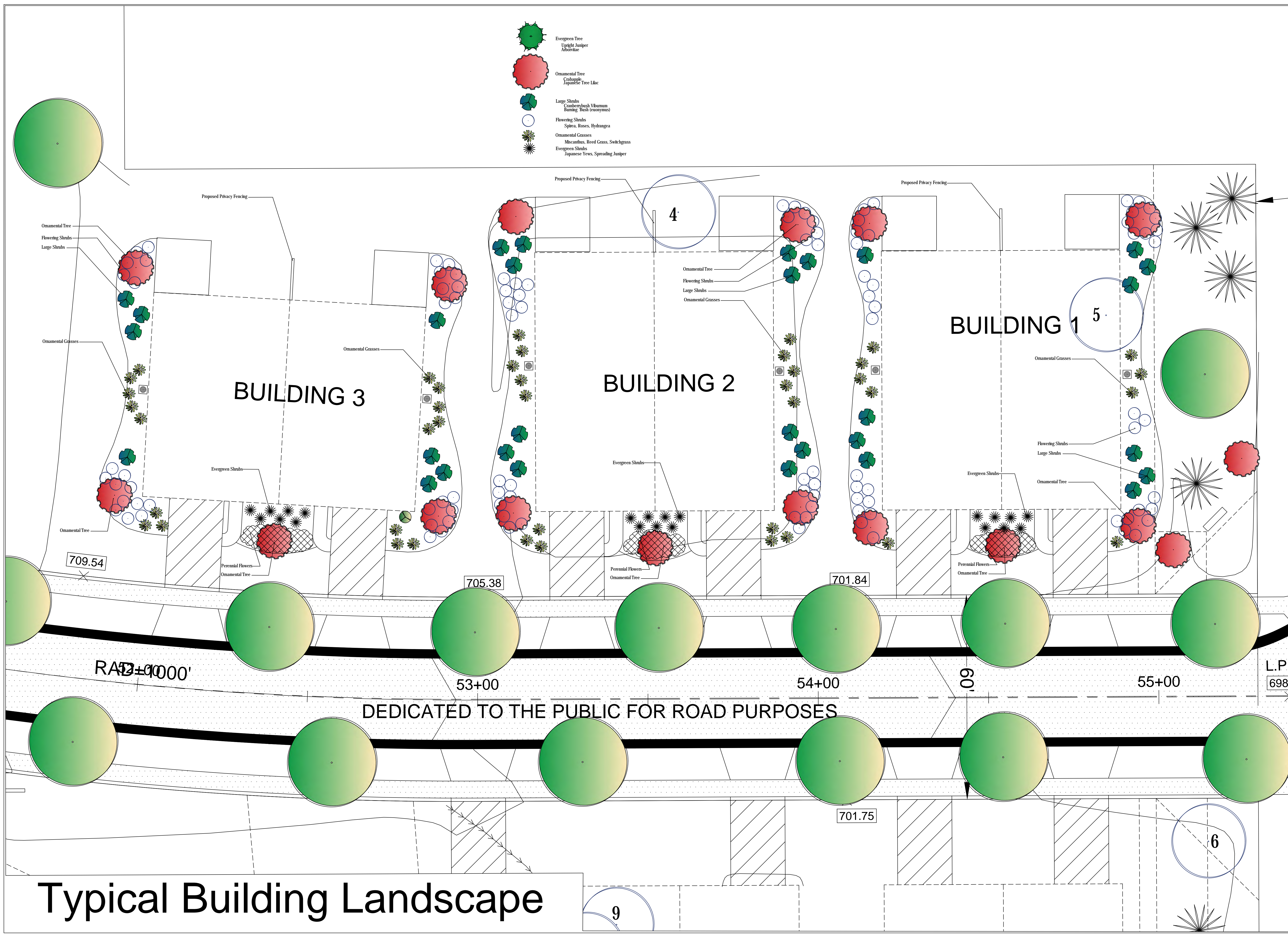
Landscape Development for  
**Park Circle Condominiums**  
Franklin, WI

Date: July 26, 2017  
Scale: As Shown  
Designer: crm  
Drawn By: crm

Seal:  
To protect against legal liability,  
the plans presented herein are  
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Landscape Architect. This is  
not an original document unless  
the seal is RED.

Revisions:

Sheet No.  
**L-2**  
Reference Name:



**Typical Building Landscape**



## RESOLUTION NO. 2017-\_\_\_\_\_

A RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP, BEING THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN AND INCLUDING THE DEDICATION OF RIGHTS-OF-WAY FOR FUTURE ROADS, INCLUDING WEST PARK CIRCLE WAY, WEST PARK CIRCLE AND HALF OF THE RIGHT-OF-WAY OF SOUTH 80TH STREET (NEUMANN DEVELOPMENTS, INC., APPLICANT)  
(APPROXIMATELY 9733 SOUTH 76TH STREET)

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WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being that part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, and including the dedication of rights-of-way for future roads, including West Park Circle Way, West Park Circle and half of the right-of-way of South 80th Street, more specifically, of the properties located at approximately 9733 South 76th Street, bearing Tax Key Nos. 896-9999-007 and 896-9999-008, Neumann Developments, Inc., applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed certified survey map, including the dedication of rights-of-way for future roads is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Neumann Developments, Inc., including the dedication of rights-of-way for future roads, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.

NEUMANN DEVELOPMENTS, INC. – CERTIFIED SURVEY MAP  
RESOLUTION NO. 2017-\_\_\_\_\_

Page 2

3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.
4. Neumann Developments, Inc., successors and assigns, and any developer of the Neumann Developments, Inc. 3 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon Neumann Developments, Inc. and the 3 lot certified survey map project for the property located at approximately 9733 South 76th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. All Engineering Department technical comments, dated July 24, 2017, shall be satisfied prior to recording the Certified Survey Map with the Milwaukee County Register of Deeds.
7. The Conservation Easement shall be reviewed and approved by the Common Council, prior to recording and the issuance of any Building Permits related to the Park Circle development.
8. The trees along the north property line, including those onsite and the canopies of trees located on the property to the north, shall be illustrated and included as part of the conservation easement. Alternatively, the applicant may demonstrate that a minimum of 70% of the mature woodlands onsite are protected within the conservation easement and not protect the remaining 30%. The Certified Survey Map shall be revised accordingly.
9. The Natural Resource Protection Plan shall be revised to clearly identify all natural resource features that will be disturbed, for review and approval by the Department of City Development, prior to issuance of a Building Permit.