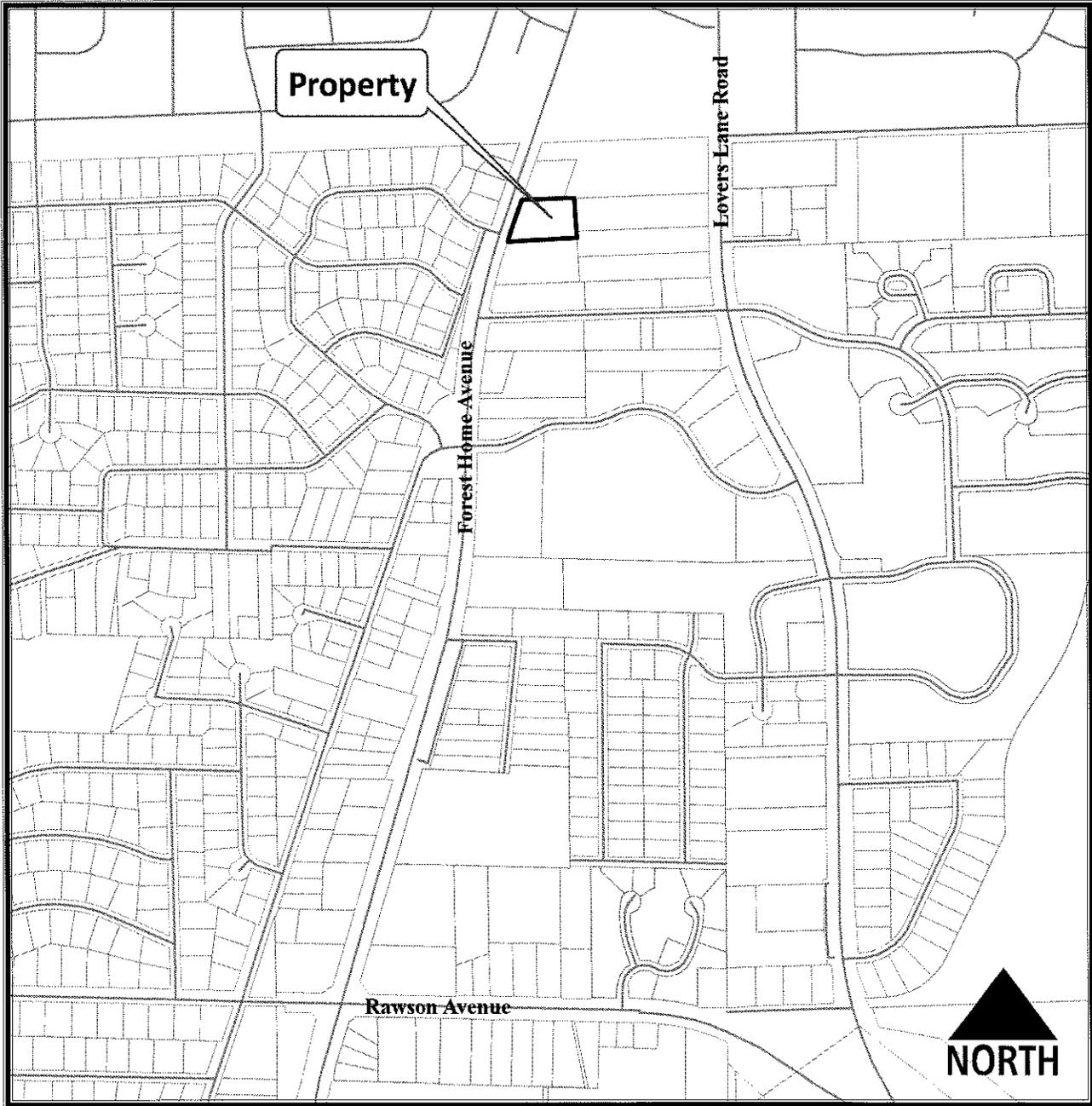


APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 02/18/14
REPORTS & RECOMMENDATIONS	RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A TRUCK REPAIR AND TOWING BUSINESS USE UPON PROPERTY LOCATED AT 11113 WEST FOREST HOME AVENUE (OMS PROPERTIES LLC, APPLICANT)	ITEM NUMBER <i>G.5.</i>
<p>At their January 23, 2014 meeting, the Plan Commission held a public hearing for the Special Use Application by OMS Properties, LLC for a truck repair and towing business use for property located at 11113 West Forest Home Avenue. Following Plan Commission discussion, the item was tabled to allow staff to work with the applicant and Fire Department to clarify Fire Code requirements.</p> <p>At their February 6, 2014 meeting, the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a special use for a truck repair and towing business use upon property located at 11113 West Forest Home Avenue (OMS Properties LLC, Applicant). The motion carried with a 5-1 vote.</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to adopt Resolution No. 2014-_____, a resolution imposing conditions and restrictions for the approval of a special use for a truck repair and towing business use upon property located at 11113 West Forest Home Avenue (OMS Properties LLC, Applicant).</p>		



11113 W. Forest Home Avenue
TKN 704-9978-002



Planning Department
(414) 425-4024

0.0 0.04 0.08 0.12
Miles

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. 2014-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE FOR A TRUCK REPAIR
AND TOWING BUSINESS USE UPON PROPERTY LOCATED AT 11113
WEST FOREST HOME AVENUE
(OMS PROPERTIES LLC, APPLICANT)

WHEREAS, OMS Properties LLC having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District and C-1 Conservancy District under Standard Industrial Classification Title Nos. 7521 "Automobile parking", 7538 "General automotive repair shops", 7549 "Automotive services, not elsewhere classified" and 5511 "New and used car dealers" to allow for a truck repair and towing business use, and overnight truck parking of vehicles exceeding 8,000 pounds manufactured Gross Vehicle Weight, which requires Special Use approval per Section 15-5.0202G.3. of the Unified Development Ordinance, for Piller's Auto Repair Inc. and All-City Towing LLC, upon property located at 11113 West Forest Home Avenue, bearing Tax Key No. 704-9978-002, more particularly described as follows:

Parcel 1 of Certified Survey Map No. 3988, recorded on March 11, 1981, Reel 1362, Images 185 to 187, as Document No. 5462366, being a part of the Northeast 1/4 of Section 6, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of 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 23rd day of January, 2014, 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.

OMS PROPERTIES LLC – SPECIAL USE

RESOLUTION NO. 2014-_____

Page 2

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of OMS Properties 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 OMS Properties LLC, successors and assigns, as a truck repair and towing business use, which shall be developed in substantial compliance with, and operated and maintained by OMS Properties LLC/Piller's Auto Repair Inc. and All-City Towing LLC, pursuant to those plans City file-stamped January 14, 2014 and January 28, 2014 and annexed hereto and incorporated herein as Exhibit A. The truck repair and towing business uses are approved hereunder as a single principal use, which shall be operated and continued upon the property only as such combined uses and not singularly in the absence of the other use.
2. OMS Properties 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 OMS Properties LLC/Piller's Auto Repair Inc. and All-City Towing LLC truck repair and towing business, 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 OMS Properties LLC/Piller's Auto Repair Inc. and All-City Towing LLC truck repair and towing business use for the property located at 11113 West Forest Home Avenue: (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. Vehicles shall not be stored, parked or repaired within the existing building unless a sprinkler system and fire alarm system is installed in compliance with NFPA Codes and City of Franklin Municipal Code, Chapter 133 - Fire Prevention, Protection, and Control Code, and inspected and approved by the Fire Department.
5. Written permission from the owner of the 120-foot wide utility easement located on the subject property indicating approval of any current or future site modifications by the Applicant shall be submitted to Department of City Development Staff, prior to the commencement of work.

OMS PROPERTIES LLC – SPECIAL USE
RESOLUTION NO. 2014-_____

Page 3

6. All outdoor storage and vehicle parking, including vehicles over 8,000 pounds manufactured gross vehicle weight, but excepting customer and employee personal use vehicles, shall be screened from public view.
7. Customer parking areas along the north and west side of the building shall be striped in compliance with Section 15-5.0202 of the Unified Development Ordinance, prior to the issuance of a Final Occupancy Permit.
8. 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.
9. A minimum of five evergreen trees with a planting size of 4-feet in height or greater and five shrubs with a planting size of 3-feet in height or greater shall be installed, prior to the issuance of a Final Occupancy Permit.
10. Applicant shall have the stormwater drainage pipe televised to assess its current condition, provide the results of the inspection to the Engineering Department together with a location map, repair the pipe as may be necessary, and grant the City of Franklin an easement to protect and access the pipe.
11. Applicant shall provide site calculations to the Engineering Department, relative to the existing and proposed site improvements, and shall obtain final approval of a stormwater management plan from the City Engineer, prior to the issuance of a Building Permit.
12. New and used vehicles for sale shall be parked within areas that are paved and striped in compliance with Section 15-5.0202 of the Unified Development Ordinance.
13. The 8 foot metal fence installation as depicted upon those plans City file-stamped January 28, 2014, is hereby approved by the Plan Commission pursuant to Section 15-5.0803C.2. of the Unified Development Ordinance, contingent upon compliance with condition 1. above.

BE IT FURTHER RESOLVED, that in the event OMS Properties 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

OMS PROPERTIES LLC – SPECIAL USE
RESOLUTION NO. 2014-_____

Page 4

\$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 _____, 2014.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2014.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Piller's Truck Repair And All City Towing Franklin11113 W Forest Home Ave
Franklin, WI 53132

JAN 14 2014

City Development

General Objective- To make this property a suitable home for our towing and Truck repair business. Improving the building with modern features to improve its appearance and to accommodate our services. All with a 3 year plan on improvements.

Drawing #1- Immediately on occupancy but weather and season permitting we will stripe the existing pavement on the west and north side of the building, also adding one ADA accessible parking spot. Along the north east of the building we will install a 6ft chain link fence to store towed vehicles until they are redeemed or sold, also inside this fence we will keep our dumpster. Our tow trucks and other vehicles we have with a GVWR over 8000 pounds will be stored along the south property line to the east on gravel. All employee vehicles will be parked to the north east property line also on gravel.

Drawing #2- The green space and plantings that exist on the property right now are very run down and not very nice. The grass that is there is more fieldy then anything, and there is an empty planter by the front door. We would like to make the grass into nice grass and add plants to the planter. For the first couple years we would not want to plant shrubs or trees in these areas because they will be removed when we renovate and add a repair garage. We will plant 3 evergreen trees along the north west side of the property because these will not be disturbed in later proposals.

Drawing #3- In our three year plan we are looking to add a repair garage on the north east side of the building with two bay doors facing east for us to repair our fleet and also customer vehicles. We would then build an 8ft tall concealed fence from the north side of the repair garage to the north side of the property. At this time we would like to re finish the pavement on the upper level adding 10 more parking spaces and planting arborvitaes in front of the fence and along the north side of the parking lot. At this time we would look to the city to make everything to the cities standards.

Business outline- We offer towing from 7 am- 3am right now and we will be going full 24 hours a day 7 days a week with the purchase of this property. We currently have 15 employees but anticipate on adding around 10 more employees over the first year we are in this property. We do impound cars and will store them until they are redeemed or stored for 45 days and we take ownership of the vehicle through state laws and sell them. To be able to sell the cars privately or by auction we do need a dealers license. The truck repair shop is there for us to work on our

tow trucks but with our local auto repair shop it hopefully won't be long before we can build a good customer base of truck repair clients.

Project Concerns- There was a concern of noise pollution to the residential lots to the west. With the hill in the middle of our property we do not see any noise pollution being a problem.

There is a sewer pipe that the engineering department is asking for an easement on. We will grant this easement as long as in the future it can be moved to allow a possible truck parking garage along the south east side of the property.

In the initial comment from the fire department, they are requesting a sprinkler system and fire alarm to be installed. The building is very old and rough. If we had to do these improvements we would not be able to afford the property and the renovations would far exceed the value of the building. We are very scared that the asked renovations from the city will not allow us to purchase this property because of our limited funds.

Special Use Standards and Regulations Answers

- 1- Yes the purpose use of this property will be used for what is permitted in our special use.
- 2- No, our proposed special use will have only positive effects on our surrounding community.
- 3- We will not dominate any of the properties that are in our area.
- 4- Yes we will be served adequately by essential public facilities.
- 5- No, We will not cause any traffic problems.
- 6- No, we will not be damaging any natural features
- 7- Yes- we will comply with all applicable regulations

C- Considerations

- 1- We are the only towing company in the area and we add a benefit of fast response times to broken cars in the area to keep the streets safer.
- 2- With this location near the freeway it is a perfect location for our trucks to have fast response times to emergencies.
- 3- With a concealed fence it takes away any eye soar of crashed vehicle making the property look trashy.
- 4- No, we will not cause any incompatible uses in the surrounding area.

PILLER'S TRUCK REPAIR AND ALL CITY TOWING PLAT OF SURVEY

PARCEL 1 OF CSM #3988 LOCATED IN THE NE. 1/4 OF THE NE. 1/4 OF SECTION 6,
T.5N., R.21E., CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

ATLAS SURVEY

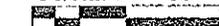
2826 S.C. ANDREWS CT
WAUKESHA, WI 53185
(262) 591-5256
INFO@ATLASSURVEY.COM
WWW.ATLASSURVEY.COM

SURVEYOR:
BRYCE D. KACZOR, R.S. 3-2802
SURVEY FOR:
PILLER'S TRUCK REPAIR
PROPERTY:
11113 W. FOREST HOME AVE.
FRANKLIN, WI

LEGEND

- ⊙ - 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
- - 1" DIA. IRON PIPE SET, 18" LONG
- - FIELD INLET
- ⊗ - MONITORING WELL
- ⊕ - WELL
- ▨ - GRAVEL
- ▩ - ASPHALT
- - UTILITY POLE W/ GUY WIRE
- ⊕ - WATER VALVE

SCALE: 1" = 50'

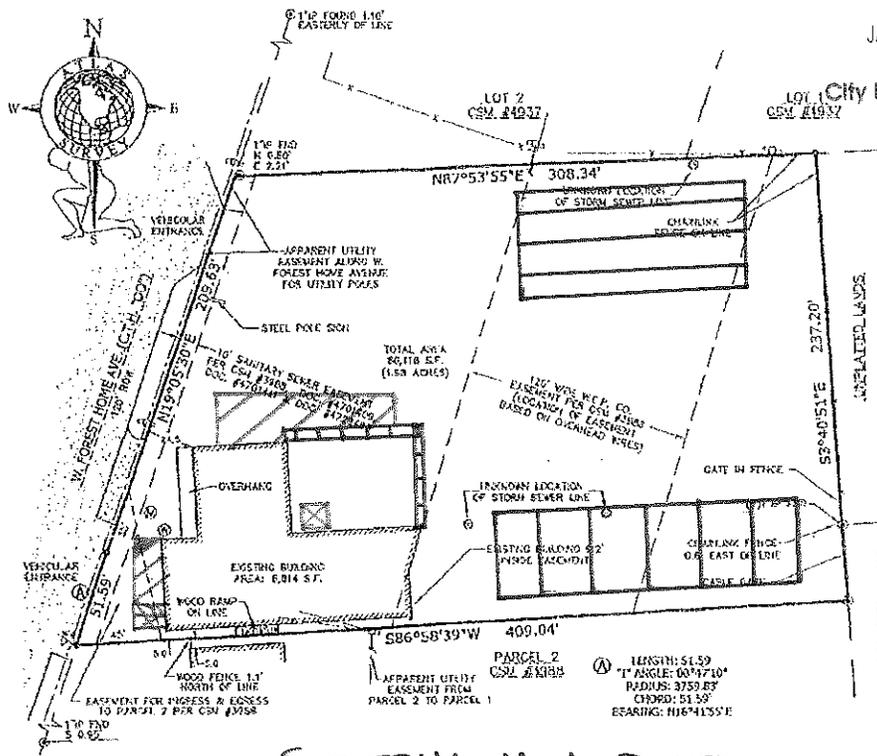


REMARKS ARE REFERENCED TO NAD83,
WISCONSIN STATE PLANE, SOUTH ZONE,
GND NORTH ON THE NORTH LINE OF THE
NE 1/4 OF SECTION 6-5-21 AS
N87°55'14"E.

Franklin

JAN 14 2014

OWNERS:
 JEFF PILLER - 262-894-1056 - 1633 ALDORO DRIVE, WAUKESHA, WI 53188
 STEVE PILLER - 414-704-3830 - 5300 RAYMOR AVE, FRANKSVILLE, WI 53126



SETBACKS

FRONT YARD - 40 FEET
 REAR YARD - 15 FEET
 SIDE YARD - 20 FEET
 CORNER YARD - 30 FEET

EXISTING M-1 ZONED

NOTES:

THE SURVEYOR TAKES NO RESPONSIBILITY FOR ANY UNDERGROUND STRUCTURES OR BURIED MATERIALS SUCH AS FOUNDATIONS, WELLS, SEPTIC, HOLDING TANKS, UTILITIES, HAZARDOUS MATERIALS, OR ANY OTHER ITEMS OF WHICH NO EVIDENCE CAN BE FOUND ON THE SURFACE BY A VISUAL INSPECTION.

EASEMENTS PER TITLE COMMITMENT POLICY #1278694 BY CHICAGO TITLE INSURANCE COMPANY DATED AUGUST 2, 2012.

10. UTILITY EASEMENT PER DOC. #2424997, 2563050, 2593495, 3442208 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
12. EASEMENT PER DOC. #1230718 & 1570446 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
13. UTILITY EASEMENT PER DOC. #1312333 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
14. UTILITY EASEMENT PER DOC. #2020233 NOT SHOWN, VAGUE & UNRELIABLE. "ALONG EAST SIDE OF HILL ROAD" "POSSIBLY APPARENT UTILITY EASEMENT FOR UTILITY POLES ALONG EAST SIDE OF W. FOREST HOME AVENUE."
16. UTILITY EASEMENT PER DOC. #2712804 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
17. UTILITY EASEMENT PER DOC. #3820204 NOT SHOWN, DOCUMENT IS NOT READABLE. "ORANGE DITCH NORTHERLY 6 FEET OF EASTERLY BY FEET"
18. UTILITY EASEMENT PER DOC. #3994358 NOT SHOWN, DOCUMENT PROVIDED IS NOT READABLE.
19. UTILITY EASEMENT PER DOC. #4002510 NOT SHOWN, DOCUMENT PROVIDED IS NOT READABLE.
24. AFFIDAVIT PER DOC. #3461241 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND, IN MY PROFESSIONAL OPINION, THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY. THIS SURVEY IS MADE FOR THE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE HERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

FORM # 12076



- GRAVEL TRUCK PARKING OVER 8,000 LBS
- DUMPSTER
- 6 FT CHAIN LINK FENCE WITH SLATS FOR SECURE VEHICLE STORAGE
- ADA ACCESSIBLE PARKING (PAVED)
- REGULAR PAVED PARKING APPROX: 15 SPOTS
- EMPLOYEE GRAVEL PARKING

SUBMIT DATE: JANUARY 14TH, 2014

NO. 11113

PILLERS TRUCK REPAIR AND ALL CITY TOWING PLAT OF SURVEY

PARCEL 1 OF CSM # 3988 LOCATED IN THE NE. 1/4 OF THE NE. 1/4 OF SECTION 6,
T.5N., R.21E., CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

ATLAS SURVEY

2826 ST. ANDREWS CT
WAUKESHA, WI 53189
(262) 901-5256
INFO@ATLASSURVEY.WI.GOV
WWW.ATLASSURVEY.WI.GOV

SURVEYOR:
BRYCE D. KACZOR, M.S. S-2202
SURVEY FOR:
PATRICK GLEASON
PROPERTY:
1113 W. FOREST HOME AVE.
FRANKLIN, WI

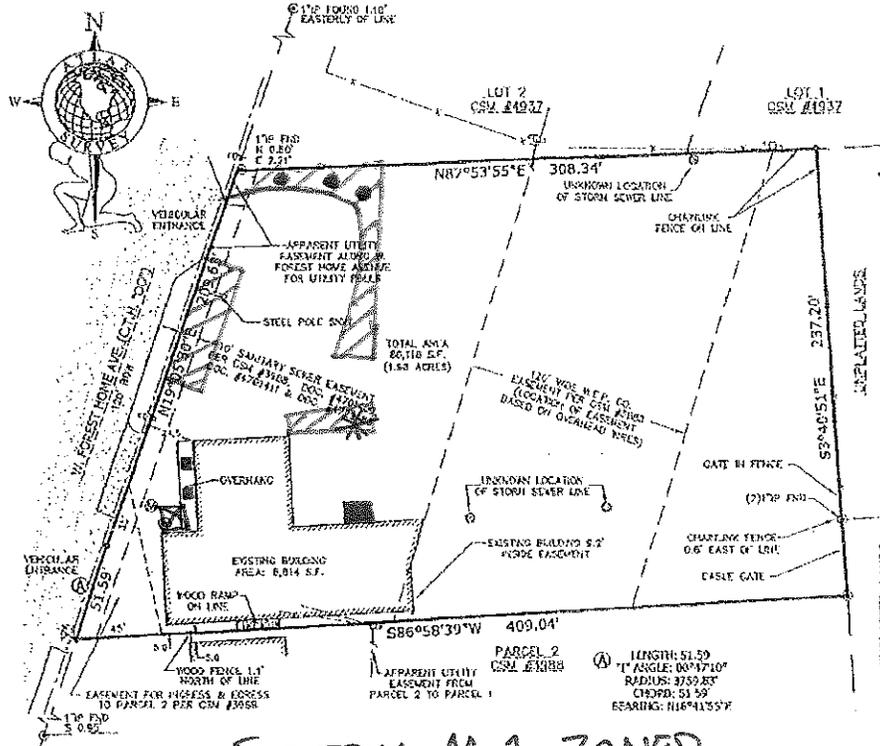
LEGEND

- ⊙ - 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
- ⊙ - 1" DIA. IRON PIPE SET, 18" LONG
- ⊙ - FIELD HOLEY
- ⊙ - NIGHTFORMING WELL
- ⊙ - WELL
- ⊙ - GRAVEL
- ⊙ - ASPHALT
- ⊙ - UTILITY POLE W/ GUY WIRE
- ⊙ - WATER VALVE

SCALE: 1" = 50'

BEARINGS ARE REFERENCED TO NAD83,
WISCONSIN STATE PLANE, SOUTH ZONE,
GRID NORTH ON THE NORTH LINE OF THE
NE 1/4 OF SECTION 6-2-21 AS
187°51'4"C.

OWNERS: JEFF PILGER - 262-894-1056-1633 ALDORO DRIVE, WAUKESHA, WI 53188
 STEVE BLER - 262-704-3830 - 5300 RAYNOR AVE, FRANKSVILLE, WI 53126



SBT BACKS

FRONT YARD - 40 FEET
 REAR YARD - 15 FEET
 SIDE YARD - 30 FEET
 CORNER YARD - 30 FEET

EXISTING M-1 ZONED

NOTES:

THE SURVEYOR TAKES NO RESPONSIBILITY FOR ANY UNDISCOVERED STRUCTURES OR BURIED MATERIALS SUCH AS FOUNDATIONS, WELLS, SEPTIC, HOLDING TANKS, UTILITIES, HAZARDOUS MATERIALS, OR ANY OTHER ITEMS OF WHICH NO EVIDENCE CAN BE FOUND ON THE SURFACE BY A VISUAL INSPECTION.

EASEMENTS PER TITLE COMMITMENT POLICY #1275924 BY CHICAGO TITLE INSURANCE COMPANY DATED AUGUST 2, 2012.

10. UTILITY EASEMENT PER DOC. #2424997, 2593050, 3393485, 3442208 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
12. EASEMENT PER DOC. #1730718 & 1570446 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
13. UTILITY EASEMENT PER DOC. #1217333 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
14. UTILITY EASEMENT PER DOC. #2030233 NOT SHOWN, VAGUE & UNRELIABLE. "ALONG EAST SIDE OF HILL ROAD" "POSSIBLY APPARENT UTILITY EASEMENT FOR UTILITY POLES ALONG EAST SIDE OF W. FOREST HOME AVENUE."
16. UTILITY EASEMENT PER DOC. #2712904 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
17. UTILITY EASEMENT PER DOC. #3822204 NOT SHOWN, DOCUMENT IS NOT READABLE. "GRASSAGE DITCH NORTHERLY 6 FEET OF EASTERY 80 FEET"
18. UTILITY EASEMENT PER DOC. #3594358 NOT SHOWN, DOCUMENT PROVIDED IS NOT READABLE.
19. UTILITY EASEMENT PER DOC. #4002210 NOT SHOWN, DOCUMENT PROVIDED IS NOT READABLE.
24. AFFIDAVIT PER DOC. #8161241 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND, IN MY PROFESSIONAL OPINION, THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES, BOUNDARY FEATURES, APPARENT EASEMENTS, ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY. THIS SURVEY IS MADE FOR THE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE, THREETO HUNDRED (3) YEAR FROM DATE HEREOF.

EO.ECT # 12076



- EXISTING GRASS
- EVERGREEN TREE TO BE PLANTED
- EXISTING TREE
- EXISTING OUTSIDE LIGHT
- EXISTING PLANTER

DRAWING #2

SUBMIT DATE - JANUARY 10TH 2016

PILLERS TRUCK REPAIR AND ALL CITY TOWING PLAT OF SURVEY

PARCEL 1 OF CSM #3988 LOCATED IN THE NE 1/4 OF THE NE 1/4 OF SECTION 6,
T.5N., R.21E., CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

ATLAS SURVEY

2826 ST. ANDREWS CT
WALWESIA, WI 53189
(262) 981-2256
INFO@ATLASSURVEY.COM
WWW.ATLASSURVEY.COM

SURVEYOR:
BRYCE KACZOR, R.S. S-2200
SURVEY FOR:
PATRICK REASON
PROPERTY:
1113 W. FOREST HOME AVE.
FRANKLIN, WI

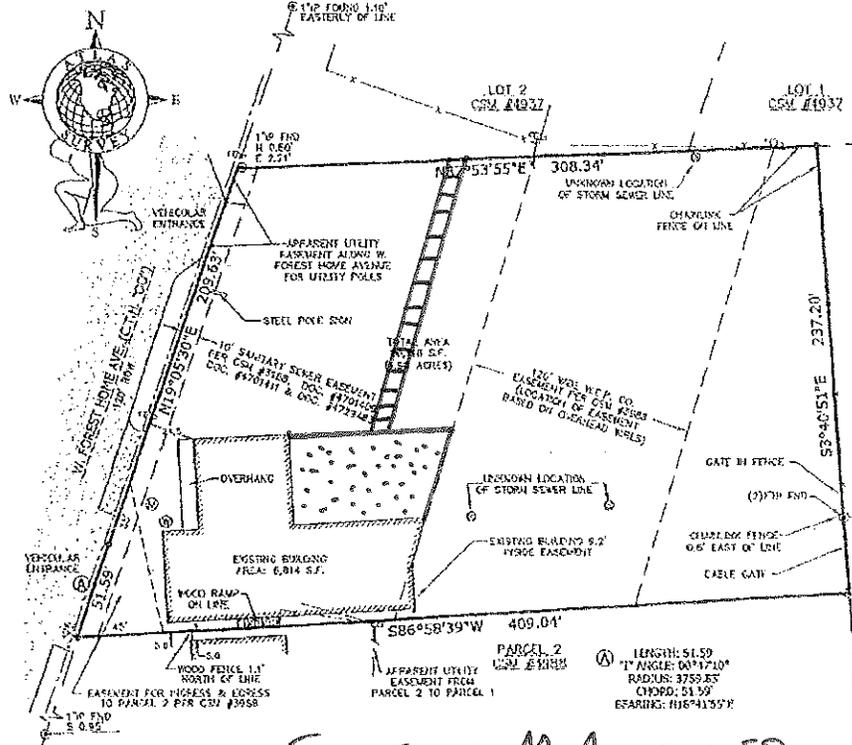
LEGEND

- ⊙ - 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
- - 1" DIA. IRON PIPE SET, 18" LONG
- - FIELD INLET
- ⊖ - MONITORING WELL
- ⊕ - WELL
- ▭ - GRAVEL
- ▨ - ASPHALT
- ⊕ - UTILITY POLE W/ GUY WIRE
- ⊕ - WATER VALVE

SCALE: 1" = 50'

BEARINGS ARE REFERENCED TO NAD27,
WISCONSIN STATE PLANE, SOUTH ZONE,
GRID NORTH ON THE NORTH LINE OF THE
NE 1/4 OF SECTION 6-5-21 AS
187°55'14"E.

OWNERS - JEFF PILLER- 262-894-1056 - 1633 ALDORO DRIVE, WAUKESHA, WI 53188
 STEVE PILLER- 414-704-3830 - 5300 RAYNOR AVE, FRANKSVILLE, WI 53126



SETBACKS

FRONT YARD - 40 FEET
 REAR YARD - 15 FEET
 SIDE YARD - 20 FEET -
 CORNER YARD - 30 FEET

EXISTING M-1 ZONED

NOTES:

THE SURVEYOR TAKES NO RESPONSIBILITY FOR ANY UNDERGROUND STRUCTURES OR BURIED MATERIALS SUCH AS FOUNDATIONS, WELLS, SEPTIC, HOODING TANKS, UTILITIES, HAZARDOUS MATERIALS, OR ANY OTHER ITEMS OF WHICH NO EVIDENCE CAN BE FOUND ON THE SURFACE BY A VISUAL INSPECTION.

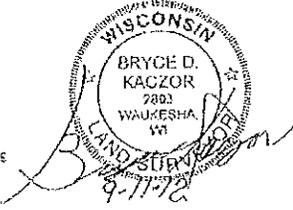
EASEMENTS PER TITLE COMMITMENT POLICY #1278994 BY CHICAGO TITLE INSURANCE COMPANY DATED AUGUST 2, 2012.

10. UTILITY EASEMENT PER DOC. #2424897, 2593050, 3393485, 3442205 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
12. EASEMENT PER DOC. #1730718 & 1570416 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
13. UTILITY EASEMENT PER DOC. #1517353 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
14. UTILITY EASEMENT PER DOC. #2032533 NOT SHOWN, VAGUE & UNENFORCEABLE, "ALONG EAST SIDE OF HILL ROAD" "POSSIBLY APPARENT UTILITY EASEMENT FOR UTILITY POLES ALONG EAST SIDE OF W. FOREST HOME AVENUE."
16. UTILITY EASEMENT PER DOC. #2712904 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
17. UTILITY EASEMENT PER DOC. #3825204 NOT SHOWN, DOCUMENT IS NOT READABLE, "GRAVAGE DITCH NORTHERLY 6 FEET OF EASTERLY 80 FEET"
18. UTILITY EASEMENT PER DOC. #3994358 NOT SHOWN, DOCUMENT PROVIDED IS NOT READABLE.
19. UTILITY EASEMENT PER DOC. #4002540 NOT SHOWN, DOCUMENT PROVIDED IS NOT READABLE.
24. AFFIRMAT PER DOC. #8481241 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND, IN MY PROFESSIONAL OPINION, THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY. THIS SURVEY IS MADE FOR THE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE HERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

PROJECT # 12016



-  BUILDING ADDITION FOR TRUCK REPAIR
-  8FT TALL METAL FENCE NOT SEE THROUGH

DRAWING #3

SURVEYOR'S SIGNATURE AND SEAL

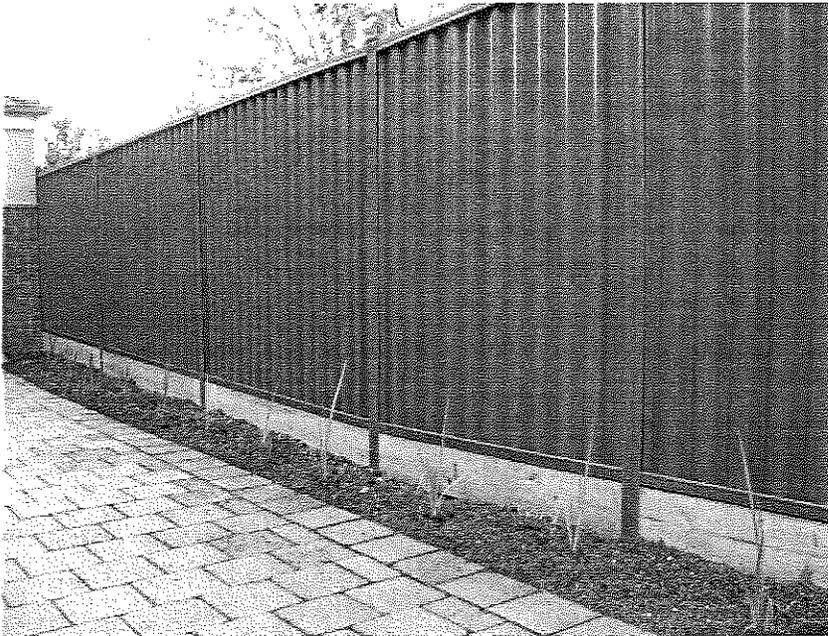
From: Steve Piller
To: Nick Fuchs
Subject: Re: All City Proposed Fence
Date: Tuesday, January 28, 2014 11:34:41 AM

Yes it will be 8ft tall, and the first photo is exactly how I would build it. Same color, and also with the wood bottom to prevent corrosion from the mulch that will be layed at the bottom.

Jeff Piller

From: Nick Fuchs <NFuchs@franklinwi.gov>
To: 'Steve Piller' <pillersautorepair@sbcglobal.net>
Sent: Tuesday, January 28, 2014 11:08 AM
Subject: RE: All City Proposed Fence

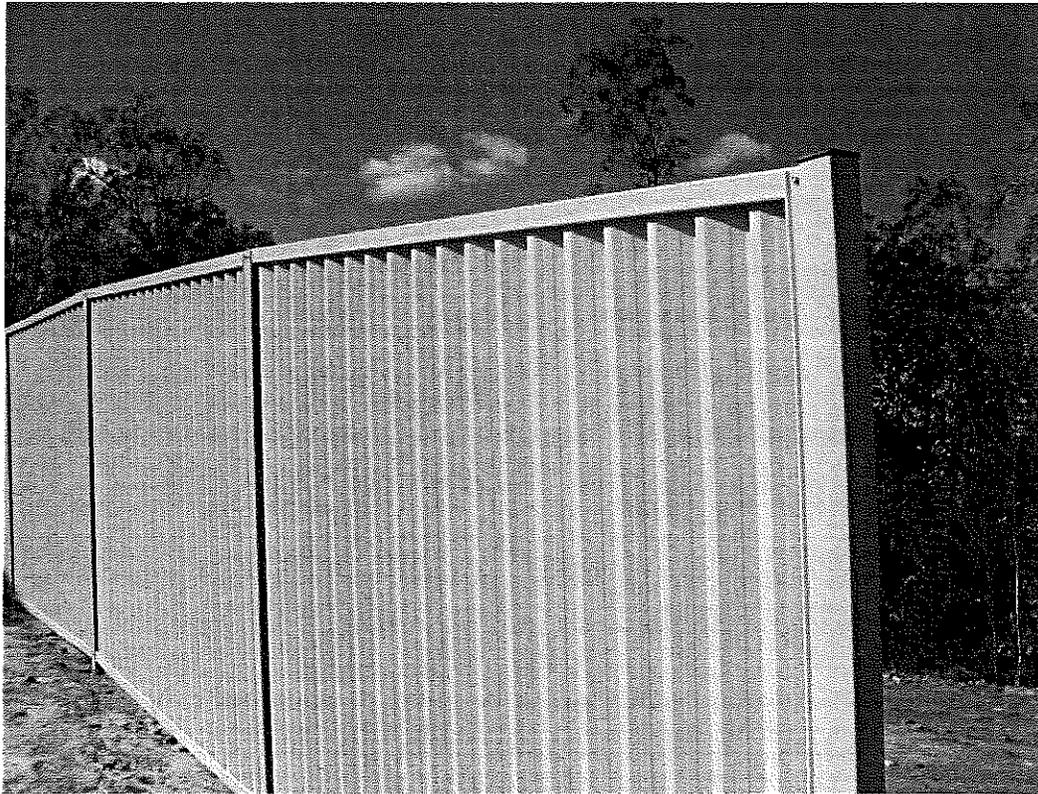
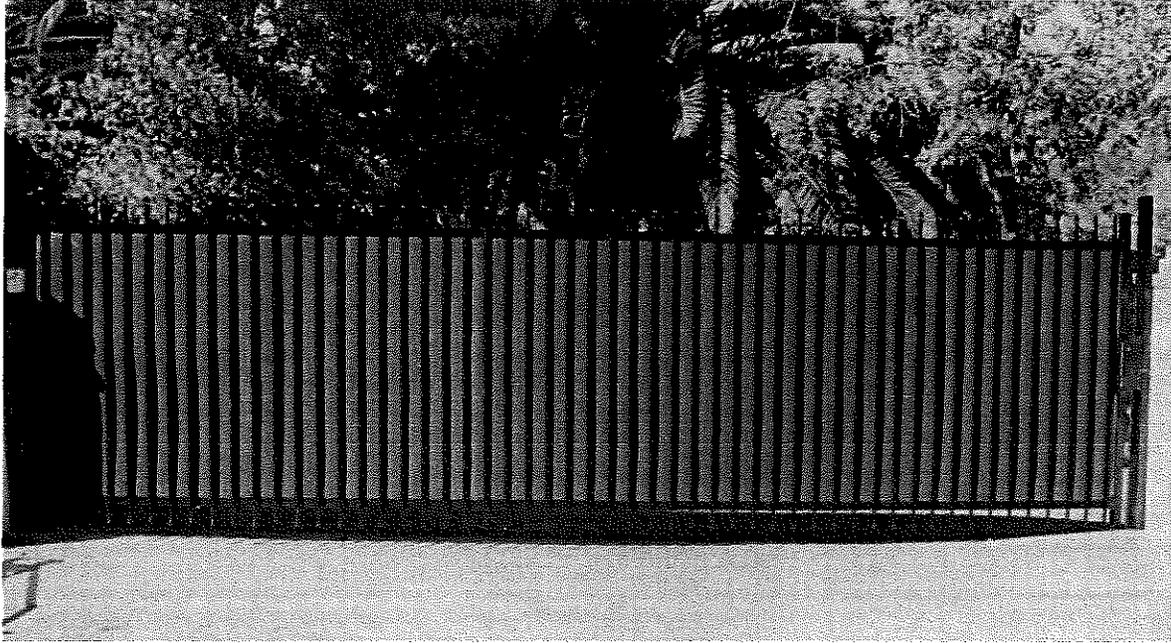
I just want to make sure we can give the Plan Commission an accurate description and representation of your proposed fence. I don't think that is a metal fence and materials/aesthetics will matter to the Plan Commission. Perhaps one of the metal fences below better represents the fence you plan to install. The fence is 8-feet high, correct?



Franklin

JAN 28 2014

City Development



Nick Fuchs
Senior Planner
Department of City Development
9229 W. Loomis Road, Franklin, WI 53132
Phone: (414) 425-4024
Fax: (414) 427-7691

From: Steve Piller [mailto:pillersautorepair@sbcglobal.net]
Sent: Tuesday, January 28, 2014 10:40 AM
To: Nick Fuchs

Subject: Re: All City Propsed Fence

not sure on the exact products with their fence I could call and ask if it is important, I want to build ours with wood framing and metal covering.

Jeff Piller

From: Nick Fuchs <NFuchs@franklinwi.gov>
To: 'Steve Piller' <pillersautorepair@sbcglobal.net>
Sent: Tuesday, January 28, 2014 10:30 AM
Subject: RE: All City Propsed Fence

Thanks. Do you know if that is wood, vinyl or metal? It looks like that may be a vinyl fence.

Nick Fuchs
Senior Planner
Department of City Development
9229 W. Loomis Road, Franklin, WI 53132
Phone: (414) 425-4024
Fax: (414) 427-7691

From: Steve Piller [mailto:pillersautorepair@sbcglobal.net]
Sent: Tuesday, January 28, 2014 10:05 AM
To: Nick Fuchs
Subject: All City Propsed Fence

Nick, Here is a google earth photo of the fence at Ken Weber towing in pewaukee, If I could model our fence off of theres that would be ideal.

Jeff Piller

https://maps.google.com/maps?hl=en&ll=43.068347,-88.277496&spn=0.000016,0.009645&t=h&z=17&layer=c&cbll=43.068348,-88.277627&panoId=38ywsQMT0_JlvvmCH1jGwA&cbp=12,8,43,.0,2,1

Upon our occupancy we will not be adding the temporary fencing but going to stage 1 of our remodel plan by building a fence from the north east Corner of the building to the north property line. This will be accomplished within reasonable time set by the planning commision. We will plant small evergreen trees in front of the fence every 15-20 feet and line the bottom of the trees with mulch. The fence will model the fence of Ken Weber towing in pewaukee.

We will only bring vehicles inside the saftey/wash bay for daily saftey checks and to wash the vehicles so we can keep a clean image, no maintence or repairs will be done here and no vehicle will be stored overnight in here. The Saftey/wash bay is a storage addition that was made to the building on the south east side that is all block construction with a metal roof that is completly divided from the rest of the building.

Our hours of operation will be set from 7am to 9pm Monday thru Sunday. additional trucks may have to enter and leave the property after hours per an on call basis. This after hours use will be minimal and we will keep the residential properties to our west in our best interest. There will be no air horn use or flashing light use after hours.

1/28/2014

Prospect Avenue - Google Maps

Google

Address **Prospect Avenue**

Address is approximate



Nick Fuchs

From: Steve Piller [pillersautorepair@sbcglobal.net]
Sent: Friday, January 31, 2014 2:34 PM
To: Nick Fuchs
Subject: Re: 11113 W. Forest Home Avenue Special Use

We at OMS Properties are in agreement to complete phase 1, install 8foot metal fence along the front off the property.

Jeff Piller

From: Nick Fuchs <NFuchs@franklinwi.gov>
To: 'Steve Piller' <pillersautorepair@sbcglobal.net>
Sent: Friday, January 31, 2014 2:07 PM
Subject: 11113 W. Forest Home Avenue Special Use

Attached please find the February 6, 2014 Plan Commission agenda as well as the staff report and draft resolution for the OMS Properties, LLC Special Use Application.

Also, please send me an email confirming that you are in agreement to amend your original submittal to install the 8-foot high metal fence as part of Phase 1/Drawing #1.

Thanks.

Nick Fuchs
Senior Planner
Department of City Development
9229 W. Loomis Road, Franklin, WI 53132
Phone: (414) 425-4024
Fax: (414) 427-7691

January 21, 2014

City of Franklin
Department of City Development
9229 West Loomis Road
Franklin, WI 53132

Faxed to: 414-427-7691

Dear Plan Commission:

My husband and I received notification of the public hearing on January 23, 2014 regarding the Special Use application by OMS Properties LLC.

Unfortunately, we will not be in-town to attend the hearing but hope you will read this letter in consideration of the application.

As owners of property, 11106 W. Forest Home Avenue and 11108 W. Forest Home Avenue, we strongly object to the Special Use application.

Our property located across the street from the 11113 West Forest Home locations is residential as are the majority of properties on the west side of Forest Home Avenue. If the Special Use application were approved we feel the environment of the entire area would be negatively impacted. It is our opinion the look and feel of the area would diminish as well as negatively impact residential property value.

As residents of Franklin for the past 30+ years we have seen changes in the area where residential and commercial have had to partner. We understand this need BUT believe there could be a better use for this property rather than allowing for truck repair, towing, and overnight parking of large trucks or vehicles.

We appreciate your consideration of our objection and as property owners, and residents of the city hope that you will reject the Special Use application.

Sincerely,



Andrew and Marcia Nalewajko
11106 W. Forest Home Avenue
11108 W. Forest Home Avenue
7141 S. Cambridge Drive

Franklin

JAN 21 2014

City Development

January 21, 2014

City of Franklin
Department of City Development
9229 West Loomis Road
Franklin, WI 53132

Franklin

JAN 22 2014

City Development

Dear Plan Commission:

I heard of the request by OMS Properties LLC for a Special Use application. I am concerned with this request since my home is located within 1 block south, of the location site. My home address is 11300 W. Rhoder Avenue. I have owned my home for over 7 years and have been a life-long resident of Franklin, growing up in this same neighborhood.

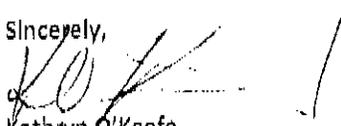
I feel approval of the Special Use application would reduce my property value and challenge the atmosphere of my subdivision located directly across the street.

It is my opinion changing the property to allow for large truck or vehicle repair, towing, and overnight parking would not support the growth or valuation of the surrounding community.

Thank you for allowing me to voice my objection as a property owner who would be directly impacted with this proposed change.

Please read into the record, I OBJECT to the Special Use application.

Sincerely,



Kathryn O'Keefe
11300 W. Rhoder Avenue
Franklin, WI 53132



CITY OF FRANKLIN



Items III.A.

REPORT TO THE PLAN COMMISSION

Meeting of January 23, 2014

Special Use

RECOMMENDATION: Department of City Development staff recommends approval of the Special Use Application, subject to the conditions in the draft Special Use Resolution.

Project Name:	OMS Properties Special Use
Project Address:	11113 West Forest Home Avenue
Applicant:	OMS Properties, LLC
Property Owner:	Gleason, Patrick W Trust 8/27/11
Current Zoning:	M-1 Limited Industrial District and C-1 Conservancy District
2025 Comprehensive Plan	Industrial
Use of Surrounding Properties:	WI Electric Power Company property and Ewald automobile dealership to the north, gasoline service station to the south, Hale Park Lumber and Hiller Ford automobile dealership to the east and single-family residential to the west
Applicant Action Requested:	Approval of the Special Use Application and site modifications to allow for a towing and auto repair business use

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 ordinance.

On December 19, 2013, the applicant submitted a Special Use Application to operate a truck repair and towing business use at 11113 West Forest Home Avenue. The proposed uses are classified under SIC Code No. 7521 Automobile parking, No. 7538 General automotive repair shops, No. 7549 Automotive services, not elsewhere classified and No. 5511 New and used car dealers. All four SIC Codes are allowed via Special Use approval in the M-1 Limited Industrial District. The applicant is also proposing overnight truck parking of vehicles exceeding 8,000 pounds manufactured Gross Vehicle Weight, which requires Special Use approval per Section 15-5.0202G.3. of the Unified Development Ordinance (UDO).

The towing business use involves the towing of vehicles to this location and storing the vehicles until they are redeemed by the automobile owner or sold by the business owner, if not redeemed

within 45 days. Additionally, the applicant will store their own tow trucks at this site. The repair operations will initially involve repairs to the tow trucks; however, in the future the truck repair business will be expanded to the public.

The Fire Department has indicated that a sprinkler system must be retrofitted within the existing building if the applicant stores vehicles or repairs vehicles indoors. Staff recommends that vehicles shall not be stored, parked or repaired within the existing building unless a sprinkler system and fire alarm system is installed in compliance with NFPA Codes and City of Franklin Municipal Code, Chapter 133 - Fire Prevention, Protection, and Control Code, and inspected by the Fire Department.

Project Description/Analysis

The applicant is proposing to initially occupy the existing building generally as is, stripe the existing parking areas adjacent to the building, install a 6-foot tall chain-link fence with slats and plant three evergreen trees. The applicant has indicated that the business currently has 15 employees and would anticipate adding about 10 more employees within the first year of operations. The towing operations are currently between 7:00 a.m. and 3:00 a.m.; however, the applicant intends to operate 24 hours a day, seven days a week as the business expands. Considering the residential subdivision located on the west side of West Forest Home Avenue, staff suggests that hours of operations be limited from 7:00 a.m. to 12:00 a.m., seven days a week.

The applicant also intends to further develop the site in the future. Future site improvements include an addition to the building to expand the repair business operations and installation of an 8-foot tall metal fence, which will extend from the building addition to the north property line.

Unless determined to be a minor change by Department of City Development staff, all future building and site modifications must return to the Plan Commission and Common Council for review and approval via the Special Use Amendment process.

Site Plan:

The subject parcel has an area of approximately 1.95-acres. Existing site improvements consist of an approximately 8,814 square foot building, a parking area, gravel areas and greenspace. The building is currently vacant. The site contains areas of known contamination from the gasoline service station located to the south. The gas plume from the neighboring property is located along the south property line at about the middle of the property. The applicant has indicated that other areas of the site may be contaminated as well.

The site also contains a 120-foot wide W.E.P. Co. easement. Staff recommends that written permission from the owner of the 120-foot wide utility easement located on the subject property indicating approval of any current or future site modification by the Applicant shall be submitted to Department of City Development Staff, prior to the commencement of work.

The applicant has indicated that trucks will be stored overnight that exceed 8,000 pounds manufactured gross vehicle weight. A gravel parking area located at the southeast corner of the site, extending west is provided for up to six larger vehicles. The applicant has also shown a secure vehicle storage area on Drawing #1 for vehicles that are towed to the site or are being repaired by the applicant. This is also the location of the future building addition. Staff recommends that all outdoor storage and vehicle parking, including vehicles over 8,000 pounds manufactured gross vehicle weight, but excepting customer and employee personal use vehicles, shall be screened from public view. At this time, staff does not object to the gravel parking area for larger vehicles as shown behind the building on Drawing #1; however, if that area were to expand staff anticipates requiring the solid fence as shown on Drawing #3.

Staff recommends that the customer parking areas along the north and west side of the building shall be striped in compliance with Section 15-5.0202 of the Unified Development Ordinance, prior to the issuance of a Final Occupancy Permit. This condition includes the requirement that the size of each parking space shall be not less than 180 square feet nor less than 9-feet in width per Section 15-5.0202B. of the UDO. Staff suggests that the site plan be revised to include a paved drive and a paved, striped employee parking area. Staff also recommends that new and used vehicles for sale shall be parked within areas that are paved and striped in compliance with Section 15-5.0202 of the Unified Development Ordinance.

Upon Occupancy, as recommended by staff and indicated in the applicant's project narrative, the applicant has agreed to stripe the existing parking area adjacent to the building, add one ADA accessible parking space and install a fence to screen the vehicle storage area. Staff also recommends that 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. Furthermore, staff recommends that a site-proofed fence, a minimum of 6-feet in height, upon Building Inspection Department permit approval upon application therefore to be submitted by Applicant, shall be provided to fully screen the vehicle storage area, prior to the issuance of an Occupancy Permit.

At this time the applicant is not adding any additional impervious surfaced areas, thus the Landscape Surface Ratio (LSR) is not changing. The applicant has been made aware that future site improvements, such as the building addition, will involve a review of the amount of greenspace onsite and the Minimum LSR of 0.4 of the M-1 District must be met, unless otherwise approved by the Plan Commission in review of the Special Use Permit.

The applicant's project narrative further discusses building and site improvements planned over a three year time period. As previously mentioned, within this three-year plan, the applicant is planning a building addition and an 8-foot solid metal fence (illustrated on Drawing #3). Staff estimates that the building addition would be approximately 3,700 square feet.

The fence will require Plan Commission approval per Section 15-3.0803C.2.b. of the UDO as it exceeds six feet in height. Staff does not object to a fence 8-feet in height as it is being used to screen an outdoor parking and storage area, depending on the material and quality of the fence. The future fence will run north/south from the building to the north property line. Staff anticipates recommending landscaping along the fence as it will have a long expanse.

The applicant intends to store a dumpster within the proposed enclosed vehicle storage area. At the time of the building addition, the dumpster will have to be relocated and placed within an enclosure per Section 15-3.0803I. of the UDO.

Parking:

Table 15-5.0203 of the UDO requires a Standard Parking Ratio (SPR) of 4 spaces per service bay for "Vehicle Repair Shop (without the Dispensing of Gasoline)." Auto Sales requires a SPR of 2 spaces per 1,000 square feet of gross floor area. A parking requirement for a towing business is not a listed use in the UDO off-street parking requirements table. The building contains one overhead garage door (i.e. service bay) and auto sales are a lesser part of the proposed uses; therefore, the UDO does not provide parking requirements applicable to the proposed uses.

Staff reviewed the American Planning Association, *Planning Advisory Service Report Number 510/511, Parking Standards*, which provides sample parking requirements. Minneapolis, Minnesota, for example, requires 1 space per 300 square feet of gross floor area in excess of 4,000 square feet (minimum of 4 spaces), plus 1 space per 4,000 square feet of motor vehicle storage area for a towing service use. Per these standards, the subject use would require approximately 17 parking spaces. The *Parking Standards* also provides two sample parking requirements for "automobile impound facility" uses, which are below.

- 1 space for every employee on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use of stored on the premises (*DeKalb, Ill., pop. 39,018*)
- 1 space per 500 square feet, plus 1 space per 5,000 square feet of outdoor storage area (*Palm Beach County, Fla., pop. 1,131,184*)

The existing building onsite is approximately 8,814 square feet. The applicant is providing approximately 15 striped customer parking spaces, plus six larger gravel truck parking spaces and an employee parking area. Not including gravel parking areas, the applicant is providing approximately 1 parking space per 588 square feet of floor area. Staff has no objections to the amount of parking provided.

Additionally, one ADA accessible parking spaces is provided adjacent to the front of the building, which complies with ADA standards and Table 15-5.0202(I)(1) of the UDO, which requires a minimum of one accessible parking spaces for off-street parking lots with 1 to 25 parking spaces.

Landscaping:

Table 15-5.0302 of the UDO requires one canopy/shade tree, one evergreen tree, one decorative tree and one shrub for every five provided parking spaces as a commercial use. As the applicant is providing approximately 15 paved parking spaces on the property, three plantings of each type are required. The Landscape Plan includes zero canopy/shade trees, three evergreen trees, zero decorative trees and zero shrubs. Section 15-5.0203B.3. of the UDO requires a minimum planting of five per property for each type.

Staff recommends that a minimum of five evergreen trees with a planting size of 4-feet in height or greater and five shrubs with a planting size of 3-feet in height or greater shall be installed prior to the issuance of a Final Occupancy Permit. Staff believes this condition is commensurate with the site modifications proposed and the location of the subject property within the City. Upon any further more substantial site changes, such as the building addition and future fence, staff anticipates requiring compliance with the minimum quantity of plantings per Table 15-5.0302 of the UDO.

As previously mentioned, the site contains areas of contamination. Staff will work with the applicant now and, in the future with site modifications to appropriately landscape the property. Relative to planting, staff suggests the applicant consider phytoremediation for the area of the site contaminated by a gas plume from the neighboring property. Phytoremediation is a broad term used to describe the use of plants to reduce the volume, mobility, or toxicity of contaminants in soil, groundwater, or other contaminated media. Poplar and willow are examples of vegetation used to remediate petroleum hydrocarbons from contaminated soil. The most common poplar species in Wisconsin is Quaking Aspen (*Populus tremuloides*). The applicant will also have the option to not plant vegetation within contaminated areas, as long as the City's landscaping standards can still be met.

Stormwater Management:

The property contains an underground pipe that conveys surface drainage from the north to an existing storm sewer with an outlet at the southeast corner of the property. Staff recommends that the applicant shall have the stormwater drainage pipe televised to assess its current condition, provide the results of the inspection to the Engineering Department together with a location map, repair the pipe as may be necessary, and grant the City of Franklin an easement to protect and access the pipe, prior to the issuance of a Final Occupancy Permit.

At this time, it does not appear that the applicant will be adding a half-acre or more of impervious surface to the site. Staff recommends that the applicant shall provide site calculations to the Engineering Department, relative to the existing and proposed site improvements, and shall obtain final approval of a stormwater management plan from the City Engineer, prior to the issuance of a Building Permit. The applicant will be required to provide onsite storm water management facilities if and when a half acre or more of impervious surface is added.

Lighting:

The applicant is not proposing any new lighting on the building or property. There are three existing lights on the building. A Lighting Plan will be required, in conformance with Division 15-5.0400 of the UDO, if lighting is proposed in the future.

Architecture:

The applicant is not proposing architectural/building changes upon occupancy. The applicant's project narrative indicates that in the future a repair garage would be added to the northeast side of the existing building. The addition is anticipated to include metal siding and two service bay

overhead garage doors and will require a Special Use Amendment Application, to be reviewed by the Plan Commission and Common Council.

Signage:

The applicant has been made aware that any signage will require separate review and approval by the Architectural Review Board and issuance of a Sign Permit from the Inspection Department.

Natural Resource Protection Plan and Conservation Easement:

The Department of City Development has a letter from Heather Patti of RA Smith National, Inc., dated November 2, 2011 on file indicating that the subject property contains no protected natural resource features, as protected by Part 4 of the UDO. The property does contain C-1 Conservancy District zoning along the rear or east property line. The applicant is not proposing any site modifications within the C-1 District. Staff will continue to prohibit site improvements within this area until a City consultant concurs that no protected natural resource features are present and the property owner rezones and eliminates the C-1 District from the property.

Comprehensive Master Plan Consistency:

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

Comprehensive Master Plan. The City of Franklin 2025 Comprehensive Master Plan (CMP) identifies the subject property as Industrial. The surrounding future land uses are Industrial to the north, south and east and Residential to the west on the opposite side of West Forest Home Avenue.

Planning staff considers the proposed use to be consistent with the City of Franklin 2025 Comprehensive Master Plan.

The Engineering Department indicated concerns for this proposed use relative to the residential area west of the proposed trucking operations.

Staff Recommendation

Department of City Development staff recommends approval of the Special Use Application, subject to the conditions in the draft Special Use Resolution.



REPORT TO THE PLAN COMMISSION

Meeting of February 6, 2014

Special Use

RECOMMENDATION: Department of City Development staff recommends approval of the Special Use Application, subject to the conditions in the draft Special Use Resolution.

Table with 2 columns: Field Name and Value. Fields include Project Name, Project Address, Applicant, Property Owner, Current Zoning, 2025 Comprehensive Plan, Use of Surrounding Properties, and Applicant Action Requested.

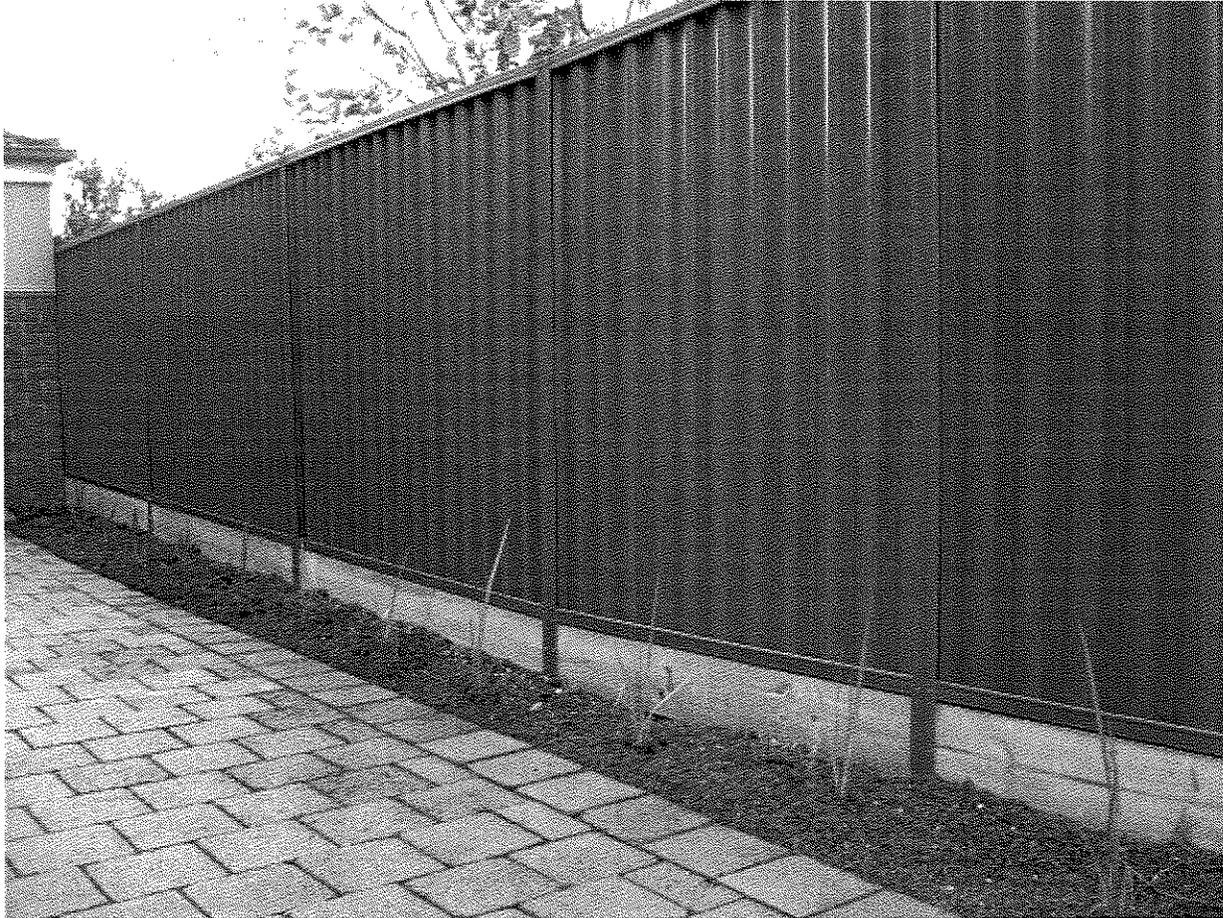
Introduction

The subject Special Use Application for OMS Properties LLC was tabled at the January 23, 2014 Plan Commission meeting to allow staff to work with the applicant and Fire Department to clarify Fire Code requirements.

Following the January 23rd Plan Commission meeting, Department of City Development staff has had further discussions with the applicant and Fire Department. Per the Fire Department, no vehicles are allowed to be stored, parked or repaired within the existing building, unless a fire sprinkler system is installed.

The applicant has indicated that they wish to proceed with their request and agree to not park or repair vehicles inside the existing building. The applicant is also proposing to construct the 8-foot metal fence as part of Phase 1, opposed to Phase 3 of the project as

originally proposed. The applicant has indicated that the fence will be a similar style to the fence shown below.



Section 15-3.0803C.2. of the Unified Development states that all fencing constructed to enclose outside storage areas in non-residential zoning districts shall be approved by the Plan Commission. It further states that fences installed in nonresidential zoning districts shall not exceed six (6) feet in height, except when required to enclose outside storage areas or when approved by the Plan Commission may be up to ten (10) feet in height and that fencing constructed to enclose outside storage areas shall be at least eight (8) feet in height and in no case lower in height than the enclosed storage area. The attached resolution has been revised accordingly (see Condition No. 13).

Staff Recommendation

Department of City Development staff recommends approval of the Special Use Application, subject to the conditions in the draft Special Use Resolution.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 2/18/14
Reports & Recommendations	SUBJECT: Request for authorization for Engineering staff to advertise for bids for 2014 Local Street Improvement Program with inclusion of Shadwell Subdivision streets and S. 82 nd Street sidewalks in bid specifications	ITEM NO. <i>E.6.</i>

BACKGROUND

On July 24, 2013 the Board of Public Works reviewed and approved a listing of streets (rated as 3 of 10) which totaled \$1,221,490. The listing was then submitted for 2014 budget consideration. The 2014 Street Improvement budget was established at \$960,000. Several streets from the original list needed to be deferred.

ANALYSIS

The listing of budgeted program streets is attached. Also included in the program is Venture Drive. Due to property owner concerns and time of year considerations, this street was held out of 2013 Program and in favor of the 2014 Program. The transfer of funds from 2013 to 2014 Programs will potentially require \$21,000 of funds. A memorandum of explanation is attached.

Also included in the proposed contract are street improvements for the Shadwell Development which needs to be completed. The Shadwell Development is located on far westerly, east side of Forest Home Avenue and south of St. Martins Road. These streets to be completed with developer funds.

Also included is the extension of sidewalk on S. 82nd Street recommended by the Complete Street Committee and pending Council approval as part of the 2014 budget. This sidewalk extension will allow students to walk from any congestion at the school to a block north. The cost being \$15,700.

OPTION

Proceed with the early competitive bidding

or

Hold for additional information

FISCAL NOTE

The 2014 Street Improvement Program has an estimated cost of \$1,037,680. The Program fund for 2014 was budgeted at \$960,000 with the 2013 transfer from Venture Drive of \$36,900.73, this total becomes \$996,900.73. It is believed savings will be realized with early competitive bidding. The Street Improvement Fund has several hundred thousand dollars balance to draw from, if approved.

The paving of streets in the Shadwell Subdivision will be taken from the development's letter of credit.

The S. 82nd Street sidewalk, \$15,700, would be taken from the 2014 Capital Improvement Fund.

RECOMMENDATION

Request for authorization for Engineering staff to advertise for bids for 2014 Local Street Improvement Program with inclusion of Shadwell Subdivision streets and S. 82nd Street sidewalks in bid specifications.

RJR/sg
Encl.

**REQUESTED
2014 LOCAL ROAD PROGRAM
WITH CONTRACT ADDITIONS
CITY OF FRANKLIN**

<u>ROAD</u>	<u>LIMITS</u>	<u>LENGTH IN FEET</u>	<u>ESTIMATED COST</u>
S. 83 rd Street	Drexel to Southview	1,634	\$ 78,000
S. 82 nd Street	Coventry to north of Winston Way	840	\$ 54,700
W. Winston Way	Cul-de-sac west of S. 82 nd Street to Nottingham	660	\$ 35,800
W. Coventry Drive	S. 82 nd west thru Cul-de-sac	460	\$ 29,800
W. Franklin Terrace	S. 27 th to S. 35 th Street	2,610	\$ 121,400
W. Hilltop Lane	S. 29 th to S. 33 rd Street	1,690	\$ 86,500
W. Thorncrest Drive	S. 29 th Street to Briarwood	1,200	\$ 55,200
S. 28 th Street	W. Briarwood Drive south thru Cul-de-sac	360	\$ 26,700
W. Southway Drive	S. 28 th to S. 34 th Street	1,730	\$ 77,300
S. 34 th Street	W. Plaza Drive to W. Forest Hill Avenue	1,270	\$ 60,400
W. Maplecrest Drive	S. 36 th to S. 42 nd Street	1,810	\$ 90,600
S. 36 th Street	W. Crest Court to south of Maplecrest Drive	212	\$ 11,500
W. Crest Court	S. 35 th to S. 36 th Street	430	\$ 20,150
S. 81 st Street	W. High Street to W. Elm Court	1,100	\$ 56,830
W. High Street	S. 79 th to S. 83 rd Street	1,020	\$ 49,000
S. 88 th Street	W. Forest Hill Avenue north thru Cul-de-sac	1,300	\$ 104,000
Knoll Court	S. 88 th west thru Cul-de-sac	190	\$ 21,100
W. Venture Drive	S. 108 th Street to East	405	\$ <u>58,700</u>
PROGRAM TOTAL		18,921	\$1,037,680
Surfacing Shadwell Subdivision Streets		3,820	\$ 128,400
S. 82 nd Street Sidewalk	W. Southview Drive to W. Coventry Drive		\$ <u>15,700</u>
CONTRACT TOTAL			\$1,181,7800

Please Note: Roads rated highest at top to lowest below.

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 2/18/14
Reports & Recommendations	SUBJECT: Motion to authorize staff to receive bid costs for the installation of sidewalk on S. 82 nd Street from Ben Franklin Elementary School to one block north	ITEM NO. <i>G. 7.</i>

BACKGROUND

The Complete Streets and Connectivity Committee at their August 8, 2013 meeting based on Engineering and Planning staffs' recommendation recommended the installation of a 5' concrete walk along the east side of S. 82nd Street from W. Southview Drive (at Ben Franklin Elementary School) north to W. Coventry Drive.

ANALYSIS

The recommendation was placed in the 2014 Capital Improvement Fund budget as a project pending Council approval.

The sidewalk will provide an off road place for students to walk from the Ben Franklin school to a lesser congested area a block north.

The sidewalk construction is proposed to be bid as part of the 2014 Local Street Improvement Program contract, anticipating more competitive bid within a high economy scale.

OPTION

Proceed with this project

or

Hold for additional information

or

Deny the recommendation

FISCAL NOTE

Funding for this \$15,700 sidewalk project to come from the Capital Improvement Fund.

RECOMMENDATION

Motion to authorize staff to receive bid costs for the installation of sidewalk on S. 82nd Street from Ben Franklin Elementary School to one block north.

RJR/sg



MEMORANDUM: FROM ENGINEERING

DATE: August 5, 2013

TO: Franklin Complete Streets and Connectivity Committee

FROM: Assistant City Engineer Romeis *QR*
Planning Manager Dietl
Senior Planner Fuchs

SUBJECT: 2014 Capital Request

The Planners and I, using the City-wide Complete Street System Map, reviewed the proposed 2014 Local Road Program for potential Complete Street improvements. The belief being that relatively minor improvements should be included with road work for economy of scale and a better acceptance of disturbance by property owners. Each road listed was reviewed for sidewalk or path extensions that would connect or extend to logical point.

Only one extension was found. A sidewalk extension on the east side of S. 82nd Street from Ben Franklin Elementary School one block north was viewed as required to allow students to walk from congestion at Southview Dr. to Coventry Dr. where vehicles would be disbursed at a four-way intersection.

The estimate cost being \$15,700. The funding for this request to be taken from the Capital Improvement Fund.

More major projects could be identified, developed and placed into a five (5) year program. These projects would be evaluated with a phased City-wide approach and presented to the Common Council for overview and potential acceptance.

RJR/sg
Encl.

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APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE
<i>Slw</i> Reports & Recommendations	SUBJECT: Ordinance to amend Section 245.5(D)(4) of the Municipal Code to establish no parking on the east side of S. 31st Street (7500 block south) from 50 feet north to 200 feet south of drive to Northwestern Mutual to include "except on weekends and holidays"	2/18/14 ITEM NO. <i>G.8.</i>

BACKGROUND

The Board of Public Works at their February 12, 2014 meeting heard a request from a resident living at 7541 S. 31st Street from the Northwestern Mutual driveway. The request was to allow for on street parking on weekends and holidays near their property.

ANALYSIS

Parked vehicles at the drive are apparently resulting from Northwestern Mutual employees who choose to park off campus along S. 31st Street. This being during weekdays. This not being during non-working hours during weekends and holiday days.

OPTIONS

Approve or deny recommendation.

FISCAL NOTE

The cost of the modifying of three signs to establish this change area would be taken from DPW operational budget.

RECOMMENDATION

Motion to adopt Ordinance No. 2014 - _____, ordinance to amend Section 245.5(D)(4) of the Municipal Code to establish no parking on the east side of S. 31st Street (7500 block south) from 50 feet north to 200 feet south of drive to Northwestern Mutual to include "except on weekends and holidays."

RJR/db

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2014-_____

ORDINANCE TO AMEND SECTION 245.5(D)(4) OF THE MUNICIPAL CODE
TO ESTABLISH NO PARKING ON THE EAST SIDE OF S. 31ST STREET
(7500 BLOCK SOUTH) FROM 50 FEET NORTH TO 200 FEET SOUTH OF DRIVE TO
NORTHWESTERN MUTUAL TO INCLUDE "EXCEPT ON WEEKENDS AND HOLIDAYS"

WHEREAS, the Board of Public Works has recommended modifying "No Parking on the east side of S. 31st Street (7500 block south) 50 feet north and 200 feet south of drive to Northwestern Mutual to include except on weekends and holidays."

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

SECTION I. Section 245.5(D)(4) of the Municipal Code of the City of Franklin is hereby amended as follows:

"east side of S. 31st Street (7500 block south) from 50 feet north to 200 feet south of drive to Northwestern Mutual."
ADD: "except on weekends and holidays."

INTRODUCED at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2014, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2014.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ____ NOES ____ ABSENT ____

RJR/db



W E
S
7521
1" = 30'

N
W E
S
1" = 200'

STREET

NW
MUTUAL

7541

2 1

7571

318T

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APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE 2/18/2014
REPORTS & RECOMMENDATIONS	Approval of a Job Description for a Programming & Outreach Coordinator for the Franklin Public Library	ITEM NUMBER G.9.

The Library Board is requesting approval of a job description for a newly created position of Programming & Outreach Coordinator. (Please note that the Library Board has discretion over which positions are filled, but the Personnel Committee and Common Council must approve job descriptions and pay ranges.)

A memo from Rachel Muchin Young, Library Director, explaining the reasoning for this position is attached. The Library Board has recommended a salary range of 14 which staff believes is appropriate. The current top pay for a Library Assistant is \$16.91. IF a Library Assistant is promoted to the position, he/she would receive a 5% pay increase, or \$17.7555/hour.

Non-represented Nonsupervisory	Salary Grade	Minimum	Midpoint	Maximum	Minimum Hrly Wage	MidPoint Hrly Wage	Maximum Hrly Wage
Library Shelver Library Assistant							
Currently Unused	1-9						
Cashier/Clerk Library Intern	10	\$27,106	\$30,525	\$33,893	\$13.0315	\$14.6754	\$16.2946
Finance Clerk Library Administrative Aide	11	\$29,221	\$32,876	\$36,557	\$14.0484	\$15.8056	\$17.5754
	12	\$31,491	\$35,435	\$39,377	\$15.1399	\$17.0359	\$18.9312
Lead Cashier	13	\$33,920	\$38,203	\$42,433	\$16.3077	\$18.3666	\$20.4004
	14	\$35,774	\$41,154	\$46,509	\$17.1990	\$19.7854	\$22.3599
Confidential Police Adm Asst Admin/Project Assistant Confidential Secretary Planner	15	\$38,544	\$44,313	\$50,111	\$18.5307	\$21.3042	\$24.0917

This item is on the Personnel Committee agenda for Monday, February 17th. Their recommendation will be reported to the Common Council on February 18th.

COUNCIL ACTION REQUESTED

Motion to approve the Job Description for a Programming & Outreach Coordinator.



memo

To: City of Franklin Personnel Committee
From: Rachel Muchin Young
Date: February 10, 2014
Re: Establishment of Programming & Outreach Coordinator position

The Franklin Public Library Board of Trustees has approved a job description for a Programming & Outreach Coordinator.

This position is important because the Franklin Public Library strives to be a community center, a source of information, education, and entertainment for residents of the City of Franklin, as well as their families and friends. To meet these needs, Franklin Public Library needs a Programming & Outreach Coordinator who will focus on developing and presenting programs to meet these needs, as well as coordinate and participate in public relations and fundraising activities, including, but not limited to preparing grant applications to secure funding beyond the municipal allocation.

Thank you for your consideration.

JOB DESCRIPTION

Position Title: **Programming & Outreach Coordinator**
Department: Library
Appointing Authority: Library Director
Supervisor: Library Director or Designee
Salary Level: Grade 14
FLSA Status: Non-exempt
Date Approved: January 27, 2014 by Franklin Public Library Board of Trustees
_____ by City of Franklin Common Council

GENERAL PURPOSE OF POSITION:

Under supervision of the Library Director, the Programming & Outreach Coordinator provides a variety of specialized library services, including but not limited to program development and delivery, outreach and public relations activities.

HOURS OF POSITION:

Hours are scheduled with a work schedule which may vary from week to week. The number of hours scheduled is determined by the FTE approved for the position. This position may be scheduled to work normal business hours and any hours the Library is open for business or special events (i.e., weekdays, evenings, Saturdays and Sundays).

FUNDAMENTAL JOB DUTIES AND RESPONSIBILITIES:

Essential Functions:

1. Develops and presents programs and services that target specific customer groups, including but not limited to: adults, teens, children and their parents/caregivers, and teachers.
2. Prepares press releases and promotional materials to promote community awareness and participation in these programs and services.
3. Plans, coordinates and participates in public relations and fundraising activities. Acts as Library liaison to civic groups; attends community events as representative of Library. Assists in the research of potential grant funding and preparation of grant applications.
4. Develops and maintains participant database(s).
5. Performs circulation desk procedures, including but not limited to checking in and out of materials, registering patrons and collecting fines.
6. Answers directional questions and refers patrons to appropriate personnel.
7. Helps maintain book stacks, to include reserves, over-dues, searching and shelf reading.

Occasional Functions as assigned by Library Director.

MINIMUM QUALIFICATIONS:

A Bachelor's degree in marketing, education, communications, etc., or a related field, and 1 year of demonstrated experience working with the public. In lieu of a Bachelor's degree, 3+ years of proven experience developing and conducting programs/workshops and experience with fundraising.

Valid Driver's License.

Business skills, including the ability to effectively multi-task and prioritize workload, work independently, and maintain strict confidentiality, are required. Proven ability to use office technology including email, data management software packages, and Microsoft Office.

NECESSARY KNOWLEDGE, SKILLS AND ABILITIES:

1. Ability to communicate effectively with the public, staff, and vendors, verbally and/or in writing.
2. Skill in the operation of the following tools and equipment: Library computer system, calculator, scanner, photocopier, fax machine, PC, cash register, and telephone.

SUPERVISION RECEIVED: Works under the supervision of the Library Director.

SUPERVISION EXERCISED: None.

RESPONSIBILITY FOR PUBLIC CONTACT:

Daily contact requiring courtesy, discretion, and sound judgment.

LICENSING & CERTIFICATION: None.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to walk, sit, talk and hear. The employee is occasionally required to use hands and fingers to handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to climb, balance, stoop, kneel, crouch, walk and crawl.

The employee must occasionally lift and/or move up to 35 pounds. Specific vision abilities required by this job include close vision, distance vision, and the ability to adjust focus.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed primarily in a library environment. Noise level in the work environment is usually quiet to moderate. Flexible work hours, including evening and weekends.

Duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

Job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

I agree I have been given a copy of my current job description. I am aware that it is my responsibility to understand the duties expected of me. If I do not understand, I will discuss my duties with my supervisor.

Signature

Date

<p>APPROVAL</p> <p><i>Slw</i> </p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>2/18/2014</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>A Resolution to Amend the Civil Service System Personnel Administration Program and the Employee Handbook for First-Year-of-Employment Accrual of Personal Holidays for Dispatchers</p>	<p>ITEM NUMBER</p> <p><i>G.10.</i></p>

The attached resolution recommends City policy be incorporated to enable new Dispatchers to be granted prorated personal days based upon the portion of the year remaining as is done for other Civil Service System positions. Please see the attached memo from the Director of Administration that further explains this matter. This policy consideration would need to be set forth within the two controlling human resources documents: the Civil Service System Personnel Administration Program and the Employee Handbook.

This item will be taken up by the Personnel Committee at their February 17, 2014 meeting. The Director of Administration will apprise the Common Council on February 18th on the action taken by the Personnel Committee for this item.

Staff recommends approval.

COUNCIL ACTION REQUESTED

Motion to Adopt Resolution No. 2014-____, A Resolution to Amend the Civil Service System Personnel Administration Program and the Employee Handbook for First-Year-of-Employment Accrual of Personal Holidays for Dispatchers.



MEMORANDUM

Date: February 12, 2014
To: Personnel Committee
From: Mark W. Lubberda
Director of Administration
RE: First year accrual of Personal Holidays for Dispatchers

All City employees receive personal holidays in accordance with City policy or their appropriate labor contract. The annual allotment is either 4 or 5 days, depending upon the position and based upon historical considerations. Generally, the following language applies to new employees: "A new employee shall have their Personal Holiday allowance for the then current year prorated based upon the portion of the year remaining, as calculated by Human Resources."

Following the adoption of Act 10, the prior contractual language for Dispatchers was incorporated that did not provide for the first year proration. They are the only group of employees that do not get this initial benefit. Given that, generally, sick leave does not even begin accruing until after 6 months of employment and vacation accruals are not eligible for use by a new employee "until after six (6) months of continuous employment," personal days are the only, very limited, access new employees have for leave to deal with unexpected events.

I recommend that new Dispatch employees be treated similarly to other Civil Service positions relative to the proration of personal holidays during the first year of employment. The accrual base of 4 days will remain the same, and Dispatcher personal days will continue to otherwise be administered in accordance with Departmental operating procedures as specified in the Civil Service System Personnel Administration Program.

I recommend the following motion:

"Move to recommend to the Common Council that the Civil Service System Personnel Administration Program and the Employee Handbook be amended to enable new Dispatchers to be granted prorated personal days based upon the portion of the year remaining, as is done for other Civil Service System positions."

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2014-_____

A RESOLUTION TO AMEND THE CIVIL SERVICE SYSTEM PERSONNEL ADMINISTRATION PROGRAM AND THE EMPLOYEE HANDBOOK FOR FIRST-YEAR-OF-EMPLOYMENT ACCRUAL OF PERSONAL HOLIDAYS FOR DISPATCHERS

WHEREAS, all City employees receive Personal Holidays in accordance with City policy or their appropriate labor contract per the annual allotment of days, which is dependent upon the position and based upon historical considerations. Generally, the following language applies to new employees: "A new employee shall have their Personal Holiday allowance for the then current year prorated based upon the portion of the year remaining, as calculated by Human Resources", and

WHEREAS, following the adoption of Act 10, the prior contractual language for Dispatchers was incorporated that did not provide for the first year proration of Personal Holiday allowance; the only group of employees that do not get this initial benefit, and

WHEREAS, as sick leave does not even begin accruing until after 6 months of employment and vacation accruals are not eligible for use by a new employee "until after six (6) months of continuous employment," personal days are the only, very limited, access new employees have for leave to deal with unexpected events, and

WHEREAS, the Personnel Committee and staff recommend that the Civil Service System Personnel Administration Program and the Employee Handbook be amended to enable new Dispatchers to be granted prorated personal days based upon the portion of the year remaining, as is done for other Civil Service System positions.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that the Civil Service System Personnel Administration Program and the Employee Handbook shall be amended to enable new Dispatchers to be granted prorated personal days based upon the portion of the year remaining as is done for other Civil Service System positions in a manner and terminology as determined by the Director of Administration.

Introduced at a regular meeting of the Common Council of the City of Franklin this 18th day of February, 2014 by Alderman _____.

Passed and adopted by the Common Council of the City of Franklin this 18th day of February, 2014.

APPROVED:

ATTEST:

Thomas M. Taylor, Mayor

Sandra L. Wesolowski, Director of Clerk Services

AYES ___ NOES ___ ABSENT ___

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APPROVAL <i>Slw</i> 	REQUEST FOR COUNCIL ACTION	MEETING DATE 2/18/2014
REPORTS & RECOMMENDATIONS	A Resolution to Amend the Clothing Allowance Language in the Employee Handbook	ITEM NUMBER <i>G.11.</i>

The attached resolution recommends amending the Clothing Allowance language in the Employee Handbook in order to reduce the administrative burdens related to direct purchase of uniforms by Police Department clerical employees and Dispatchers and subsequent departmental reimbursement. These personnel would be moved to the same process used for Police and Fire Department command staff and union personnel, which is a bi-annual partial payment through the payroll system. Please see the attached memo from the Director of Administration that further explains this matter as well as the attached red-lined version of the Clothing Allowance language.

This item will be taken up by the Personnel Committee at their February 17, 2014 meeting. The Director of Administration will report their recommendation to the Common Council on February 18th.

Staff recommends approval.

COUNCIL ACTION REQUESTED

Motion to Adopt Resolution No. 2014-____, A Resolution to Amend the Clothing Allowance Language in the Employee Handbook.



MEMORANDUM

Date: February 12, 2014

To: Personnel Committee

From: Mark W. Luberd
Director of Administration

RE: Amending the Clothing Allowance Language in the Employee Handbook

The Police Chief has requested to amend the policy on clothing allowance in order to reduce the administrative burdens related to direct purchase of uniforms by Police Department clerical employees and Dispatchers and subsequent departmental reimbursement. The Police Department will be present to answer questions or explain the work related to tracking and providing reimbursements. He wishes to move these personnel to the same process used for Police and Fire Department command staff and union personnel, which is a bi-annual partial payment through the payroll system.

His request will create a more consistent practice, but it will cause the payments to employees to become taxable income. There would be some cost to the City, which would vary each year, based on the fact that some employees do not currently submit for reimbursement for the full eligible amount. The cost, however, will still be covered by current budget appropriations because the City always appropriates sufficient resources to fund the full amount for each employee.

In addition to the Police Chief's request, I have taken this same opportunity to standardize the payout language. Paying out "on the last payroll date in April and October of each year" will have all payments received by the employees by the current intended dates of May 1st and November 1st. This will also align it with the contract language for the Police and Fire unions, allowing for Payroll to deal with all of these employees at one time.

Note that the Municipal Court employees are no longer required to wear uniforms so do not currently receive a clothing allowance. They were left in the language, however, in the event that a future judge determines that uniforms are again required.

Also, note that number 5 has been added which reflects the practice the City has historically followed. In short, new employees are given their first year's clothing allowance money up front because they need to go out and purchase the full uniform requirements from the onset of employment. After that, the new employee moves to the bi-annual schedule. A partial exception is included for Dispatchers who must first pass their training period before receiving the clothing allowance.

If the Personnel Committee concurs with the recommendation of the Police Chief and the recommendation of the Director of Administration, the following motion would be in order:

"Move to recommend to the Common Council that the Employee Handbook be amended to incorporate the proposed revisions to the Clothing Allowance section, as presented and as attached to the Director of Administration's memo of February 12, 2014."

Clothing Allowance

Employees in the following groups as identified shall be entitled to reimbursement for certain items of clothing under the parameters identified below.

1. Department of Public Works, Sewer and Water, Custodial, and Inspection employees: Each employee shall be entitled to a clothing allowance of up to \$250.00 for coveralls, work shirts, work pants, gloves, overboots, safety glasses, and safety shoes. Public Works employees shall be reimbursed on the presentation of a receipt for safety shoes and uniforms which meet the City's standards. A payment will be made to an individual employee up to twice per year within approximately 3 weeks following a reimbursement request by the employee. Balances remaining after the second submission shall be forfeited. If the City requires employees to have identification patches (employee's name or City's name) on uniforms, the City shall provide the patches. Employees shall be permitted to purchase prescription safety glasses out of the money allotted for their clothing allowances subject to the approval of their supervisor.
2. Police Department clerical employees, Municipal Court employees, and Dispatchers who are required to wear a uniform shall be entitled to an annual clothing allowance of up to \$300 per calendar year provided in the form of a direct purchase of said uniforms by the City, which shall be paid in two (2) equal installments on the last payroll date in April and October of each year.
3. Each Fire Department commander shall receive a uniform allowance in the amount of \$425.00 per year, which shall be paid in two (2) equal installments on the last payroll date in April and October of each year.
4. The Police Chief, Police Captains, and Police Inspector shall receive \$400.00 clothing allowance each year, which shall be paid in two (2) equal installments on the last payroll date in April and October ~~May 1st and November 1st~~ of each year.
5. Newly hired employees eligible for bi-annual clothing allowance payments will be provided an amount equivalent to one-year's clothing allowance for that position within the first month of being hired and will commence on such bi-annual payment schedule beginning with the calendar year following the year of their hire, except a Dispatcher shall not receive nor be eligible for the initial first-year payment until successfully completing their training period, as determined by the Police Chief, which payment shall remain based upon the initial date of hire.

A STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2014-_____

A RESOLUTION TO AMEND THE CLOTHING ALLOWANCE LANGUAGE
IN THE EMPLOYEE HANDBOOK

WHEREAS, the Police Chief has requested to amend the policy on clothing allowance in order to reduce the administrative burdens related to direct purchase of uniforms by Police Department clerical employees and Dispatchers and subsequent departmental reimbursement; moving these personnel to the same process used for Police and Fire Department command staff and union personnel, which is a bi-annual partial payment through the payroll system, and

WHEREAS, in addition the payout language has been amended to standardize it to paying out on the last payroll date in April and October of each year, aligning the language with the contract language for the Police and Fire unions, allowing for Payroll to deal with all of these employees at one time, and

WHEREAS, the Personnel Committee and staff recommend approval.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that the Clothing Allowance section of the Employee Handbook shall be and is hereby repealed and recreated in its entirety, to incorporate the revisions to the Clothing Allowance section, as follows:

Clothing Allowance

Employees in the following groups as identified shall be entitled to reimbursement for certain items of clothing under the parameters identified below.

1. Department of Public Works, Sewer and Water, Custodial, and Inspection employees: Each employee shall be entitled to a clothing allowance of up to \$250.00 for coveralls, work shirts, work pants, gloves, overboots, safety glasses, and safety shoes. Public Works employees shall be reimbursed on the presentation of a receipt for safety shoes and uniforms which meet the City's standards. A payment will be made to an individual employee up to twice per year within approximately 3 weeks following a reimbursement request by the employee. Balances remaining after the second submission shall be forfeited. If the City requires employees to have identification patches (employee's name or City's name) on uniforms, the City shall provide the patches. Employees shall be permitted to purchase prescription safety glasses out of the money allotted for their clothing allowances subject to the approval of their supervisor.
2. Police Department clerical employees, Municipal Court employees, and Dispatchers who are required to wear a uniform shall be entitled to an annual clothing allowance of \$300 per calendar year, which shall be paid in two (2) equal installments on the last payroll date in April and October of each year.
3. Each Fire Department commander shall receive a uniform allowance in the amount of \$425.00 per year, which shall be paid in two (2) equal installments on the last payroll date in April and October of each year.

4. The Police Chief, Police Captains, and Police Inspector shall receive \$400.00 clothing allowance each year, which shall be paid in two (2) equal installments on the last payroll date in April and October of each year.

5. Newly hired employees eligible for bi-annual clothing allowance payments will be provided an amount equivalent to one-year's clothing allowance for that position within the first month of being hired and will commence on such bi-annual payment schedule beginning with the calendar year following the year of their hire, except a Dispatcher shall not receive nor be eligible for the initial first-year payment until successfully completing their training period, as determined by the Police Chief, which payment shall remain based upon the initial date of hire.

All resolutions and parts of resolutions in contravention to this resolution are hereby repealed.

Introduced at a regular meeting of the Common Council of the City of Franklin this 18th day of February, 2014 by Alderman _____.

Passed and adopted by the Common Council of the City of Franklin this 18th day of February, 2014.

APPROVED:

ATTEST:

Thomas M. Taylor, Mayor

Sandra L. Wesolowski, Director of Clerk Services

AYES ___ NOES ___ ABSENT ___

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<p>APPROVAL</p> <p><i>Slw MWZ</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>2/18/2014</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Agreement with AT&T for the continued provision of long-distance telephone services</p>	<p>ITEM NUMBER</p> <p><i>G.12.</i></p>

The City's current agreement for long-distance telephone services expires at the end of this month. AT&T is our current provider as they also currently provide City Hall's PRI, ISDN, and Centrex services and lines, both digital and analog. There is administrative convenience to staying with one provider, and there are administrative costs and productivity associated with switching carriers. It should be noted that AT&T does not currently have the State contract for long distance services. Nonetheless the typical monthly bill for long distance services is only between \$18 and \$72. Given that governmental rates per minute are so low in general, moving to the State's lowest bidder, Century Link, would likely save a little over \$10 per month, which at this point would not be worth the administrative efforts to switch and the added work from dealing with multiple vendors. Overall, telephone services have dramatically improved and system downtime has been eliminated since last switching to AT&T.

COUNCIL ACTION REQUESTED

Motion to authorize the Director of Administration to execute a standard form agreement with AT&T for the continued provision of long-distance telephone services.

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>02/18/14</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>RECOMMENDATION OF ALTERNATE DESIGN FOR THE RECONSTRUCTION OF S. NORTH CAPE ROAD (CITY OF FRANKLIN COMPLETE STREETS AND CONNECTIVITY COMMITTEE)</p>	<p>ITEM NUMBER</p> <p><i>G, 13.</i></p>

At their February 6, 2014 meeting, the Franklin Complete Streets and Connectivity Committee discussed the reconstruction alternatives for S. North Cape Road and approved the two following motions for Common Council consideration.

1. Motion by Member Haley to recommend to Common Council, in the interest of safety and connectivity, that City staff work with Milwaukee County to reconstruct South North Cape Road with Alternate 2. Seconded by Member Fowler. On voice vote, Members Kowalski, Haley and Fowler voted 'aye'. Alderman Wilhelm abstained. Therefore, with a vote of 3 ayes, 0 noes, and one abstention, the motion carried.
2. Motion by Member Fowler, seconded by Alderman Wilhelm, to recommend to Common Council to allow staff to work with the Franklin Public School District to investigate alternatives for access to Country Dale Elementary School for safety and connectivity for the neighborhood. On voice vote, all voted 'aye'. Motion carried (4-0).

COUNCIL ACTION REQUESTED

A motion to reconstruct S. North Cape Road with Alternate 2.

And

A motion to direct Planning and Engineering Staff to work with the Franklin Public School District and the Complete Streets and Connectivity Committee to investigate alternatives for access to Country Dale Elementary School to improve safety and connectivity for the neighborhood (City of Franklin Complete Streets and Connectivity Committee).

Or

Motions to take action on the above items as the Common Council deems appropriate.

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<p>APPROVAL</p> <p><i>Slw</i> <i>MW/K</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>2/18/2014</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Budget Preparation Timetable for the 2015 Budget and Rescheduling of September 2014 regular Committee of the Whole and Common Council meetings and the November 4, 2014, Common Council Meeting</p>	<p>ITEM NUMBER</p> <p><i>G.14.</i></p>

Per Section 13-2.A. of Chapter 13, "Budget", of the Franklin Municipal Code, it states that "Each year the Mayor shall present a budget timetable to the Common Council no later than March 1, for the review and approval of the Common Council."

Consistent with the new budget practice that was approved by Common Council in July of 2012, the attached budget calendar establishes the timeline for annual Aldermanic consideration of the Mayor's proposed 2015 budget. It commences with the initial distribution of the Mayor's proposed budget and concludes with the Common Council Meeting for the public hearing and adoption of the annual budget. As with recent years, the calendar provides time for Aldermen to contact Department Heads directly with questions and for Aldermen to work together in Committee to review the proposed budget and/or meet with staff.

This year's schedule, however, does propose or anticipate some changes from recent years. The fact that Labor Day, September 1, falls on what would normally be a Committee of the Whole meeting and the fact that September is a five-Tuesday month encourages rescheduling of the Common Council meetings to September 9th and 23rd. The proposed budget schedule works around that assumption.

Additionally, Tuesday November 4th would be a regularly scheduled Common Council meeting, but it is also a significant election day. I have anticipated moving the Common Council day to Monday, November 3rd, in conjunction with the regular Committee of the Whole meeting. I have not, however, scheduled the budget for that evening even though that would be the traditional time the budget is considered. I have pushed the public hearing on the budget and adoption of the budget back to the regular meeting of November 18th since a gubernatorial election might discourage public participation. Please recognize the later date does not provide any reasonable opportunity to delay adoption of the budget due to the work necessary to prepare and distribute property tax bills. As such, if the Common Council wishes to have a fall back date in the event the final adoption cannot be completed in one evening, then the public hearing and adoption should be scheduled for a special meeting on Tuesday, November 11th and the Public Hearing notice process and deadlines advanced one week. That decision would need to be made at this time. [Note that I did not anticipate moving November's regular Council meetings. Although this is technically an option there might be some conflicts with Thanksgiving and deer hunting.]

The Director of Clerk Services concurs with the recommendation to reschedule the meetings as noted above.

COUNCIL ACTION REQUESTED

Motion to reschedule the Common Council meetings of September 2014 to September 9 and September 23, 2014; to reschedule the September Committee of the Whole meeting to Monday, September 8, 2014; to reschedule the Common Council meeting of Tuesday, November 4, to Monday, November 3, 2014; and to adopt the 2015 Annual Budget - Budget Preparation Timetable dated February 18, 2014, as presented.

City of Franklin
2015 Annual Budget
BUDGET PREPARATION TIMETABLE
February 18, 2014

Schedule

Tuesday, September 23	Common Council Meeting Agenda Item: Presentation on overview of budget and major budget initiatives. Aldermen determine or identify additional materials or information needed for 10/6 budget discussions. [NOTE: This date presumes the Common Council reschedules September's regular meetings due to Labor Day and the 5-week month.)
Wednesday September 24 To Monday, October 6	Aldermen may contact department heads with budget questions
Monday, October 6	Committee of the Whole Agenda Item: Review of Mayor's Recommended Budget.
Tuesday, October 7	Alternate day for additional Committee of the Whole meeting and budget discussion in conjunction with regular Common Council meeting.
Friday, October 17	Last day for budget changes to be included in the Public Hearing notice.
Monday, October 20 To Thursday, October 23	Submission and Preparation of Public Hearing Notice
Tuesday, October 21	Regular Common Council Meeting, available for discussion of any budget topic as may be needed.
Thursday, October 30	Publication of Preliminary Budget and Hearing Notice
Monday, November 3	Rescheduled Common Council meeting available for discussion of an budget topic as may be needed.
Tuesday, November 18	Common Council Meeting: Public Hearing on the Proposed Annual Budget AND Adoption of Annual Budget [Note: The late date does not provide opportunity for delay]

Note: The proposed calendar anticipates rescheduling of September's regular Common Council Meeting and anticipates rescheduling Tuesday, November 4th, meeting to avoid the election. Additionally, Subsequent actions that affect the Common Council's regular meeting schedule may impact this calendar.

Calendar

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
1-Sep	2-Sep	3-Sep	4-Sep	5-Sep	6-Sep	7-Sep
Labor Day	Regular Council Meeting					
8-Sep	9-Sep	10-Sep	11-Sep	12-Sep	13-Sep	14-Sep
Rescheduled Committee of the Whole Meeting	Rescheduled Council Meeting					
15-Sep	16-Sep	17-Sep	18-Sep	19-Sep	20-Sep	21-Sep
	Regular Council Meeting					
22-Sep	23-Sep	24-Sep	25-Sep	26-Sep	27-Sep	28-Sep
	Rescheduled Council Meeting Budget Presentation	Alderman contact department heads as needed				
29-Sep	30-Sep	1-Oct	2-Oct	3-Oct	4-Oct	5-Oct
Alderman contact department heads as needed						
6-Oct	7-Oct	8-Oct	9-Oct	10-Oct	11-Oct	12-Oct
Regular Committee of the Whole Meeting - Initial Budget Discussions	Regular Council Meeting - Additional Budget (as needed)					
13-Oct	14-Oct	15-Oct	16-Oct	17-Oct	18-Oct	19-Oct
				(Note: Last Day for Budget Changes to Make Public Hearing Notice)		
20-Oct	21-Oct	22-Oct	23-Oct	24-Oct	25-Oct	26-Oct
	Regular Council Meeting - Additional Budget (as needed)		Submission of Public Hearing Notice			
Preparation of Public Hearing Notice						
27-Oct	28-Oct	29-Oct	30-Oct	31-Oct	1-Nov	2-Nov
			- BUDGET - Publication of Public Hearing Notice			
3-Nov	4-Nov	5-Nov	6-Nov	7-Nov	8-Nov	9-Nov
Regular Committee of the Whole Meeting	- ELECTION - Regular Council Meeting					
	← MOVE MEETING	3	4	5	6	7
10-Nov	11-Nov	12-Nov	13-Nov	14-Nov	15-Nov	16-Nov
17-Nov	18-Nov	19-Nov	20-Nov	21-Nov	22-Nov	23-Nov
	Regular Council Meeting - BUDGET - PUBLIC HEARING AND ADOPTION					
24-Nov	25-Nov	26-Nov	27-Nov	28-Nov	29-Nov	30-Nov
			THANKSGIVING			
1-Dec	2-Dec	3-Dec	4-Dec	5-Dec	6-Dec	7-Dec
	Regular Council Meeting					
8-Dec	9-Dec	10-Dec	11-Dec	12-Dec	13-Dec	14-Dec
15-Dec	16-Dec	17-Dec	18-Dec	19-Dec	20-Dec	21-Dec
	Regular Council Meeting					
22-Dec	23-Dec	24-Dec	25-Dec	26-Dec	27-Dec	28-Dec
			Christmas			

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 02/18/2014
LICENSES AND PERMITS	MISCELLANEOUS PERMITS	ITEM NUMBER H.1.

See attached list from meeting of February 18, 2014.

COUNCIL ACTION REQUESTED



City of Franklin

9229 W. Loomis Road
Franklin, WI 53132-9728

414-425-7500

License Committee Agenda* Alderman's Room February 18, 2014 – 5:40 p.m.

1.	Call to Order & Roll Call	Time:		
2.	Applicant Interviews & Decisions			
License Applications Reviewed		Recommendations		
Type/ Time	Applicant Information	Approve	Hold	Deny
Operator - New 2013-14 5:45 pm	Roberts, Jessica Nicole W192S7859 Overlook Bay Rd, #5F Muskego, WI 53150 Romey's Place			
Class B Combination Reserve License & Application For Grant 2013-14 5:50 pm	BHAGVATI ENTERPRISE LLC d/b/a: Indian Buffet 7107 S 76 th St Surjit Singh, Agent			
Operator - New 2013-14	Frioui, Moe 4563 S Whitnall Ave., #312 St Francis, WI 53235 MidTown Gas & Liquor			
Operator - New 2013-14	Merz, Taylor S 1957 S 55 th St West Allis, WI 53219 Walgreen – W Loomis Rd			
Operator - New 2013-14	Ramirez, Casey L 8134 S 58 th St Franklin, WI 53132 7-Eleven			
Operator - New 2013-14	Trudeau, Mary K 11410 W Mayers Dr Franklin, WI 53132 Squirrel Haus			
Temporary Class B Wine	St. Martin of Tours Church – Raffle, Auction, Dinner Person in Charge: Diane Winkowski Location: 7963 S 116 th St Date of the Event: 3/29/2014 Fees: Waived via Public Grant approved 12/03/2013			
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	Franklin Lacrosse Club – Meetings Fee Waivers: Park Permits Date of the Event(s): 6/1, 6/6, 6/7 and 6/12/14 Location: Vernon Barg Pavilion			
Extraordinary Entertainment & Amusement Event	Ragnar Events Relay Madison to Chicago (through Franklin) Person in Charge: Katie Aston Seely Date of event: 06/06/14-06/07/14			
3.	Adjournment	Time		

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

- F. An applicant who has been denied a renewal license or a licensee whose license has been suspended or revoked may appeal the denial, suspension or revocation to the Municipal Court Judge, provided that such appeal is made within five days of the date of notice of the denial, suspension or revocation. Such written appeal shall specify the reasons the denial, suspension or revocation was improper. The Municipal Court Judge shall either affirm or reverse the action of the Common Council. Such determination by the Municipal Court Judge shall constitute final action. The review by the Municipal Court Judge shall be upon the record of the proceedings before the License Committee and/or Common Council. The Municipal Court Judge shall issue the decision in writing, specifying the reasons therefor. [Added 6-30-1999 by Ord. No. 99-1564]
- G. Any denial of an application or license suspension or revocation action under this section may be in addition to and shall not bar or prevent by way of election any other enforcement action by the City to obtain compliance with the Municipal Code, including, but not limited to, forfeiture actions pursuant to § 1-19 of this Code or other forfeiture action or any other legal or equitable action commenced in any court of competent jurisdiction to obtain compliance with the Municipal Code. [Added 6-30-1999 by Ord. No. 99-1564]

→ **§ 169-3. Grants for certain Reserve Class B liquor licenses.** [Added 5-6-2003 by Ord. No. 2003-1748]

The Common Council finds that businesses such as restaurants, taverns and many others provide important contributions to the state and local economy. These establishments serve important public purposes by providing employment, promoting tourism and increasing the City's personal and real property tax base. Excessive license fees deter new businesses and are contrary to the aforementioned public purposes. The license fee required by § 125.51(3)(e)2., Wis. Stats., may provide revenue in addition to the cost of licensing the subject activity and it is the purpose of this section to utilize such potential additional revenue to assist new Reserve Class B licensees to achieve the important public purposes identified herein. Following the issuance of an original Reserve Class B liquor license and upon application, the Common Council may provide a grant to the licensee in an amount not to exceed \$10,000 of the amount actually paid to the City. The determination as to the amount of the grant shall be based upon the consideration of the aforementioned public purposes to be furthered by the applicant, the nature of the applicant's proposed premises and operations and their benefit to the community, and any frustration of such purposes and benefit in light of the applicant's and the proposed premises' and operations' ability to pay. The License Committee shall hear such application for grant and make its recommendation to the Common Council. The Common Council shall make such findings and establish such conditions to ensure that any funds awarded hereunder further the public purposes identified herein.

§ 169-4. People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant Program. [Added 10-21-2008 by Ord. No. 2008-1957]

The Mayor and Common Council recognize the importance of providing City support for community events, projects and gatherings, which in turn support and promote the public purposes of improving the general quality of life, economic growth, increased tourism,

<p>APPROVAL</p> <p><i>[Handwritten Signature]</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>2/18/14</p>
<p>Bills</p>	<p>Vouchers and Payroll Approval</p>	<p>ITEM NUMBER</p> <p>I. 1.</p>

Attached is a list of vouchers dated February 7, 2014 through February 13, 2014 Nos. 151036 through Nos. 151222 totaling \$ 1,140,409.73. Included in this listing are EFT's Nos. 2529 through Nos. 2535.

Payroll for February 21, 2014 will be reported on the revised Common Council Action Sheet.

Attached is a list of property tax refunds and property tax settlements dated February 6, 2014 through February 13, 2014 Nos. 13173 through Nos. 13229 in the amount of \$14,354,848.30. Included in this listing are EFT's Nos. 1 through Nos. 6.

COUNCIL ACTION REQUESTED

Motion approving net general checking account City vouchers in the range Nos. 151036 through Nos. 151222 in the amount of 1,140,409.73 dated February 7, 2014 through February 13, 2014.

Motion approving property tax refunds and settlements in the range of Nos. 13173 through Nos. 13229 in the amount of \$14,354,848.30 dated February 6, 2014 through February 13, 2013.