

CITY OF FRANKLIN  
COMMON COUNCIL MEETING\*\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*  
TUESDAY, DECEMBER 3, 2013, 6:30 P.M.

- A. Call to Order and Roll Call
- B. Citizen Comment Period
- C. Approval of Minutes
  - 1. Approval of regular meeting of November 19, 2013.
- D. Hearings
  - 1.
- E. Organizational Business
- F. Letters and Petitions
  - 1. Letter from Joe Hanrahan, Franklin Lions Club regarding remodeling of the pavilion at Lions Legend Park, 8050 S. Legend Drive.
- G. Reports and Recommendations
  - 1. Rescheduling of Public Hearing on Impact Fee Ordinance Amendment.
  - 2. Donations
    - a. from Stephen R. Olson and Beverly Sollazo-Olson in the amount of \$200 to the Police Department.
    - b. from Rolling Dice Riders of Franklin, Inc. Snowmobile Club, Menard's gift card in the amount of \$25 to the Department of Public Works.
  - 3. Resolution imposing conditions and restrictions for the approval of a Special Use for a warehousing and distribution facility use upon property located at 6801 S. 27th Street (Greywolf Partners, Inc., applicant).
  - 4. Resolution imposing conditions and restrictions for the approval of an indoor baseball educational/practice physical fitness facility use upon property located at 7150 S. 76th Street (The Rock Sports Complex, LLC, applicant).
  - 5. Resolution authorizing acceptance of Storm Water Facilities Maintenance Agreement for Avian Estates, LLC located at W. Avian Court.
  - 6. Resolution for acceptance of storm drainage, turn-around, sanitary, watermain and stormwater management and access easements for Avian Estates Subdivision located at W. Avian Court off of W. Puetz Road.
  - 7. Resolution to Release Previously Required and Recorded Public Easements Upon Property Now Within the Avian Estates Subdivision as the Public Needs Served by Such Prior Easements Have Been Met with the Easements Required as a Condition of the Approval of the Avian Estates Subdivision Plat.
  - 8. Resolution authorizing officials to execute a Survey Services Proposal for the proposed new sewer and water utility operations building.
  - 9. Contract with MSGovern for Data Conversion.
  - 10. 2014 Property and Casualty Insurance Coverage.
  - 11. Resolution adopting a policy that the City of Franklin's Employee Health Benefit Plan shall maintain a level of benefits to ensure that the City is not subject to the Affordable Care Act's "Cadillac Tax".

- 12. Recommendation of Personnel Committee to adopt a practice of bidding out health insurance broker services every three years.
- 13. Committee of the Whole Recommendations
  - A. Concept review for a proposed office/retail development (5600, 5602, and 5610 W. Rawson Avenue) (Blind Squirrel Development LLC, applicant).
  - B. Update on property condition complaints.
  - C. Reclassification of the Position of "Director of Administration" to "City Administrator".
  - D. Wireless Emergency Network Service (WENS) contract between the City of Franklin and Inspiron Logistics. The Common Council may enter closed session pursuant to Wis. Stats. 19.85(1)(e) for consideration of deliberating or negotiating a service contract and conducting public business which requires a closed session for competitive or bargaining reasons, in order to consider amendment of the terms of the service contract, up to and including consideration of termination of the contract, and/or in accordance with Wis. Stats. 19.85(1)(g) to confer with legal counsel for the governmental body concerning strategy to be adopted by the body with respect to litigation in which the City is likely to become involved in relation to consideration of said contract termination, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

H. Licenses and Permits

- 1. Miscellaneous Licenses.

I. Bills

- 1. Vouchers and Payroll approval.

J. Adjournment

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

\*\*Notice is given that a majority of the Forward Franklin Economic Development Commission, Plan Commission, and Personnel Committee may attend this meeting to gather information about an agenda item over which the Forward Franklin Economic Development Commission, Plan Commission, and Personnel Committee has decision-making responsibility. This may constitute a meeting of the Forward Franklin Economic Development Commission, Plan Commission, and Personnel Committee per State ex rel. Badke v. Greendale Village Board, even though the Forward Franklin Economic Development Commission, Plan Commission, and Personnel Committee 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:

December 5	Plan Commission	7:00 p.m.
December 17	Common Council	6:30 p.m.
December 17	Special Partisan Election Assembly District 82	7:00 a.m.-8:00 p.m.
December 25 & 26	HOLIDAY-CITY HALL CLOSED	
December 31 & January 1	HOLIDAY-CITY HALL CLOSED	



- RES. 2013-6933  
CONSERVATION  
EASEMENT  
AVIAN ESTATES, LLC
- G.4. Alderman Dandrea moved to adopt Resolution No. 2013-6933, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A FINAL PLAT FOR AVIAN ESTATES SUBDIVISION (AT APPROXIMATELY 7120 TO 7400 WEST PUETZ ROAD) (AVIAN ESTATES, LLC, APPLICANT) subject to technical corrections by City Attorney. Seconded by Alderman Taylor. All voted Aye; motion carried.
- RES. 2013-6934  
SUBDIVISION  
DEVELOPMENT  
AGREEMENT  
AVIAN ESTATES
- G.5. Alderman Dandrea moved to adopt Resolution No. 2013-6934, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF AVIAN ESTATES SUBDIVISION. Seconded by Alderman Taylor. All voted Aye; motion carried.
- RES. 2013-6932  
AMENDMENT TO  
CONSERVATION  
EASEMENT  
SBI WYNDHAM, LLC
- G.6. Alderman Skowronski moved to adopt Resolution No. 2013-6932, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT AN AMENDMENT TO CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 7700-7780 SOUTH LOVERS LANE ROAD (SBI WYNDHAM, LLC, OWNER/APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried.
- ORD. 2013-2122  
AMEND UDO PLANNED  
DEVELOPMENT  
DISTRICT NO. 28  
POLISH FESTIVALS, INC.
- G.7. Alderman Skowronski moved to adopt Ordinance No. 2013-2122, AN ORDINANCE TO AMEND §15-3.0433 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 28 (POLISH FESTIVALS, INC.) TO ALLOW FOR THE CONSTRUCTION AND USE OF A CHAPEL (CONSERVANCY FOR HEALING AND HERITAGE, INC., APPLICANT) (6941 SOUTH 68TH STREET AND ENVIRONS). Seconded by Alderman Schmidt. All voted Aye; motion carried.
- RES. 2013-6935  
CONSERVATION  
EASEMENT-  
POLISH FESTIVALS, INC.
- G.8. Alderman Skowronski moved to adopt Resolution No. 2013-6935, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF AN AMENDMENT TO PLANNED DEVELOPMENT DISTRICT NO. 28 (POLISH FESTIVALS, INC.) (CONSERVANCY FOR HEALING AND HERITAGE, INC., APPLICANT) (6941 S. 68TH STREET AND ENVIRONS). Seconded by Alderman Taylor. All voted Aye; motion carried.

ORD. 2013-2123  
AMEND UDO PLANNED  
DEVELOPMENT  
DISTRICT NO. 13  
(WAL-MART/SAM'S  
WHOLESALE CLUB)

G.9. Alderman Taylor moved to adopt Ordinance No. 2013-2123, AN ORDINANCE TO AMEND §15-3.0418 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 13 (WAL-MART/SAM'S WHOLESALE CLUB) TO IN PART EXPAND THE DISTRICT BOUNDARIES TO INCLUDE AND PROVIDE FOR THE REZONING OF AN ADJOINING TO THE SOUTH APPROXIMATE 19.7 ACRE PARCEL [AND AN ADJOINING TO THE SOUTH APPROXIMATE 2.92 ACRE OUTLOT] FROM B-2 GENERAL BUSINESS DISTRICT AND FE FLOODWAY DISTRICT [AND OUTLOT] TO PLANNED DEVELOPMENT DISTRICT NO. 13 AND FW FLOODWAY DISTRICT AND TO ALLOW FOR AMUSEMENT AND RECREATION SERVICES AND LIMITED SINGLE WAREHOUSING AND DISTRIBUTION USE AMONG OTHER USES IN AN EXISTING MULTI-TENANT BUILDING SUBJECT TO SPECIAL USE APPROVAL(S) WITHIN THE EXISTING BUILDING ON THE 19.7 ACRE PARCEL (GREYWOLF PARTNERS, INC., APPLICANT) (6801 SOUTH 27TH STREET). Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2013-6936  
SPECIAL USE  
GREYWOLF PARTNERS,  
INC.

G.10. Alderman Skowronski moved to adopt Resolution No. 2013-6936, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR AN AMUSEMENT AND RECREATION SERVICES USE UPON PROPERTY LOCATED AT 6801 SOUTH 27TH STREET (GREYWOLF PARTNERS, INC., APPLICANT) as revised. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2013-6937  
LAND COMBINATION  
(BLASÉ J. CATANESE  
AND CATHLEEN  
CATANESE,  
APPLICANT)

G.11. Alderman Skowronski moved to adopt Resolution No. 2013-6937, A RESOLUTION CONDITIONALLY APPROVING A LAND COMBINATION FOR TAX KEY NOS. 792-9993-001 AND 792-9993-002 (7771 SOUTH 76TH STREET) (BLASÉ J. CATANESE AND CATHLEEN CATANESE, APPLICANTS). Seconded by Alderman Taylor. All voted Aye; motion carried.

SPECIAL EXCEPTION  
STANDARDS, FINDINGS  
AND DECISION  
ANDREW J. PETTY AND  
AMANDA E. PETTY

G.12. Alderman Taylor moved to adopt the Standards, Findings and Decision of the City of Franklin Common Council upon the application of Andrew J. Petty and Amanda E. Petty, for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance to deny the application as revised by the City Attorney. Seconded by Alderman Schmidt. Motion carried on a voice vote; Alderman Skowronski voted No.

EXTENSION OF  
SANITARY SEWER  
S. 76TH ST.

G.13. Alderman Skowronski moved to recommend funding to the Finance Committee for the non-assessable portion of the sanitary sewer extension on S. 76th Street from a point 3,000 feet south of W. Ryan Road to a point 900 feet north of W. Ryan Road and on W. Ryan Road from S. 76th Street to a point 1,235 feet west of S. 80th Street. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2013-6938  
PUBLIC CONSTRUCTION  
OF THE RYAN CREEK  
INTERCEPTOR

G.14. Alderman Taylor moved to adopt Resolution No. 2013-6938, A RESOLUTION ACCEPTING THE PUBLIC CONSTRUCTION OF THE RYAN CREEK INTERCEPTOR SEWER PUBLIC SANITARY SEWER FACILITY PROJECT. Seconded by Alderman Skowronski. All voted Aye; motion carried.

2014 AGREEMENT  
BETWEEN FRANKLIN  
AND RACINE COUNTY

G.15. Alderman Taylor moved to approve the 2014 Professional Services Agreement between the City of Franklin and Racine County for services to verify a certified soil tester's soil and site evaluation at designated properties when needed and to authorize the Director of Administration to execute such agreement. Seconded by Alderman Mayer. All voted Aye; motion carried.

RES. 2013-6939  
DEVELOPMENT  
AGREEMENT  
PEOPLE'S CHOICE  
CORPORATION

G.16. Alderman Mayer moved to adopt Resolution No. 2013-6939, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE PEOPLE'S CHOICE CORPORATION FOR THE DEVELOPMENT AGREEMENT FOR HAMPTON INN & SUITES MILWAUKEE/FRANKLIN TO BE LOCATED NORTH OF W. RAWSON AVENUE AND WEST OF S. 76TH STREET. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Alderman Mayer vacated his seat at this time.

LETTER OF CREDIT  
SACRED HEART AT  
MONASTERY LAKE  
PROJECT

G.17. Alderman Skowronski moved to release Letter of Credit No. 1556 from Tri-City National Bank dated December 15, 2009, for the development of the Sacred Heart at Monastery Lake development project as recommended by the Engineering Department. Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman Mayer returned to his seat at this time.

AUDIT AGREEMENT  
WITH CLIFTON  
GUNDERSON LLP

G.18. Alderman Taylor moved to approve the Mayor, City Clerk and Director of Finance & Treasurer to execute the Audit Agreement between Clifton Gunderson LLP and the City of Franklin for audit of the City of Franklin for the 2013 year. Seconded by Alderman Dandrea. All voted Aye; motion carried.

- REVISED JOB DESCRIPTION POLICE PATROL OFFICER      G.19.      Alderman Skowronski moved to approve the revision to the Job Description for Police Patrol Officer. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- RES. 2013-6940 ELIMINATING OVERTIME FOR PART-TIME LIBRARY ASSISTANTS      G.20.      Alderman Dandrea moved to adopt Resolution No. 2013-6940, A RESOLUTION TO AMEND THE CIVIL SERVICE SYSTEM PERSONNEL ADMINISTRATION PROGRAM ELIMINATING OVERTIME FOR PART-TIME LIBRARY ASSISTANTS WHO WORK ON SUNDAYS. Seconded by Alderman Taylor. All voted Aye; motion carried.
- RES. 2013-6941 2014 NON-REPRESENTED EMPLOYEE GENERAL WAGE ADJUSTMENT      G.21.      Alderman Schmidt moved to adopt Resolution No. 2013-6941, A RESOLUTION TO ADDRESS THE 2014 NON-REPRESENTED EMPLOYEE GENERAL WAGE ADJUSTMENT AND THE EMPLOYEE COST SHARE OF MONTHLY HEALTH INSURANCE PREMIUMS. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- WAGE COMPRESSION AND INCREASES POLICE AND FIRE COMMAND STAFF      G.22.      Alderman Mayer moved to approve a 3% wage increase effective January 12, 2014 and a 1% wage increase effective December 28, 2014, for Police and Fire Command Staff, recognizing that this action, supersedes any Resolution on the general non-represented employee wage adjustments, and to direct the Director of Administration to incorporate such adjustments into the Employee Handbook in a form as he shall determine is appropriate as per recommendation of the Mayor and Police Chief. Seconded by Alderman Skowronski. All voted Aye; motion carried.
- REVISED JOB DESCRIPTION SANITARIAN      G.23.      Alderman Skowronski moved to approve the revised job description for the Sanitarian as amended per the recommendation of the Personnel Committee. Seconded by Alderman Mayer. All voted Aye; motion carried.
- MISCELLANEOUS LICENSES      H.1.      Alderman Dandrea moved to grant the following licenses:
- Class "A" Combination to Midtown Gas & Liquor, 11123 W. Forest Home Ave., Hardip Singh Bhatti, Agent;
- Operator License to Bailey, Brett W., 4636 S. Racine Ave., New Berlin; Ormond, Mariah R., 1608 ½ East St. Upper, Racine; Gjika, Enea, 1738 Hickory St., South Milwaukee and Lyons, Deborah E., 314 Luedtke Ave., Racine;
- The Operator License for Krosschell, David M., 2537 S. Austin St., Milw. was withdrawn. Seconded by Alderman Taylor. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

I.1. Alderman Schmidt moved to approve net general checking account City vouchers in the range of Nos. 149305 through 149312 and Nos. 150001 in the amount of \$589,039.24 dated November 19, 2013. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderman Dandrea moved to approve net general checking account City vouchers in the range of Nos. 150152 through Nos. 150160 in the amount of \$206,074.06 dated November 15, 2013. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

Alderman Schmidt moved to approve net general checking account City vouchers in the range of Nos. 150161 through Nos. 150164 in the amount of \$25,026.98 dated November 20, 2013. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

Alderman Skowronski moved to approve the net payroll dated November 15, 2013 in the amount of \$337,904.32 (estimate previously approved at \$343,000.00) and payments of the various payroll deductions in the amount of \$201,254.03 (estimate previously approved at \$203,000.00) plus any City matching payments, where required. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

Alderman Schmidt moved to approve the net payroll dated November 29, 2013 estimated at \$362,000.00 and payments of the various payroll deductions estimated at \$183,000.00 plus any City matching payments, where required. Seconded by Alderman Skowronski. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the meeting at 7:37 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.

F.I.

WE SERVE



**FRANKLIN LIONS CLUB** of Franklin, WI 53132

SERVING HUMANITY SINCE 1957

[www.franklinlions.org](http://www.franklinlions.org)



11/27/2013

PLEASE ADD THE FRANKLIN LIONS CLUB TO THE COMMON COUNCIL AGENDA FOR THEIR MEETING ON 12-3-2013. THE CLUB WOULD LIKE TO SPEAK TO THE REMODELING OF THE PAVILION AT LIONS LEGEND PARK #1.

AS ALWAYS

Joe Harrahan

FRANKLIN LIONS CLUB

RECEIVED  
CITY OF FRANKLIN  
2013 NOV 27 AM 10:49

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## MEMORANDUM

Date: November 26, 2013  
To: Mayor and Aldermen  
From: Mark W. Lubberda *MWL*  
Director of Administration  
RE: Rescheduling of Public Hearing on Impact Fee Ordinance Amendment

Please be advised that the Public Hearing on impact fee ordinance changes scheduled for December 3, 2013 at 6:30 p.m. must be cancelled and rescheduled. The hearing was to be for the purpose of exempting public schools from application of each of the various impact fees and to suspend for 2014 automatic annual rate increases for each of the various impact fee rates imposed under 92-66.0617(4) of the Municipal Code.

I had attempted to process this request of the Common Council as quickly as possible after the Common Council directed that a public hearing on the matter be established. The public hearing was set and noticed in accordance with the requirements of a 1<sup>st</sup> Class notice, but, unfortunately, I failed to consider a separate requirement in the Wisconsin Statutes for a 20-day advanced notice for amendments to existing impact fee ordinances. As such setting the hearing for December 3<sup>rd</sup> was never a valid option.

The Public Hearing will be re-noticed and scheduled for January 7, 2014, the first meeting in January, which complies with the required notice period. I apologize for any inconvenience, and will notify the Chairman of the School Board of the requirement and of the new public hearing time. If you have any questions, please do not hesitate to contact me.

**CITY OF FRANKLIN**

**OFFICIAL NOTICE**

**NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FRANKLIN** will conduct a public hearing on Tuesday, December 3, 2013 at 6:30 p.m., or as soon thereafter as the matter may be heard, in the Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin, to hear public comment regarding proposed amendments to §92-9 of the Municipal Code pertaining to impact fees upon land development pursuant to §66.0617 of the Wisconsin Statutes. The proposed amendments are to exempt public schools from application of each of the various impact fees and to suspend for 2014 automatic annual rate increases for each of the various impact fee rates imposed under §92-9 of the Municipal Code. Copies of a Public Facilities Needs Assessment prepared pursuant to §66.0617(4) of the Wisconsin Statutes and a copy of the proposed ordinance are available for viewing in the office of the City Clerk at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. The proposed draft form ordinance is subject to revisions following public hearing and the further consideration by the City of Franklin Common Council, including, but not limited to, revisions modifying the automatic annual rate increase.

SANDRA L. WESOLOWSKI  
CITY CLERK

Dated this 21st day of November, 2013

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>12/03/13</p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p>Police Department donation of \$200.00 from Stephen R. Olson &amp; Beverly Sollazo-Olson</p>	<p><b>ITEM NUMBER</b></p> <p><i>G.2.a.</i></p>

The City of Franklin Police Department has received a donation from Stephen R. Olson and Beverly Sollazo-Olson to be put toward the purchase of materials for our bi-annual Franklin Police Department Citizen Academy classes.

**COUNCIL ACTION REQUESTED**

Motion to accept this donation of \$200.00 from Stephen R. Olson and Beverly Sollazo-Olson to be deposited into the Police Donations Account and earmarked for Citizen Academy materials and supplies.

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<p><b>APPROVAL</b> <i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b> <b>12/03/13</b></p>
<p><b>Reports and Recommendations</b></p>	<p><b>Donation from Rolling Dice Riders of Franklin, Inc. Snowmobile Club in the amount of \$25 to the Department of Public Works</b></p>	<p><b>ITEM NUMBER</b> <i>G, 2, b,</i></p>

The City of Franklin Department of Public Works has received a Menard's gift card from Rolling Dice Riders of Franklin, Inc. in the amount of \$25 to be used by the department.

**COUNCIL ACTION REQUESTED**

Motion to accept the donation of \$25 from Rolling Dice Riders of Franklin, Inc. Snowmobile Club to the Department of Public Works to be used by the department.



**ROLLING DICE RIDERS OF FRANKLIN, INC.  
SNOWMOBILE CLUB**

7245 S. 76th St. #222, FRANKLIN, WI 53132

11/25/2013

To Jerry Schafer and the Department of Public Works Staff,

Thank you very much for allowing our club to use your facility to hold our snowmobile safety course. Your generosity allows us the ability to provide a safety course to people in the community. Please accept the enclosed gift certificate in appreciation for all you do to assist our club.

Thank You,  
Franklin Rolling Dice Riders  
Snowmobile Club.

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">12/03/13</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A WAREHOUSING AND DISTRIBUTION FACILITY USE UPON PROPERTY LOCATED AT 6801 SOUTH 27TH STREET (GREYWOLF PARTNERS, INC., APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>6.3.</i></p>

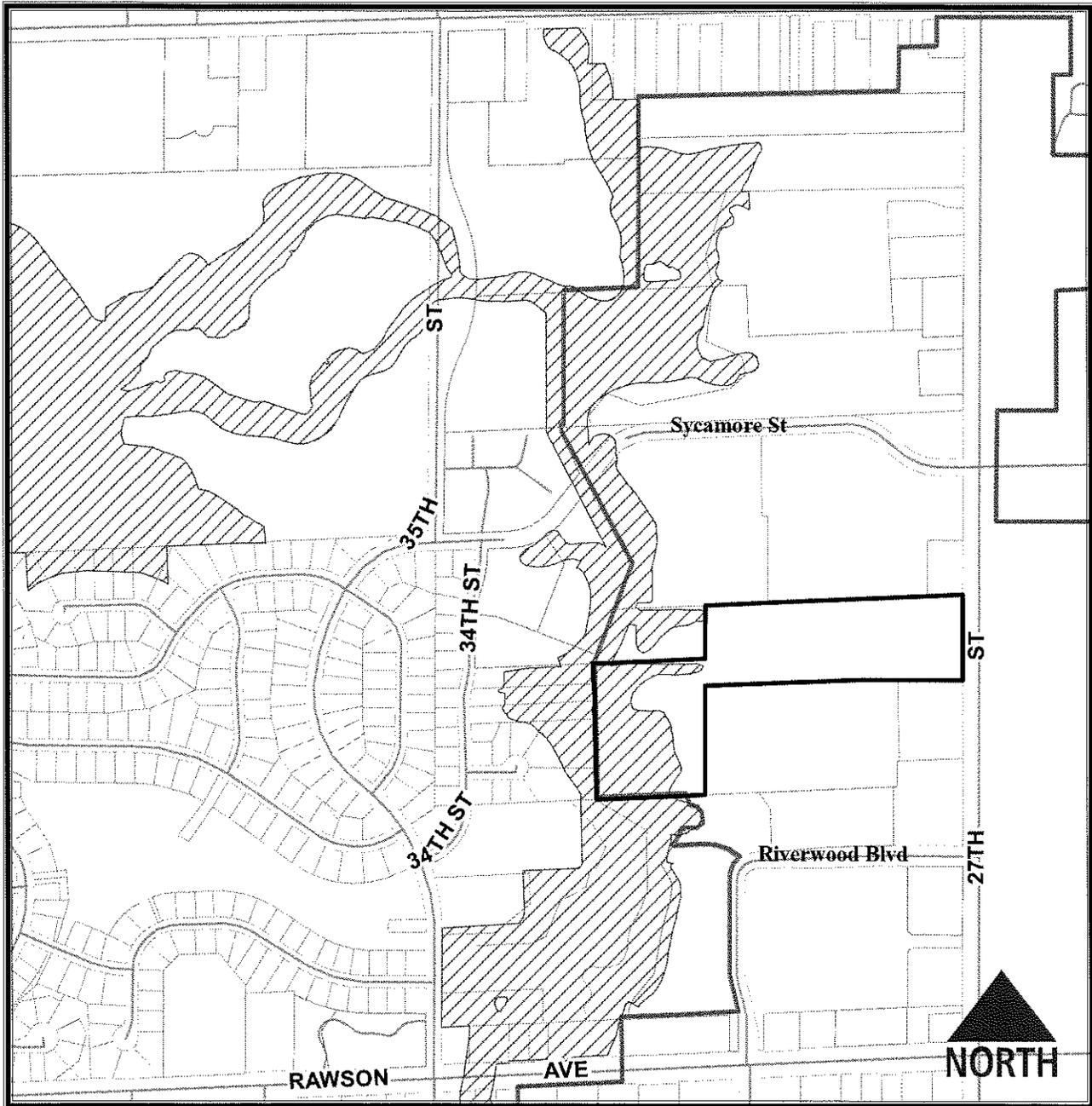
At its November 21, 2013, meeting the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a special use for a warehousing and distribution facility use upon property located at 6801 South 27<sup>th</sup> Street (Greywolf Partners, Inc., Applicant) with additional recommendations, including no truck traffic entering or exiting through the cross-access location between the adjacent property to the south, no truck idling while parked, no manufacturing allowed onsite, no refrigerated trucking and to allow hours of operation between 7:00 a.m. and 6:00 p.m.

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2013-\_\_\_\_\_, a resolution imposing conditions and restrictions for the approval of a special use for a warehousing and distribution facility use upon property located at 6801 South 27<sup>th</sup> Street (Greywolf Partners, Inc., Applicant).



# 6801 South 27th Street TKN738-9974-004



Planning Department  
(414) 425-4024

0.0 0.03 0.06 0.09  
Miles

*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.*

## RESOLUTION NO. 2013-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS  
FOR THE APPROVAL OF A SPECIAL USE FOR A WAREHOUSING  
AND DISTRIBUTION FACILITY USE UPON PROPERTY  
LOCATED AT 6801 SOUTH 27TH STREET  
(GREYWOLF PARTNERS, INC., APPLICANT)

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WHEREAS, Greywolf Partners, Inc. having petitioned the City of Franklin for the approval of a Special Use in Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) and FW Floodway District, to allow for a warehousing and distribution facility use for AST Logistics, LLC, a logistics and transportation company, upon property located at 6801 South 27th Street, bearing Tax Key No. 738-9974-004, which property was rezoned to Planned Development District No. 13 and FW Floodway District pursuant to an Ordinance adopted by the Common Council upon even-date herewith, more particularly described as follows:

PARCEL A: Lot 1 of Certified Survey Map No. 6543, recorded on August 7, 1998, Reel 4367, Images 1756 to 1758 inclusive, as Document No. 7578744, as corrected by Affidavit of Correction recorded as Document No. 7724864, being a part of Parcel 2 of Certified Survey Map No. 1316, part of the Northeast 1/4 of the Southeast 1/4 and part of the Northwest 1/4 of the Southeast 1/4 of Section 1, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin. (19.7 acres); and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 21st day of November, 2013, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

GREYWOLF PARTNERS, INC. – SPECIAL USE  
RESOLUTION NO. 2013-\_\_\_\_\_

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Greywolf Partners, Inc., for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Greywolf Partners, Inc., successors and assigns, as a warehousing and distribution facility use, which shall be developed in substantial compliance with, and operated and maintained by Greywolf Partners, Inc./AST Logistics, LLC, a logistics and transportation company, pursuant to those plans City file-stamped November 11, 2013 and annexed hereto and incorporated herein as Exhibit A.
2. Greywolf Partners, Inc., successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Greywolf Partners, Inc./AST Logistics, LLC, a logistics and transportation company, 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.
3. The approval granted hereunder is conditional upon Greywolf Partners, Inc./ AST Logistics, LLC, a logistics and transportation company use for the property located at 6801 South 27th 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.
4. This Special Use shall be personal to AST Logistics, LLC, shall not run with the land, and shall not be available to such existing structure, or be allowed for, following the development of any new structure upon the subject property.
5. A maximum of three trailers shall be allowed to be stored overnight. The applicant shall submit a revised Site Plan illustrating the area to be permitted for trailer storage for review and approval by Department of City Development staff, prior to the issuance of an Occupancy Permit.
6. No outside storage shall be allowed onsite, except as permitted under condition 5. above.
7. Hour of operation (including truck traffic and loading and unloading) shall be limited to the hours from 7:00 a.m. to 6:00 p.m.

GREYWOLF PARTNERS, INC. – SPECIAL USE  
RESOLUTION NO. 2013-\_\_\_\_\_

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8. The subject distribution use shall be limited to a maximum of ten trucks entering and exiting the site per day.
9. Trucks shall be shut off and shall not idle while loading, unloading and parked.
10. A berm and landscaping shall be provided west of the building and parking lot to screen the subject area from adjacent land uses. In addition, additional screening and/or a fence shall be provided to fully screen the outdoor trailer storage area. The amount of landscaping to be provided shall be based upon the standards set forth in the Unified Development Ordinance pursuant to the amount of parking established for this Special Use. A Landscape Plan and any fence details shall be submitted for Department of City Development review and approval prior to the issuance of an Occupancy Permit.
11. Detailed plans of proposed building and site modifications shall be submitted for Department of City Development staff review and approval, in compliance with all applicable codes and ordinances, prior to the issuance of an Occupancy Permit.
12. Holes and broken asphalt within the parking lot shall be repaired, in compliance with all applicable codes and ordinances, prior to the issuance of an Occupancy Permit.
13. All parking spaces shall be striped in compliance with Section 15-5.0202 of the Unified Development Ordinance as illustrated on the Site Plan, prior to the issuance of an Occupancy Permit.
14. Holes, discoloration and deterioration from previous signage above the front entrance shall be repaired, in compliance with all applicable codes and ordinances, prior to the issuance of an Occupancy Permit.
15. The two vehicular cross-access locations to the current Dental Associates use property along the south property line of the property located at 6801 South 27th Street shall be paved prior to the issuance of an Occupancy Permit.
16. If any exterior lighting changes are made, a Lighting Plan shall be submitted to the Department of City Development for staff review and approval, in compliance with all applicable codes and ordinances, prior to the issuance of an Occupancy Permit.
17. Property owner shall add a minimum of one ADA accessible parking space adjacent to the entrance of tenant space labeled "Future Tenant" on the Site Plan, prior to the issuance of an Occupancy Permit.

GREYWOLF PARTNERS, INC. – SPECIAL USE  
RESOLUTION NO. 2013-\_\_\_\_\_

Page 4

18. Truck traffic shall not enter or exit through the cross-access location between the adjacent property to the south located at 6855 South 27<sup>th</sup> Street.
19. Refrigerated trucks are prohibited from the site.
20. No manufacturing type uses shall be allowed.

BE IT FURTHER RESOLVED, that in the event Greywolf Partners, Inc., successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

GREYWOLF PARTNERS, INC. – SPECIAL USE  
RESOLUTION NO. 2013-\_\_\_\_\_

Page 5

APPROVED:

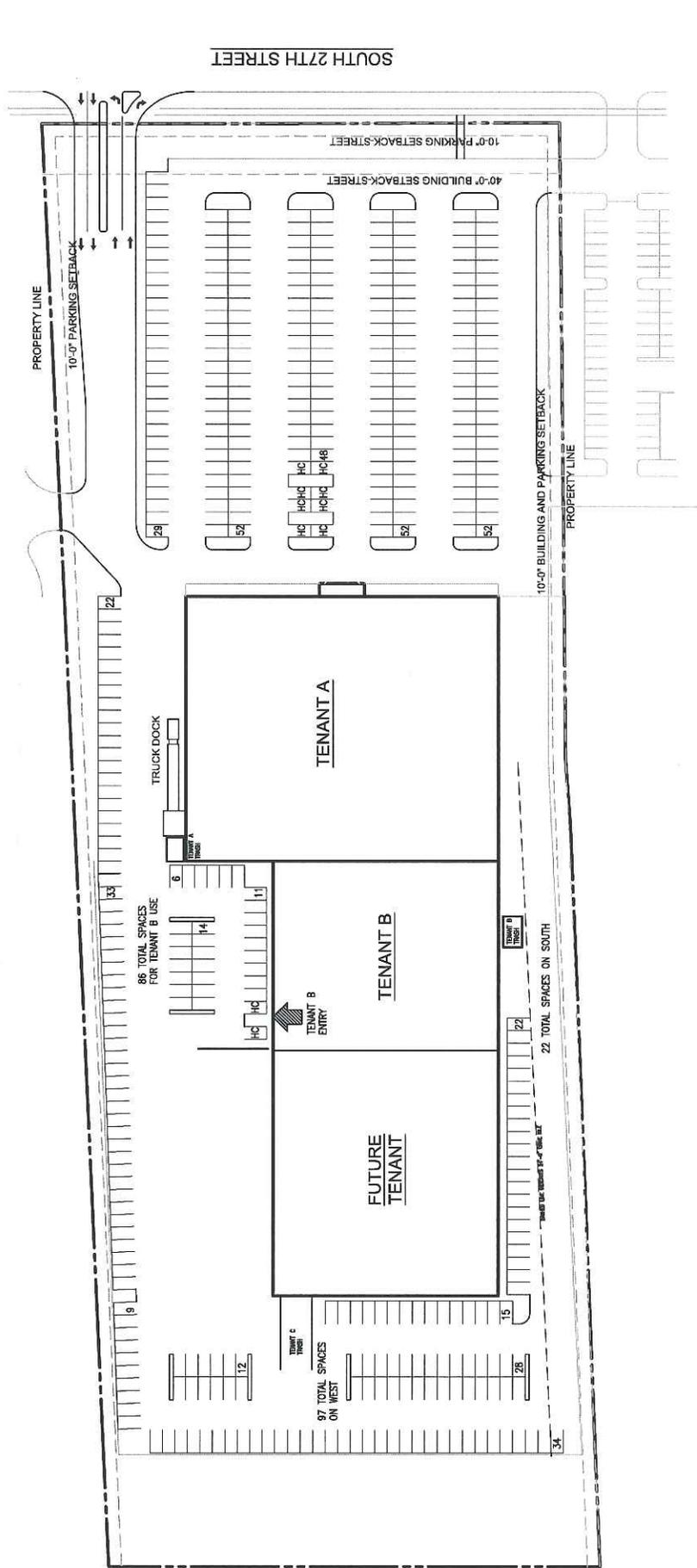
\_\_\_\_\_  
Thomas M. Taylor, Mayor

ATTEST:

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

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

# Exhibit A



**Kahler Slater**  
experience design

6801 S. 27th Street  
FRANKLIN, WISCONSIN

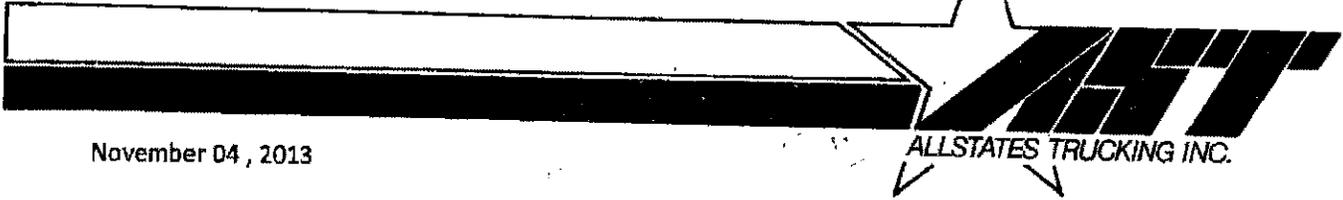
Franklin

NOV 11 2013

City Development

PROPOSED SITE PLAN

10-16-2013; ASK-010



November 04 , 2013

RE: 27<sup>th</sup> Street Location

To The City of Franklin,

Below are the answers to the questions regarding the 27<sup>th</sup> Street location.

1. Will there be any outdoor storage? None
2. On average, how many trucks will be stored outside each night? No semi-trucks. Maybe, anywhere from 0-3 trailers a night.
3. On average, how many trucks travel through each day? 1-8 is the best answer here. Just never know.
4. What are the hours of operation? 7am-5pm are normal hours.
5. What are the days of the week that the intended hours are for? Normal operation days are Mon-Fri with occasional Saturday and Sundays.
6. Are there ever any deliveries at night? Occasionally a few nights
7. What is being stored in the building? Dried packaged food
8. Will there be any employees on site? Occasionally

Thank you,

Allstates Trucking, Inc.

**From:** Travis A. Tiede [mailto:[ttiede@mlgcommercial.com](mailto:ttiede@mlgcommercial.com)]  
**Sent:** Tuesday, November 19, 2013 5:16 PM  
**To:** Glaser, Peter @ Milwaukee  
**Cc:** Wiedenman, Karl @ Milwaukee  
**Subject:** AST

Staff recommends submitting a detailed project narrative. The project narrative should outline the business operations and include, but not be limited to, the information below.

- a. The hours of operation for any office portion of the business as well as the timeframes for the trucking operations.
  - AST will only need warehouse space no office space needed. This location will have trucking operations form 7:00 am – 6:00 pm M-F and possibly some Saturdays. There will not be any permanent employees at this location but will be assessed on an as need basis.
- b. The approximate number of trucks that will enter and exit the site per day. Please consider the average or typical daily truck traffic as well as an anticipated maximum number of trucks onsite in a single day.
  - We anticipate approximately 4-7 trucks on a daily basis.
- c. The size and type of trucks.
  - Semi trucks with 48' and 53' foot trailers.
- d. The number and size of trailers stored onsite. Please indicate the location of this storage/parking area on the site plan.
  - 2-5 trailers will be staged at any given time. This location can be determined by ownership as we are flexible.
- e. Number of employees.
  - 1-4, like previously said, this will be unmanned building. As needed basis
- f. The types of items being warehoused/stored within the building.
  - Dry food (Pretzels)
- g. Any proposed building and/or site improvements. Staff recommends submitting the modifications as part of this Special Use Application. Please note that if plans are not submitted at this time, exterior modifications may require additional approvals in the future.
  - None

**Travis A. Tiede**  
Industrial Associate  
[tat@mlgcommercial.com](mailto:tat@mlgcommercial.com)

**NAI MLG Commercial**  
757 N Broadway Street, Suite 700  
Milwaukee, WI 53202  
[mlgcommercial.com](http://mlgcommercial.com)

**Direct 414 395 4682**  
**Mobile 920 475 8135**  
Main 414 347 9400  
Fax 414 347 9401

**NAI MLG Commercial**

**City of Franklin**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**GENERAL STANDARDS FOR SPECIAL USES**

We believe that the Special Uses, for which we are applying for, are in line with the following standards:

1. Ordinance and Comprehensive Master Plan Purposes and Intent.
  - The proposed special uses will occupy specific and separate space within the building. Permitting these special uses offers a chance for redevelopment of the subject property, which, in turn, leverages value from the initial investment and reduces the possibility of negative impacts on the market.
2. No Undue Adverse Impact.
  - The proposed special uses will not have a substantial effect upon any adjacent properties and will not endanger the character of the area or impair property values within the community or neighborhood.
3. No Interference with Surrounding Development.
  - The proposed special uses will use only the rear portion of the building, therefore, will not dominate or interfere with the use and development of the neighboring properties.
4. Adequate Public Facilities.
  - The proposed special uses will have access to adequate public facilities in the same manner as the previous tenant.
5. No Traffic Congestion.
  - The proposed special uses will not cause any traffic to be routed through residential areas as the ingress and egress will be directly on South 27<sup>th</sup> Street.
6. No Destruction of Significant Features.
  - The proposed special uses will not have any impact on any natural, scenic, or historical features.
7. Compliance with Standards.
  - The proposed special uses will 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.


**CITY OF FRANKLIN**

**REPORT TO THE PLAN COMMISSION**

Meeting of November 21, 2013

**Special Use**


---

**RECOMMENDATION:** City Development Staff recommends approval of the proposed special use for a limited single warehousing and distribution facility use upon property located at 6801 South 27<sup>th</sup> Street, subject to the conditions in the draft resolution.

---

**Project Name:** AST Logistics Special Use

**Project Address:** 6801 South 27<sup>th</sup> Street

**Applicant:** Greywolf Partners, Inc.

**Owners (property):** Geneva Ashx I LLC Et Al & Geneva Exchange Fund XI LLC

**Current Zoning:** B-2 General Business District and FW Floodway District

**Proposed Zoning:** Planned Development District No. 13

**2025 Comprehensive Master Plan** Commercial

**Use of Surrounding Properties:** Wal-Mart and Sam's Club to the north, vacant commercial land zoned B-2 District and Dental Associates to the south, City of Oak Creek (commercial properties) to the east and a Sam's Club owned outlot zoned B-2 District and single-family residential to the west

**Applicant Action Requested:** Recommendation of approval for the proposed Special Use for AST Logistics, Inc. to operate at 6801 South 27<sup>th</sup> Street

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**INTRODUCTION:**

Please note:

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

On October 9, 2013, Susan Isparides of Greywolf Partners, Inc. submitted a Special Use application on behalf of AST Logistics, LLC, requesting approval to operate a warehousing and distribution facility use within vacant tenant space located at 6801 South 27<sup>th</sup> Street (the former Ashley Furniture building).

At their November 7, 2013 meeting, the Plan Commission recommended approval of a Planned Development District Amendment that in part amended the PDD No. 13 boundary to include the subject parcel and allow "limited single warehousing and distribution use among other uses in an existing multi-tenant building" with special use approval. This application is contingent upon Common Council approval of the amendment to PDD No. 13. This item is tentatively scheduled to be heard at the November 19, 2013 Common Council meeting.

## **PROJECT DESCRIPTION AND ANALYSIS:**

The applicant is requesting Special Use approval to operate a warehousing and distribution facility in approximately 36,000 square feet of space within the rear (western) portion of the former Ashley Furniture building. The property is approximately 19.7 acres. According to the applicant's project narrative, the only outdoor storage proposed is up to three trailers overnight. The applicant has indicated that approximately one to eight trucks may travel through the site per day and hours of operation are between 7:00 a.m. and 5:00 p.m. The building will primarily warehouse dried packaged food.

Staff is recommending:

1. A maximum of three trailers shall be allowed to be stored overnight. The applicant shall submit a revised Site Plan illustrating the area to be permitted for trailer storage for review and approval by Department of City Development staff, prior to issuance of an Occupancy Permit.
2. No outside storage shall be allowed onsite, except as permitted under the above recommendation (i.e. a maximum of three overnight trailers).
3. Hours of operation (including truck traffic and loading and unloading) shall be limited to the hours from 7:00 a.m. to 5:00 p.m.
4. The subject distribution use shall be limited to a maximum of ten trucks entering and exiting the site per day.
5. Trucks shall be shut off and shall not idle while loading and unloading.
6. A berm and landscaping shall be provided west of the building and parking lot to screen the subject area from adjacent land uses. In addition, additional screening and/or a fence shall be provided to fully screen the outdoor trailer storage area. The amount of landscaping to be provided shall be based upon the standards set forth in the Unified Development Ordinance pursuant to the amount of parking established for this Special Use. A Landscape Plan and any fence details shall be submitted for Department of City Development review and approval prior to issuance of an Occupancy Permit.
7. This Special Use shall be personal to AST Logistics, LLC, shall not run with the land, and shall not be available to such existing structure, or be allowed for, following the development of any new structure upon the subject property.

Staff further suggests that:

- Overnight parking (including trailers) not be allowed.
- Truck traffic and loading and unloading be prohibited on weekends and holidays.

Staff expects minor building and site modifications that may include an additional loading dock on the northwest side of the "Tenant A" space, a new entryway for the "Tenant B" space, two new dumpster enclosures, minor façade changes, removal of fences and gates and parking lot

repairs and striping. The applicant, however, has not yet submitted details for these modifications; therefore, as part of the review of the AST Logistics, LLC Special Use permit, staff is recommending the following:

8. Detailed plans of proposed building and site modifications shall be submitted for Department of City Development staff review and approval, in compliance with all applicable codes and ordinances, prior to the issuance of an Occupancy Permit.
9. Holes and broken asphalt within the parking lot shall be repaired, in compliance with all applicable codes and ordinances, prior to the issuance of an Occupancy Permit.
10. All parking spaces shall be striped in compliance with Section 15-5.0202 of the Unified Development Ordinance as illustrated on the Site Plan, prior to the issuance of an Occupancy Permit.
11. Holes, discoloration and deterioration from previous signage above the front entrance shall be repaired, in compliance with all applicable codes and ordinances, prior to the issuance of an Occupancy Permit.
12. The two vehicular cross-access locations to the current Dental Associates use property along the south property line of the property located at 6801 South 27<sup>th</sup> Street shall be paved prior to issuance of an Occupancy Permit.

If any proposed building or site modifications are deemed more substantial than as described above, Department of City Development staff will elect to have the applicant return to the Plan Commission and Common Council for review and approval.

Lighting: The applicant has not indicated if any changes to the exterior lighting will be undertaken. If any exterior lighting changes are made, a Lighting Plan shall be submitted to the Department of City Development for staff review and approval, in compliance with all applicable codes and ordinances, prior to issuance of a Occupancy Permit.

Signage: The applicant has not provided any information about proposed signage. Any signage will require separate City approvals.

Parking: Table 15-5.0203 of the City of Franklin Unified Development Ordinance (UDO) defines requirements for off-street parking. Staff anticipates the subject building being occupied by three separate tenants. The "Tenant A" space is likely to be occupied by a retail user. The applicant has indicated that they are in discussions with Hobby Lobby to lease that space. A retail use requires five spaces per 1,000 square feet of Gross Floor Area (GFA). This tenant space is approximately 53,000 square feet; therefore, a minimum of 265 parking spaces are required.

The Plan Commission recently recommended approval of an indoor trampoline park for the "Tenant B" space. The proposed indoor trampoline park use would require five spaces per 1,000 square feet of GFA, plus six queuing spaces as a "Recreation Center." If one applies this

standard, then the proposed 27,000 square foot trampoline park facility would be required to provide a minimum of 135 off-street parking spaces.

The proposed AST Logistics, LLC space, labeled "Future Tenant" on the proposed site plan is approximately 36,000 square feet. As a warehouse and distribution type use, 0.5 parking spaces per 1,000 square feet of GFA are required. In this case, a minimum of 18 parking spaces are required.

Per the above calculations, 418 off-street parking spaces are required for occupancy of the entire building. The proposed site plan includes 368 parking spaces. Staff finds that there is sufficient off-street parking for these three uses and does not object to the parking reduction of approximately 12% or 50 parking spaces, which is allowed per Section 15-5.0203A. without further approval, unless recommended otherwise by the Plan Commission and rejected by the Common Council as part of the review of the Special Use application.

Ten of the off-street parking spaces are ADA accessible, which meets minimum requirements of Table 15-5.0202(I)(1) of the (UDO). However, none of the spaces are located near the entrance to the "Future Tenant" space; therefore, staff recommends that the property owner shall add a minimum of one ADA accessible parking space adjacent to the entrance of tenant space labeled "Future Tenant" on the Site Plan, prior to issuance of an Occupancy Permit.

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 each of the seven standards, which is included in your packet.

**STAFF RECOMMENDATION:**

City Development Staff recommends approval of the proposed special use for a limited single warehousing and distribution facility use upon property located at 6801 South 27<sup>th</sup> Street, subject to the conditions in the draft resolution.

**BLANK PAGE**

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">12/03/13</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF AN INDOOR BASEBALL EDUCATIONAL/PRACTICE PHYSICAL FITNESS FACILITY USE UPON PROPERTY LOCATED AT 7150 SOUTH 76<sup>TH</sup> STREET (THE ROCK SPORTS COMPLEX, LLC, APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.4.</i></p>

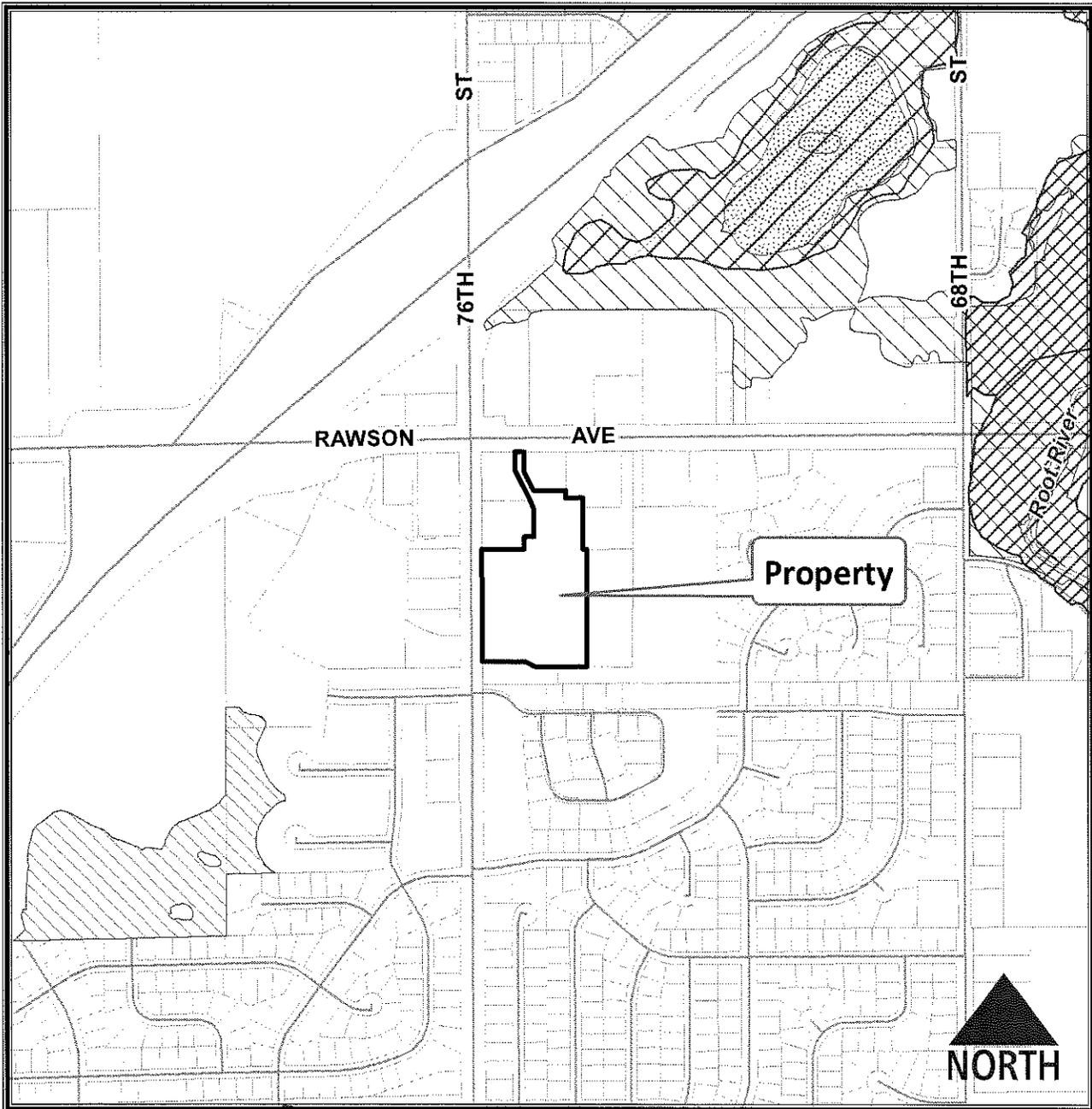
At its November 21, 2013, meeting, the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a Special Use for an indoor baseball educational/practice physical fitness facility use upon property located at 7150 South 76<sup>th</sup> Street (The Rock Sports Complex, LLC, Applicant).

**COUNCIL ACTION REQUESTED**

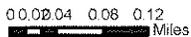
A motion to adopt Resolution No. 2013-\_\_\_\_\_, a resolution imposing conditions and restrictions for the approval of a Special Use for an indoor baseball educational/practice physical fitness facility use upon property located at 7150 South 76<sup>th</sup> Street (The Rock Sports Complex, LLC, Applicant).



### 7150 South 76th Street Orchard View Shopping Center



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



2013 Aerial Photo

*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.*

## RESOLUTION NO. 2013-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE  
APPROVAL OF A SPECIAL USE FOR AN INDOOR BASEBALL  
EDUCATIONAL/PRACTICE PHYSICAL FITNESS FACILITY USE UPON  
PROPERTY LOCATED AT 7150 SOUTH 76TH STREET  
(THE ROCK SPORTS COMPLEX, LLC, APPLICANT)

---

WHEREAS, The Rock Sports Complex, LLC having petitioned the City of Franklin for the approval of a Special Use within a B-3 Community Business District under Standard Industrial Classification Title No. 7991 "Physical fitness facilities", to allow for an indoor baseball educational/practice facility physical fitness facility use upon property located at 7150 South 76th Street (former Walgreens Drug Store building within the Orchard View Shopping Center), bearing Tax Key No. 756-9993-021, more particularly described as follows:

Lot 2 of Certified Survey Map No. 8318, a division of Parcel 1 of Certified Survey Map No. 6313, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 21st day of November, 2013, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

THE ROCK SPORTS COMPLEX, LLC – SPECIAL USE  
RESOLUTION NO. 2013-\_\_\_\_\_

Page 2

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of The Rock Sports Complex, LLC, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by The Rock Sports Complex, LLC, successors and assigns, as an indoor baseball educational/practice facility physical fitness facility use, which shall be developed in substantial compliance with, and operated and maintained by The Rock Sports Complex, LLC, pursuant to those plans City file-stamped November 13, 2013 and annexed hereto and incorporated herein as Exhibit A.
2. The Rock Sports Complex, LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the The Rock Sports Complex, LLC indoor baseball educational/practice facility, 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.
3. The approval granted hereunder is conditional upon The Rock Sports Complex, LLC, and the indoor baseball educational/practice facility physical fitness facility use for the property located at 7150 South 76th Street (former Walgreens Drug Store building within the Orchard View Shopping Center): (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.
4. Holes, discoloration and deterioration from previous signage on the front elevation of 7150 South 76<sup>th</sup> Street shall be repaired, in compliance with all applicable codes and ordinances, prior to the issuance of an Occupancy Permit.

THE ROCK SPORTS COMPLEX, LLC – SPECIAL USE  
RESOLUTION NO. 2013-\_\_\_\_\_

Page 3

BE IT FURTHER RESOLVED, that in the event The Rock Sports Complex, LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

THE ROCK SPORTS COMPLEX, LLC – SPECIAL USE  
RESOLUTION NO. 2013-\_\_\_\_\_

Page 4

APPROVED:

\_\_\_\_\_  
Thomas M. Taylor, Mayor

ATTEST:

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

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

Franklin

NOV 13 2013

**From:** [Thomas Johns](#)  
**To:** [Joel Dietl](#)  
**Cc:** [Jesse Wasolowski](#); [Tom Taylor](#); [Douglas D. Schmidt](#)  
**Subject:** RLB Indoor Baseball  
**Date:** Wednesday, October 30, 2013 4:45:44 PM

---

City Development

All

First of all, thanks everyone for meeting today.

As per that conversation legal description, signed lease, and approving letter from Jim O'Malley are on their way to me. I will forward those on as soon as I have them.

As for the other items:

**Detailed Description of Operations:**

Baseline operations will center around classes that will teach baseball-specific skills. The majority of the skills taught will be mechanical in nature (hitting, fielding, throwing, etc.), but skills more analytical in nature will be taught as well. For instance, we might discuss the thought process of an at-bat (from the perspective of the hitter or pitcher), or the setup of a particular position given the situation.

Other operations will include community team rentals. Therefore, a local select team might come in and rent the facility for an hour to practice as a team. Also, individual cage rentals or space rentals as well.

**Hours of Operation:**

The hours of operation for the facility will general be weekdays 4pm – 11pm, weekends 10am – 11pm

**Brief Physical Description of the Property:**

The space being utilized for this project is the former Walgreens space in the Orchard View Shopping Center at 76th & Rawson. It is approximately 12,000 square feet & noticeably vacant. The inside of the space is VCT flooring with miscellaneous electrical lines protruding from the wall, ceiling, & floor. The majority of the space is wide-open.

**Public Use:**

The operation is open to any and all participants wishing to register for classes. The Rock Sports Complex, LLC will actively seek out that section of the market that is interested in baseball specifically, but all parties are welcome to participate. Additionally, other organizations, teams, individuals, etc. are welcome to rent the facility during non-class time periods.

Again, I will send the information from O'Malley (O'Braun) as soon as possible.

Thanks again.

Thomas J. Johns  
General Manager  
The Rock Sports Complex, LLC  
7900 W. Crystal Ridge Dr.  
Franklin, WI 53132  
[tomj@rockcomplex.com](mailto:tomj@rockcomplex.com)



Franklin

11/12/2013

NOV 13 2013

City of Franklin  
Planning Department  
9299 W. Loomis Rd.  
Franklin, WI 53132

City Development

Re: Special Use Application -- General Standards Narrative

To Whom It May Concern:

Thank you for your consideration of an RLB indoors facility at the Orchard View Shopping Center. Currently much of this shopping center is vacant and the addition of an indoor baseball center would be a great development and augmentation to an already burgeoning community.

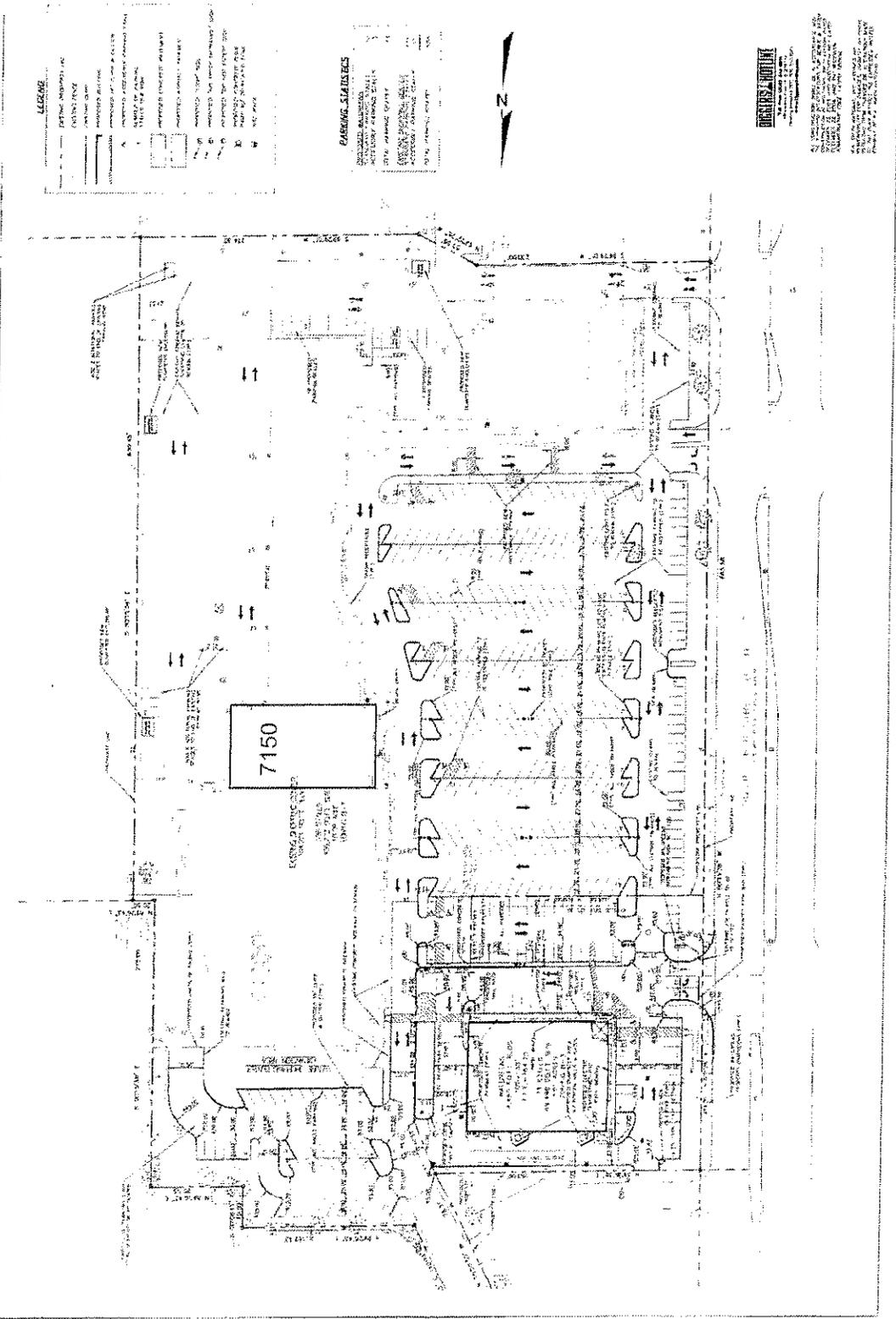
Please find our responses/narratives to the General Standards for Special Uses below:

- 1. Ordinance and Comprehensive Master Plan Purposes and Intent:** The proposed use and development of an RLB Indoor Baseball facility is in harmony with the general and specific purposes for which this ordinance was enacted. The facility promotes health, wellness, and an improvement of baseball skills. It does not have any negative impacts on the City of Franklin community.
- 2. No Undue Adverse Impact:** The proposed use and development of an RLB Indoor Baseball Facility will not have a substantial or undue adverse or detrimental effect upon any adjacent property. Rather, the facility will have a positive impact on adjacent properties by promoting public health, safety, morals, etc.
- 3. No Interference with Surrounding Development:** The proposed use and development of an RLB Indoor Baseball Facility will not interfere with surrounding development. Attendance is moderate with the majority of operations being classes or approximately twelve people each.
- 4. Adequate Public Facilities:** The proposed use and development of an RLB Indoor Baseball Facility is served adequately by essential public facilities. 76<sup>th</sup> Street and Rawson Avenue both allow for easy access. The building space is already in existence with proper utilities such as sewer and water, and is already part of the City of Franklin police and fire department plans. Common Area Maintenance is provided via landlord.
- 5. No Traffic Congestion:** The proposed use and development of an RLB Indoor Baseball Facility will not cause undue traffic congestion. Again, attendance is moderate with the majority of operations being classes of approximately twelve people.
- 6. No Destruction of Significant Features:** The proposed use and development of an RLB Indoor Baseball Facility does not have any plan or agenda that results in the destruction, loss, or damage of any feature of importance. Nor does the development have a chance of doing so with any operations.
- 7. Compliance with Standards:** The proposed use and development of an RLB Indoor Baseball Facility will conform with the applicable regulations of the district. Furthermore, the RLB Indoor Baseball Facility will comply with additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

  
Tom Johns

General Manager, RLB





**LEGEND**

[Symbol]	EXISTING DRIVEWAY
[Symbol]	PROPOSED DRIVEWAY
[Symbol]	EXISTING UTILITY
[Symbol]	PROPOSED UTILITY
[Symbol]	EXISTING EASEMENT
[Symbol]	PROPOSED EASEMENT
[Symbol]	EXISTING PROPERTY LINE
[Symbol]	PROPOSED PROPERTY LINE
[Symbol]	EXISTING EASEMENT
[Symbol]	PROPOSED EASEMENT

**PARKING SPACES**

[Symbol]	STANDARD PASSENGER
[Symbol]	COMPACT PASSENGER
[Symbol]	TRUCK
[Symbol]	BUS
[Symbol]	BIKE
[Symbol]	HOV 3+
[Symbol]	HOV 2+
[Symbol]	HOV 1+

**NOTES**

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
3. ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
5. ALL DISTANCES ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

**DISCLAIMER**

This site plan is prepared for the use of the client and is not to be used for any other purpose without the written consent of the engineer. The engineer is not responsible for any errors or omissions in this plan.

30'-0"

(8-3)

78.50

53

(D-3)

T/SLAB  
EL=181'-10"

6" CONC SLAB W/ 2x6-W/2 9x  
W/ 7 W.W.F. ON GRAV FILL

T/FTG = 175'-11"

Franklin

NOV 13 2013

Workout  
Storage  
Area

Storage  
Office  
Area

T/FTG = 175'-11"

4'-0"

38'-0"

City Development

T/F = 150'-0"

T/FTG = 180'-11"

T/FTG = 181'-11"

(D-4)

2'-0"

F3

(D-4)

B/FTG = 179'-0"

14'-0"

18'-0"

14'-0"

18'-0"

14'-0"

29'-0"

2'-0"

Fielding/  
Throwing  
Area

2'-0" W/ 14'-0" Lx 3'-5" D PP FTG  
& FTG TO ALIGN W/  
E OF P.C. PANEL

T/FTG = 181'-3"

T/FTG = 180'-11"

#1

#2

#3

80'-00

Batting  
Cages

18'-0"

34'-3"

2'-0"

F3

INDENTED INSIDE  
FACE OF P.C.  
PANEL

E.55

T/FTG = 180'-11"

B/FTG = 178'-0"

(D-4.2)

Waiting  
Observation  
Area

(8-5.1)

F12

T/FTG = 180'-11"

B/FTG = 178'-0"

7"

F12

25'-4"

8'-0"

F12

27'-0"

(D-5.1)

12'-0"

F12

5.75

78.50

6  
53

RLB Indoor Baseball Facility

5  
53

2'-0"

APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE
Reports & Recommendations	<b>SUBJECT:</b> Resolution authorizing acceptance of Storm Water Facilities Maintenance Agreement for Avian Estates, LLC located at W. Avian Court	12/3/13 <b>ITEM NO.</b> G.S.

**BACKGROUND**

The City of Franklin and MMSD require that developments which add a 0.5 acre or more impervious surface to install storm water management facilities, typically a pond(s). The DNR requires municipalities to meet quality standards as found in NR216. It is the responsibility of the development owner, or for subdivision; the homeowners association, to maintain the storm water facilities per a prescribed maintenance agreement.

**OPTIONS**

A maintenance agreement has been received from Avian Estates, LLC. In order to assure complete understanding of requirements, the City has developed a Storm Water Facilities Maintenance Agreement form (see attached).

**OPTIONS**

It is important to adopt and execute the development agreement to provide the proper ongoing maintenance of storm water facilities.

**FISCAL NOTE**

All costs associated with storm water facility maintenance are to be paid by the developer, owner or homeowners association per agreement.

**RECOMMENDATION**

Motion to adopt Resolution No. 2013-\_\_\_\_\_, a resolution authorizing the Mayor and City Clerk to sign the Storm Water Facilities Maintenance Agreement for Avian Estates, LLC.

MB/sg  
Encl.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2013- \_\_\_\_\_

A RESOLUTION ACCEPTING A STORM WATER MAINTENANCE  
AGREEMENT FROM AVIAN ESTATES, LLC

-----  
WHEREAS, a maintenance agreement is required to maintain and operate storm water facilities,

WHEREAS, Avian Estates, LLC has executed and submitted to the City of Franklin a Storm Water Facilities Maintenance Agreement for Avian Estates located at W. Avian Court,

WHEREAS, it would be in the best interests of the City to accept this agreement.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that the Mayor and City Clerk are hereby authorized to accept this agreement and therefore the Mayor and City Clerk are hereby authorized and directed to execute and accept this agreement on behalf of the City.

INTRODUCED at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by Alderman \_\_\_\_\_.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_  
Thomas M. Taylor, Mayor

ATTEST:

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

AYES \_\_\_\_\_

NOES \_\_\_\_\_

ABSENT \_\_\_\_\_

MB/sg

## STORM WATER FACILITIES MAINTENANCE AGREEMENT

This AGREEMENT, made and entered into this 15<sup>th</sup> day of NOVEMBER, 2013, by and between AVIAN ESTATES LLC, hereinafter called the "Owner", and the City of Franklin, hereinafter called the "City".

WITNESSETH:

WHEREAS, the Owner is the owner and holder of record Title to certain real property described on Exhibit "A" which is attached hereto and incorporated herein (the "Property"); and

WHEREAS, the Owner is developing the Property; and

WHEREAS, the Subdivision known as Avian Estates, hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the City, provides for on-site Storm Water Facilities within the confines of the Property; and

WHEREAS, the City and the Owner, its successors and assigns ("successors and assigns" meaning to include any homeowners association and all owners of the property or any portion thereof), including any homeowners association, agree that the health, safety, and welfare of the residents of the City of Franklin, require that on-site Storm Water Facilities as defined in Section 5-8.0600 Unified Development Ordinance of the City of Franklin be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site storm water management practices as shown on the Plan be constructed and adequately maintained by the Owner, its successors and assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site storm water facilities shall be constructed by Owner in accordance with the plans and specifications which are identified as part of the storm water system plan and erosion control plan approved by the City Engineer and submitted as part of the as-built drawings approved by the City Engineer.
2. The Owner, its successors and assigns, shall comply with the ordinances and regulations which require that the Storm Water Facilities shall be regularly inspected and maintained as often as conditions may require, but in any event, at least once each year. The Standard Operation and Maintenance Report attached to this agreement as Exhibit "B" and by this reference made a part hereof shall be used for the purpose of the regular inspections of the Storm Water Facilities. The Owners, its successors and assigns, shall keep the Operation and Maintenance Reports from past inspections, as well as a log of maintenance activity indicating the date and type of maintenance completed of the Storm Water Facilities. The purpose of the inspections is to assure safe and proper functioning of the facilities. The inspections shall cover all storm water facilities, including but not limited to berms, outlet structures, pond areas and access roads. Deficiencies shall be noted in the Operation and Maintenance Report. The Reports and maintenance log shall be made available to the City for review.

3. The Owner, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the Storm Water Facilities, whenever the City deems necessary. The purpose of inspection is to provide periodic review by City staff, to investigate reported deficiencies and/or to respond to citizen complaints. The City shall provide the Owner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary. Corrective actions shall be taken within a reasonable time frame as established by the City Engineer.
4. The Owner, its successors and assigns, shall adequately maintain the Storm Water Facilities, including but not limited to all pipes and channels built to convey storm water to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the storm water. Adequate maintenance is herein defined as keeping the Storm Water Facilities in good working condition so that these storm water facilities are performing their design functions and are in accordance with the Stormwater Basin Maintenance Standards as detailed in Section 15.8.0600 of the City of Franklin Unified Development Ordinance, and Section 13.12 (2) of the Milwaukee Metropolitan Sewerage District (MMSD) rules, and by this reference made a part hereof.
5. If the Owner, its successors and assigns fails to maintain the Storm Water Facilities in good working condition acceptable to the City and does not perform the required corrective actions in a time as established by the City Engineer in written notice, the City may:
  - a) Issue a citation to the Owner, its successors and assigns. Such failure constitutes a violation of Section 15.8.0600 of the Unified Development Ordinance of the City of Franklin. The penalty for such violation of Section 15.8.0600 shall be not less than \$100 nor more than \$2500 for each offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense, and
  - b) Perform the corrective actions identified in the inspection report and assess the Owner, its successors and assigns, for the cost of such work. The cost of such work shall be specially charged against the Property pursuant to Wisconsin Statutes Section 66.0627. If the facilities are located on an outlot owned collectively by a homeowners association, the City may specially charge each member of the homeowners association according to the ownership interest in the facilities located on the property. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Owner outside of the easement for the Storm Water Facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said storm water management practices and in no event shall this Agreement be construed to impose any such obligation on the City.
6. In the event the City, pursuant to this Agreement and applicable easements performs work of an emergency nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Owner, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder.

7. This Agreement imposes no liability of any kind whatsoever on the City and the Owner agrees to indemnify and hold the City harmless from any liability in the event the Storm Water Facilities fail to operate properly.
8. This Agreement shall be attached as an exhibit to any document which creates a homeowners association that is responsible for maintenance of the Storm Water Facilities and shall be recorded at the Milwaukee County Register of Deeds, and shall constitute a covenant running with the land, and shall be binding on the Owner, its administrators, executors, assigns, heirs and any other successors in interest, including any homeowners association and all owners of the property or any portion thereof. The owner shall provide the City with a copy of any document which creates a homeowners association that is responsible for the Storm Water Facilities.
9. The owner, its successors and assigns, is prohibited from building structures, installing play equipment, installing plants, changing grades or performing any function that inhibits care and maintenance of any Storm Water Facilities.
10. The owner, its successor and assigns shall maintain, at all times, an individual(s) who will serve as a contact person(s).

IN WITNESS WHEREOF, the City and Owner have set forth their hands and seals, effective the date first above written.

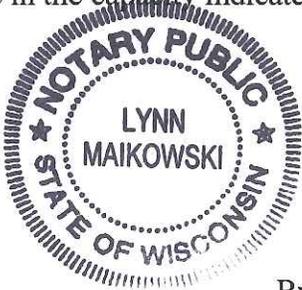
SEALED IN PRESENCE OF:

Avian Estates LLC  
By: MLG Private Fund LLC  
By: MLG PF Manager LLC

By: [Signature]  
Timothy J. Wallen, President

STATE OF WISCONSIN)ss.  
Waukesha COUNTY)

Personally came before me this 15th day of November, 2013, the above named Timothy J. Wallen, President MLG Private Fund, sole member of Avian Estates LLC, to me known to be the person who executed the foregoing instrument and acknowledged the same in the capacity indicated.



[Signature]  
Notary Public, Waukesha County, WI  
My commission expires: 11/8/2015

CITY OF FRANKLIN

By: \_\_\_\_\_ (Seal)  
Name: Thomas M. Taylor  
Title: Mayor

COUNTERSIGNED:

By: \_\_\_\_\_ (Seal)  
Name: Sandra L. Wesolowski  
Title: City Clerk

STATE OF WISCONSIN)ss.  
MILWAUKEE COUNTY)

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

\_\_\_\_\_  
Notary Public, Milwaukee County, WI  
My commission expires: \_\_\_\_\_

This instrument was drafted by John M. Bennett,  
City Engineer for the City of Franklin

Form approved: Jesse A. Wesolowski, City Attorney

Exhibit A

(Description of the Property)

BEING A PART OF LANDS IN THE NORTHWEST  $\frac{1}{4}$  AND THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 7413, (EXCEPT THE EASTERLY PORTION THEREOF DESCRIBED AS PART OF PHASE I AREA OF AVIAN AT TUCKWAY CONDOMINIUM, DOCUMENT NO. 08812915), AND MORE CLEARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID  $\frac{1}{4}$  SECTION; THENCE N 89-19'05"E ALONG THE NORTH LINE OF NORTHWEST  $\frac{1}{4}$  OF SAID SECTION, A DISTANCE OF 358.43 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF W. PUETZ ROAD; THENCE CONTINUING N 89-19'05" E ALONG THE NORTH LINE OF SAID  $\frac{1}{4}$  SECTION, A DISTANCE OF 1211.58 FEET TO A POINT ON THE WEST LINE OF PHASE I AREA OF SAID AVIAN AT TUCKAWAY CONDOMINIUM; THENCE S 00-24'36" E ALONG SAID WEST LINE OF PHASE I AREA, A DISTANCE OF 517.15 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF W. PUETZ ROAD; THENCE S 89-19'05" W ALONG THE NORTH LINE OF SAID ROAD, A DISTANCE OF 238.43 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG AN ARC OF A CURVE AND THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD, WHOSE CENTER LIES TO THE NORTH, WHOSE RADIUS IS 681.78 FEET, WHOSE CHORD BEARS N 71-51'26" W 439.99 FEET, A DISTANCE OF 448.00 FEET TO A POINT OF TANGENCY; THENCE N 53-01'57" W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD, A DISTANCE OF 419.98 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG AN ARC OF CURVE AND THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD, WHOSE CENTER LIES TO THE SOUTH, WHOSE RADIUS IS 761.78 FEET, WHOSE CHORD BEARS N 62-31'57" W 251.46 FEET, A DISTANCE OF 252.62 FEET TO THE POINT OF BEGINNING.

**OPERATION AND MAINTENANCE INSPECTION REPORT  
STORMWATER MANAGEMENT PONDS**

City of Franklin

Name of Development \_\_\_\_\_

Responsible Party Name \_\_\_\_\_ Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_ E-mail \_\_\_\_\_

Inspector Name \_\_\_\_\_ Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_ E-mail \_\_\_\_\_

Basin Location General Address \_\_\_\_\_ Section No. \_\_\_\_\_

Normal Pool  Yes  No

Items inspected (Pond components)	Checked (Yes/No/NA)	Maintenance Needed (Yes/No/NA)	Remarks
1. Embankment and Emergency spillway			
1. Vegetation and ground cover adequate			
2. Embankment erosion			
3. Animal burrows			
4. Unauthorized plantings			
5. Cracking, bulging, or sliding of darn			
1. Upstream face			
2. Downstream face			
3. At or beyond toe			
Upstream			
Downstream			
4. Emergency spillway			
6. Pond, toe & chimney drains functioning			
7. Seeps/leaks on downstream face			
8. Slope protection or riprap failures			
9. Emergency spillway clear of debris			
10. Other (specify)			
2. Riser and principal spillway			
Type: Reinforced concrete _____			
Corrugated metal pipe _____			
PVC/HDPE _____			
Masonry _____			
1. Low flow orifice obstructed			
2. Primary outlet structure			
1. Debris removal necessary			
2. Corrosion control			
3. Trash rack maintenance			
1. Debris removal necessary			
2. Corrosion control			
3. Pond bottom			
Sediment or debris buildup in low flow			
Pilot channel or bottom (estimate depth)			