

CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, JANUARY 20, 2015
AT 6:30 PM

- A. Call to Order and Roll Call
- B. 1. Citizen Comment Period
- C. Approval of minutes:
January 6, 2015 Common Council meeting.
- D. Hearings
- E. Organizational Business
Mayoral Appointments to Boards and Commissions:
 - 1. Edward Konopka, 7930 W. Oakwood Road (Ald. Dist. 6), Waste Facility Monitoring Committee.
 - 2. Vance Werner, 7535 S. Kensington Way (Ald. Dist. 2), 3 year term to the Architectural Board expiring 4/30/2017.
 - 3. David Cieszynski, 11411 W. Woods Road (Ald. Dist. 6), 3 year term to the Architectural Board expiring 4/30/2017.
 - 4. Mark Arndt, 4431 W. Tumblecreek Drive (Ald. Dist. 3), 3 year term to the Architectural Board expiring 4/30/2015.
- F. Letters and Petitions
- G. Reports and Recommendations
 - 1. A Resolution imposing Conditions and Restrictions for the approval of a Special Use for an Auto Body Shop Business Use upon property located at 9760 South 60th Street (Steven C. Valenti, d/b/a Color and Design Studio LLC, Applicant).
 - 2. A Resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Special Use and Site Plan for property located at 10001 West St. Martins Road (St. Martins Place LLC, Owner).
 - 3. Citizen's request for the City to locate, design and build a dog park.
 - 4. Request from the Parks Commission for Amendments to the Comprehensive Outdoor Recreation Plan: 2030.
 - 5. Milwaukee County Community Development Block Grant Program Draft 2015 Annual Action Plan.
 - 6. A Resolution supporting the League of Wisconsin Municipalities' Partnership for Prosperity: An Agenda for a Competitive 21st Century Wisconsin.
 - 7. A Resolution authorizing officials to purchase and install a pedestrian bridge across Legend Creek.
 - 8. A Resolution to sign "Local/County Agreement for a Highway Improvement" with Milwaukee County, S. North Cape Road (CTH J) Phase 1 from W. Scherrei Drive to S. Carroll Circle.
 - 9. Request for authorization for Engineering Department staff to advertise for bids for 2015 Local Street Improvement Program with inclusion of W. Brunn Drive sidewalk in bid specifications.
 - 10. An Ordinance to prohibit parking on both sides of S. 35th Street from Fairway Circle (north to W. Ryan Road (S.T.H. 100).

Common Council Agenda

January 20, 2015

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11. A Resolution requesting Wisconsin Department of Transportation to incorporate sanitary sewer and water main appurtenance relocations and adjustments into their S. 27th Street corridor reconstruction contract.
12. Franklin Senior Citizens Travel Program update for 2014 year end.
13. Professional Services Agreement between the City of Franklin and Racine County for services to verify a certified soil tester's soil and site evaluations at designated properties when needed.

H. Licenses and Permits
Miscellaneous Licenses

I. Bills
Vouchers and Payroll approval

J. Adjournment

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

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

REMINDERS:

February 2	Committee of the Whole	6:30 p.m.
February 3	Common Council	6:30 p.m.
February 5	Plan Commission	7:00 p.m.

- FUTURE LAND USE AT 51ST STREET AND COBBLESTONE WAY (FRANKLIN SQUARE, LLC) G.1. Alderwoman Evans moved to adopt an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the future land use map use designation for property located at approximately 51st Street and Cobblestone Way from Residential Use and Areas of Natural Resource Features to Residential Multi-Family Use and Areas of Natural Resource Features (Proposed Lot 2) and from Residential Use and Areas of Natural Resource Features to Commercial Use and Areas of Natural Resource Features (Proposed Lot 3)(approximately 17.3497 acres)(Franklin Square, LLC, Applicant). Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderwoman Evans and Alderman Schmidt voted Aye; Alderman D. Mayer and Alderwoman Wilhelm voted No; Alderwoman S. Mayer Abstained. Motion failed due to the lack of a majority vote of members elect.
- AMEND UDO PLANNED DEVELOPMENT DISTRICT NO. 25 (WOODLAND TRAILS CONDOMINIUMS-BURKE PROPERTIES) G.2. Alderman Dandrea moved to table indefinitely an Ordinance to amend §15-3.0430 of the Unified Development Ordinance Planned Development District No. 25 (Woodland Trails Condominiums, Burke Properties) to allow for a market rate apartment development (Franklin Square, LLC, Applicant) (approximately 51st Street and Cobblestone Way). Seconded by Alderman Evans. On roll call, Alderman Schmidt, Alderwoman Evans, Alderwoman Wilhelm and Alderman Dandrea voted Aye; Alderwoman S. Mayer and Alderman D. Mayer voted No. Motion carried.
- CERTIFIED SURVEY MAP FRANKLIN SQUARE, LLC G.3. Alderman Dandrea moved to table indefinitely a Resolution conditionally approving a 3 lot Certified Survey Map, being a redivision of that part of Parcel 2 of Certified Survey Map No. 6942, recorded as Document No. 8021091 on February 7, 2001 in the Milwaukee County Register of Deeds, being a part of the Southwest 1/4 of Section 23, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Franklin Square, LLC, Applicant)(approximately 51st Street and Cobblestone Way). Seconded by Alderman Schmidt. On roll call, Alderman Dandrea, Alderwoman Evans and Alderman Schmidt voted Aye; Alderman D. Mayer, Alderwoman Wilhelm and Alderwoman S. Mayer voted No. Mayor Olson broke the tie by voting Aye. Motion carried.
- VACATION OF ROADWAY EASEMENTS (51ST STREET AND COBBLESTONE WAY) G.4. Alderwoman Evans moved to table indefinitely a Resolution authorizing the vacation of public utility and roadway easements upon lands described within Certified Survey Map No. 6924, recorded as Document No. 8021091 on February 7, 2001 with the Milwaukee County Register of Deeds, being a part of the Southwest 1/4 of Section 23, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (approximately 51st Street and Cobblestone Way)(Franklin

Square, LLC, Certified Survey Map Applicant). Seconded by Alderman Dandrea. On roll call, Alderman Schmidt, Alderwoman Evans and Alderman Dandrea voted Aye; Alderwoman S. Mayer, Alderwoman Wilhelm and Alderman D. Mayer voted No. Mayor Olson broke the tie by voting Aye. Motion carried.

RES. 2015-7051
COMPREHENSIVE
OUTDOOR RECREATION
PLAN: 2030

G.5.

Alderwoman Wilhelm moved to adopt Resolution No. 2015-7051, A RESOLUTION FOR ADOPTION OF THE COMPREHENSIVE OUTDOOR RECREATION PLAN: 2030 FOR THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN as proposed and to direct staff to make the necessary changes to address St. Martins Trail opportunities and send them to the Park Commission to bring back all three CORP recommendations to the Common Council at their next meeting on 1/20/2015. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

ORD. 2015-2159
UPDATE CHANGES TO
COMPREHENSIVE
OUTDOOR RECREATION
PLAN

Alderwoman Evans moved to adopt Ordinance No. 2015-2159, AN ORDINANCE TO AMEND THE CITY OF FRANKLIN IN 2025 COMPREHENSIVE MASTER PLAN TO INCORPORATE UPDATED CHANGES TO THE COMPREHENSIVE OUTDOOR RECREATION PLAN PERTAINING TO THE ADDITION OF A SPECIALIZED RECREATIONAL AREA WITH AN ALL-ACCESSIBLE AND ALL-INCLUSIVE PLAYGROUND AND CONSERVANCY LANDS, THE ADDITION OF TRAILWAY TO THE CITY'S EXISTING TRAIL NETWORK AND UPDATED POPULATION. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

RES. 2015-7052
AGREEMENT WITH
MMSD FOR PPII
ELIMINATION

G.6.

Alderwoman Wilhelm moved to adopt Resolution No. 2015-7052, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN INTERGOVERNMENTAL FUNDING AGREEMENT WITH THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT (MMSD) FOR THE PRIVATE PROPERTY INFILTRATION AND INFLOW (PPII) ELIMINATION ON 35TH STREET, S. 36TH STREET AND S. 37TH PLACE SOUTH OF W. MADISON BOULEVARD AND AUTHORIZE STAFF TO GO OUT FOR BIDS TO RELAY AND/OR RELINE 33 PRIVATE LATERALS AND TO DISCONNECT THE FOUNDATION DRAINS IN 5 HOMES LOCATED ON S. 35TH STREET, S. 36TH STREET AND S. 37TH PLACE SOUTH OF W. MADISON BOULEVARD. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

RES. 2015-7053
CONTRACT FOR CITY
HALL FIRE ALARM
SYSTEM

G.7. Alderman D. Mayer moved to adopt Resolution No. 2015-7053, A RESOLUTION AWARDED A CONTRACT FOR THE ADA COMPLIANT CITY HALL FIRE ALARM SYSTEM EAST WING PROJECT. Seconded by Alderman Dandrea.
Alderman Dandrea, seconded by Alderwoman Wilhelm, moved to suspend regular order of business to allow Darrel Malek to speak. All voted Aye; motion carried.
Alderman Dandrea, seconded by Alderwoman Evans, moved to return to the regular order of business. All voted Aye; motion carried.
On main motion to adopt Resolution No. 2015-7048, all voted Aye. Motion carried.

NOVEMBER 2014
MONTHLY FINANCIAL
REPORT

G.8. Alderman D. Mayer moved to receive and place on file the November 2014 Monthly Financial Report. Seconded by Alderwoman Evans. All voted Aye; motion carried.

LICENSES AND
PERMITS

H.1. Alderman Dandrea moved to approve the following:
Grant Operators' licenses to Wendy Brengosz, 411 N Greenfield Ave, Waukesha; Jason Peterson, 129 Allen St., Apt #6, Walworth; and Dale Steingold, 1832 108th St, Franksville; and
Grant the PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) Grant for the Franklin Lioness Club Fundraiser;
Hold the Operator's license application of Cheri Gaedtke, 8037 W High St., pending a court case disposition; and
Place on file the review of Police incident reports from 7/1/2014 through 1/1/2015 for Class A and B establishments.
Seconded by Alderwoman Evans. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

I.1. Alderman Dandrea moved to approve net general checking account City vouchers in the range of Nos. 154779 through 155005 in the amount of \$3,818,404.38 dated December 12, 2014 through January 2, 2015. Seconded by Alderwoman Evans. On roll call, all voted Aye. Motion carried.

Alderwoman S. Mayer moved to approve net payroll dated December 26, 2014 in the amount of \$364,034.86 and payments of the various payroll deductions in the amount of \$357,451.46 plus any City matching payments where required. Seconded by Alderwoman Evans. On roll call, all voted Aye; motion carried.

Alderman Schmidt moved to approve net payroll dated January 9, 2015 estimated at \$364,000.00 and payments of the various payroll deductions estimated at \$207,100.00 plus any City matching payments where required. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderwoman S. Mayer moved to approve property tax refunds in the range of Nos. 13301 through 13973 in the amount of \$117,710.10 dated December 12, 2014 through December 26, 2014. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderwoman Evans moved to approve net general checking account City vouchers in the range of Nos. 155006 through 155042 in the amount of \$175,329.55 dated January 6, 2015. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderman Dandrea moved to adjourn the meeting at 9:43 p.m. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

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APPROVAL <i>Slw</i>	REQUEST FOR COMMON COUNCIL ACTION	MEETING DATE 1/20/2015
ORGANIZATIONAL BUSINESS	Board and Commission Appointments	ITEM NUMBER <i>E.</i>

The following Mayoral appointments have been submitted for Council confirmation:

Edward Konopka, 7930 W. Oakwood Road (Ald. Dist. 6), Waste Facility Monitoring Committee

Vance Werner, 7535 S. Kensington Way (Ald. Dist. 2), 3 year term to the Architectural Board expiring 4/30/2017.

David Cieszynski, 11411 W. Woods Road (Ald. Dist. 6), 3 year term to the Architectural Board expiring 4/30/2017.

Mark Arndt, 4431 W. Tumblecreek Dr. (Ald. Dist. 3), 3 year term to the Architectural Board expiring 4/30/2015.

Sandi Wesolowski

From: volunteerfactsheet@franklinwi.gov
Sent: Tuesday, January 06, 2015 12:49 PM
To: Lisa Huening; Shirley Roberts; Sandi Wesolowski
Subject: Volunteer Fact Sheet

Name: Edd Konopka
PhoneNumber: 4145291285
EmailAddress: eddkonopka@hotmail.com
YearsasResident: 30+
Alderman:
ArchitecturalBoard: 0
CivicCelebrations: 0
CommunityDevelopmentAuthority: 0
FinanceCommittee: 0
EnvironmentalCommission: 0
ForwardFranklinEconomicDevelopComm: 0
FairCommission: 0
BoardofHealth: 0
FirePoliceCommission: 0
ParksCommission: 0
LibraryBoard: 0
PlanCommission: 0
PersonnelCommittee: 0
BoardofReview: 0
BoardofPublicWorks: 0
BoardofWaterCommissioners: 0
TechnologyCommission: 0
WasteFacilitySitingCommittee: 0
BoardofZoning: 0
WasteFacilitiesMonitoringCommittee: 1
CompleteStreetsandConnectivityCommittee: 0
CompanyNameJob1:
TelephoneJob1:
StartDateandPositionJob1:
EndDateandPositionJob1:
CompanyNameJob2:
TelephoneJob2:
StartDateandPositionJob2:
EndDateandPositionJob2:
CompanyNameJob3:

TelephoneJob3:
StartDateandPositionJob3:
EndDateandPositionJob3:
Signature: Edd Konopka
Date: 1/6/2015
Signature2: Edd Konopka
Date2: 1/6/2015
Address: 7930 W Oakwood Road
PriorityListing:
WhyInterested: Neighbor's request (Marv Wolf).
CompanyAddressJob1:
DescriptionofDutiesJob1:
AddressJob2:
DescriptionofDutiesJob2:
AddressJob3:
DescriptionofDutiesJob3:
AdditionalExperience:
ClientIP: 70.194.161.121
SessionID: cq0vrq45y5pvajnl2w43as55
[See Current Results](#)

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">01/20/15</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR AN AUTO BODY SHOP BUSINESS USE UPON PROPERTY LOCATED AT 9760 SOUTH 60TH STREET (STEVEN C. VALENTI, D/B/A COLOR AND DESIGN STUDIO LLC, APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.1.</i></p>

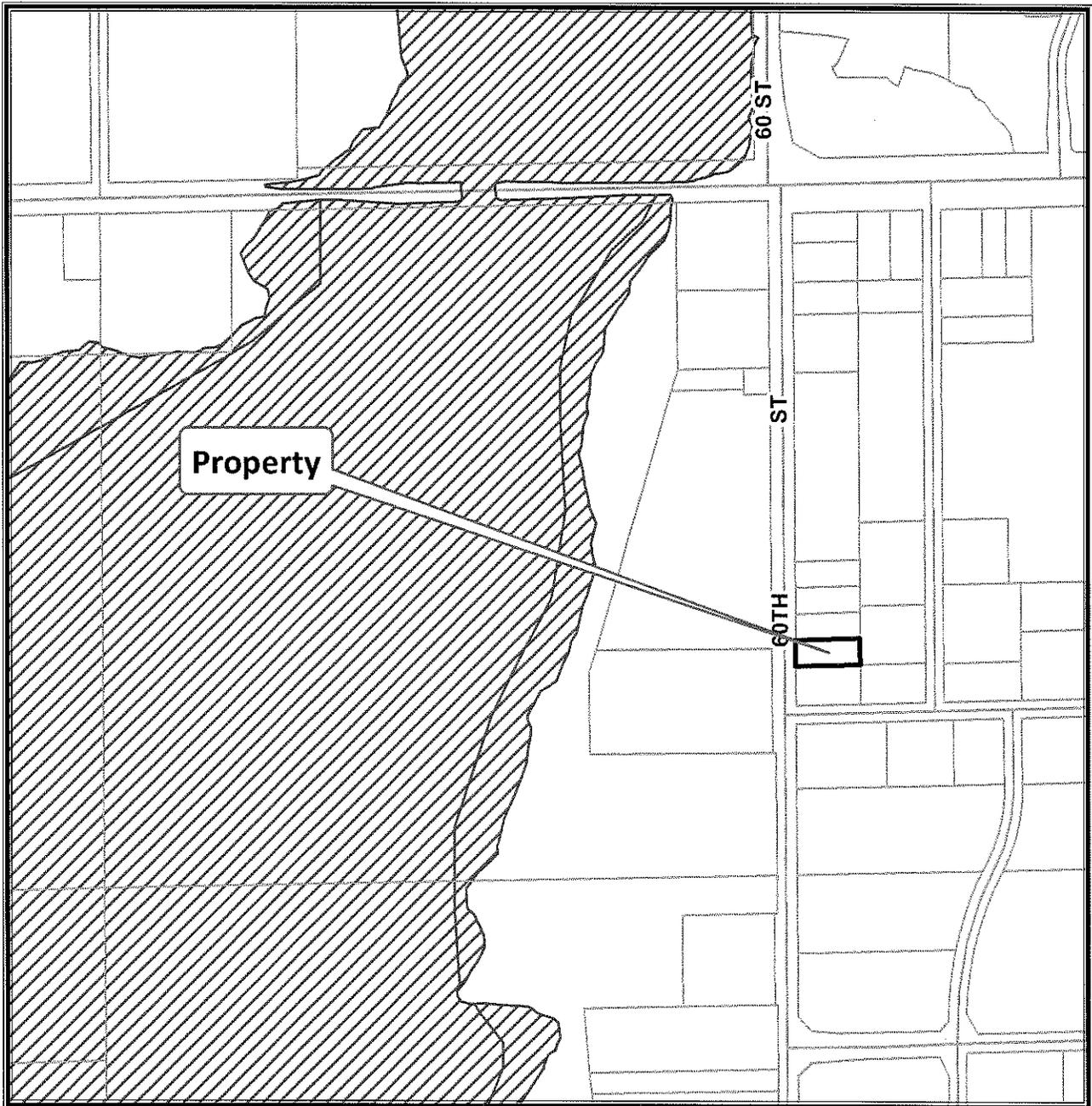
At its January 8, 2014, meeting, the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a Special Use for an auto body shop business use upon property located at 9760 South 60th Street (Steven C. Valenti, D/B/A Color and Design Studio LLC, Applicant).

COUNCIL ACTION REQUESTED

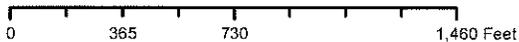
A motion to adopt Resolution No. 2015-_____, a resolution imposing conditions and restrictions for the approval of an auto body shop business use upon property located at 9760 South 60th Street (Steven C. Valenti, D/B/A Color and Design Studio LLC, Applicant)



9760 South 60th Street
899-9993-004



Planning Department
(414) 425-4024



2013 Aerial Photo

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

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

Meeting of January 8, 2015

Special Use

RECOMMENDATION: City Development Staff recommends approval of the proposed special use for a body shop business use upon property located at 9760 South 60th Street, subject to the conditions of approval in the attached draft resolution.

Project Name:	Valenti Classics Color & Design Studio Special Use
Project Address:	9760 South 60 th Street
Applicant:	Color & Design Studio, LLC
Owners (property):	Kahla Berczyk & Clayton Antholz
Current Zoning:	M-1 Limited Industrial District
2025 Comprehensive Master Plan	Industrial
Use of Surrounding Properties:	Industrial uses to the north, south, east and west
Applicant Action Requested:	Recommendation of approval for the proposed Special Use for Color & Design Studio, LLC to operate at 9760 South 60 th Street

INTRODUCTION:

On November 24th, 2014, Steve Valenti submitted a Special Use application on behalf of Color & Design Studio, LLC requesting approval to operate a body shop business use within a vacant building located at 9760 South 60th Street. The proposed use corresponds to Standard Industrial Classification (SIC) Title No. 7532, Top, Body, and Upholstery Repair Shops and Paint Shops, which is allowable in the M-1 Limited Industrial District as a Special Use.

Valenti Classics, Inc. has an existing 14,400 square foot facility located at 9848-9852 South 57th Street in Phase II of the Franklin Industrial Park. In 2012, the Forward Franklin Economic Development Commission granted approval of Valenti's automobile storage, refinishing, and accessory sales use.

PROJECT DESCRIPTION AND ANALYSIS:

The applicant is requesting Special Use approval to operate a body shop business use in an approximately 7,326 square foot existing building located at 9760 South 60th Street. Mr. Sopa is in negotiations to purchase this property from the current owners. The property is approximately 0.58 acres or 25,265 square feet. The applicant is not proposing any additional lighting or changes to the exterior of the building at this time. However, the applicant is proposing six new shrubs and three arborvitaes. The applicant has provided a sketch plan of the property identifying the approximate location of the proposed additional landscape plantings. In addition, the applicant has proposed changes to the interior of the building, including the addition of a Binks Model 531 Cross Draft paint booth with its own fire suppression system.

Proposed hours of operation for the business are Monday through Friday from 8:00 a.m. to 5:00 p.m. The applicant estimates five (5) employees will work at this location.

Staff estimates the Landscape Surface Ratio of the site at approximately 18%, which does not comply with the M-1 Minimum Landscape Surface Ratio of 0.40. Furthermore, the side yard setback is approximately ten (10) feet, which is nonconforming to the minimum required twenty (20) foot side yard setback of the M-1 District.

Parking:

Table 15-5.0203 of the City of Franklin Unified Development Ordinance (UDO) does not provide off-street parking requirements for body shops. According to Section 15-5.0203(B) of the UDO, "Parking spaces for permitted uses not listed in Table 15-5.0203 shall be provided in accordance with requirements designated by the Plan Commission upon recommendation of the City Planner". This subject property has a parking lot consisting of thirteen (13) off-street parking spaces, located at the rear of the building. Staff believes the proposed use will be adequately served by the existing off-street parking spaces on site. One of the off-street parking spaces is marked as reserved for persons with disabilities, which meets the requirements of Section 15-5.0202(I)(3) of the (UDO). During a site inspection of the property, Staff observed broken and cracked pavement. Therefore, Staff recommends the applicant repair all of the broken asphalt and cracks in the parking lot, prior to issuance of an Occupancy Permit.

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

STAFF RECOMMENDATION:

City Development Staff recommends approval of the proposed special use for a body shop business use upon property located at 9760 South 60th Street, subject to the conditions of approval in the attached draft resolution.

Exhibit A

Franklin

DEC 29 2014

City Development

Project Narrative

Since moving our business into the Franklin Business Park almost 2 ½ years ago we have been making great strides towards achieving our initial goal to become one of the premier classic car service and restoration facilities in the Midwest. In our 9848 S. 57th Street facility we offer basic service work to complete show quality restorations. The growth of our company has created the need for expansion and we are looking to add another location to handle the body and paint restoration portion. The Color and Design Studio by Valenti will be unique in that there is no other facility like it in Wisconsin. This division will assist customers with the color selection of paints and designs for body as well as perform metal repair, modifications, fabricating, paint restoration and ultra high quality refinishing in a clean and orderly environment. Our focus will be on classic, collector and special interest vehicles on a low volume limited basis versus your typical modern car collision center. The proposed site is 9760 S. 60th Street.

Our proposal for the existing building at 9760 S. 60th Street will not involve any modifications or additions to the existing footprint. The only visible difference on the outside will be the vent for the paint booth, make up air unit and any other required venting or ducts. The interior will be modified as follows and include the removal of existing offices at west end of building, keep existing bathrooms, install an NFPA 13 Compliant Fire Sprinkler system throughout building with approximately 55 heads sched 10 and 40 black steel pipes. We will then erect a division wall and there will be no ceilings as pictured in renderings. The division wall will be constructed of non-combustible materials and would have a double door for access of cars for display and or storage. The interior walls will be Pro-Rib UL Class "A" fire rated Steel Panels attached to steel studs. This facility will be The Color and Design Studio by Valenti, which will assist customers with the color selection of paints and designs for body as well as perform metal repair, modifications, fabricating, paint restoration and ultra high quality refinishing in a clean and orderly environment. Our focus will be on classic, collector and special interest vehicles on a low volume limited basis. A Binks Model 531 Cross Draft paint booth will be installed with its own fire suppression system with approximately 8 extra hazard sprinkler heads. See attached details of Paint Booth and Sprinkler System.

The hours of operation will be Monday – Friday 8:00am – 5:00pm and there will be approximately five employees ultimately working in this facility with an area to work on approximately seven cars. Garbage receptacles will be kept indoors and hauled off to other location. We are estimating the opening date to be in February 2015 and are really looking forward to launching this company in Franklin, WI.

DIVISION 15-3.0700

SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701

GENERAL STANDARDS FOR SPECIAL USES

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

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

Response: Correct, the proposed use and development will follow the comprehensive master plan.

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

Response: Correct, there will be no adverse or detrimental effects upon adjacent properties.

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

Response: Correct, there will be no interference.

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

Response: Correct, there are adequate public facilities.

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

Response: Correct, there will be no traffic congestion.

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

Response: Correct, there will be no destruction of significant features.

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

Response: Correct, our use will be compliant with standards imposed and applicable regulations.

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

Response: We will establish compliance with special standards.

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

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

Response: We will provide an invaluable service to the restoration hobby by performing metal repair, fabrication, paint restoration and refinishing in a clean and orderly environment with a primary focus on classic, collector and special interest vehicles.

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

Response: This proposed site is ideal due to it's proximity to Valenti Classics Restoration facility (as we will collaborate on projects) both for logistics and

customer convenience.

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

Response: There will be no modifications to the building, site or landscaping. A vent will be installed through the roof for the paint booth and proper procedures will be followed as well as a vent for the make up air unit.

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

Response: This will not establish a precedent of incompatible use in surrounding area.

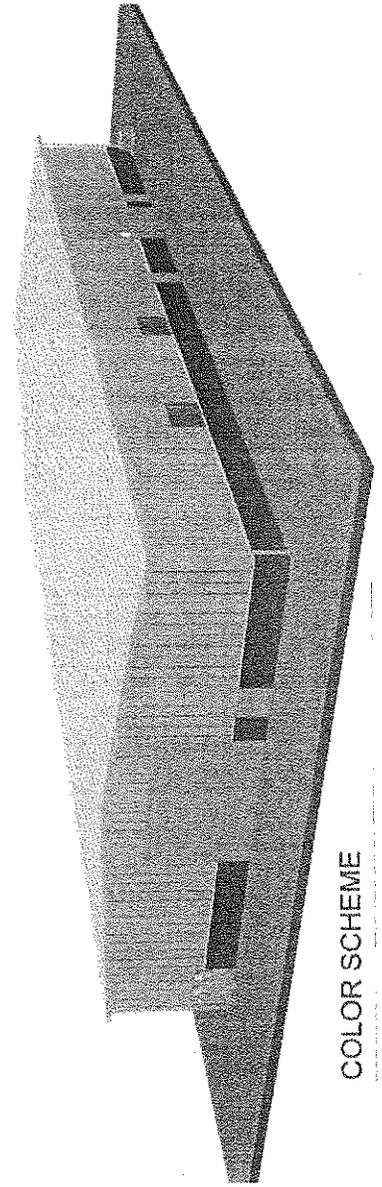
1/23/2014

DESIGN BY:
JWH

COLOR AND DESIGN STUDIO LLC
9760 S. 60TH STREET
FRANKLIN, WI 53132

KELMANN CORPORATION
(414) 774-3799

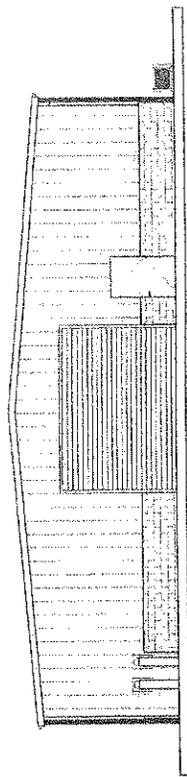
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COLOR SCHEME

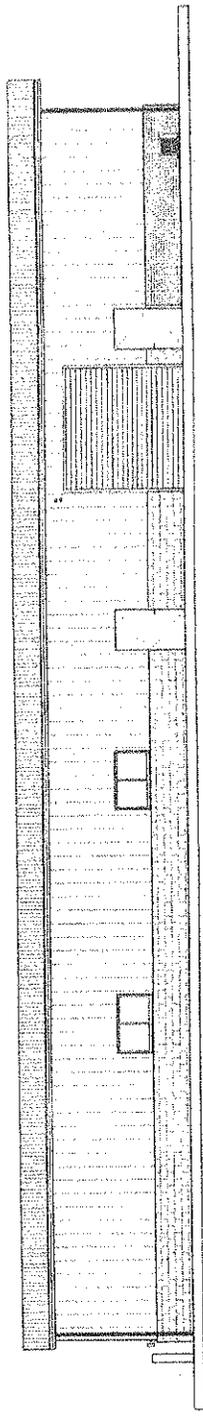
APPROXIMATE - REFER TO SHERWIN WILLIAMS
SAMPLES FOR EXACT COLORS

ITEM	COLOR SELECTION
Split Face Block (New)	SW 6083 Sable
Bedford Stone Cap (New)	Natural (Unfinished)
Brick Veneer	Natural (Unfinished)
Bedford Stone Cap	Natural (Unfinished)
Steel Siding, Fascia, & Soffit	SW 6080 Utterly Beige
Gutters & Downspouts	SW 6080 Utterly Beige
Service Doors (New)	SW 9079 Diverse Beige
Bollards @ SE Corner (New)	SW 6080 Utterly Beige
Windows (New)	Winsch Window Bronze Finish



EAST ELEVATION

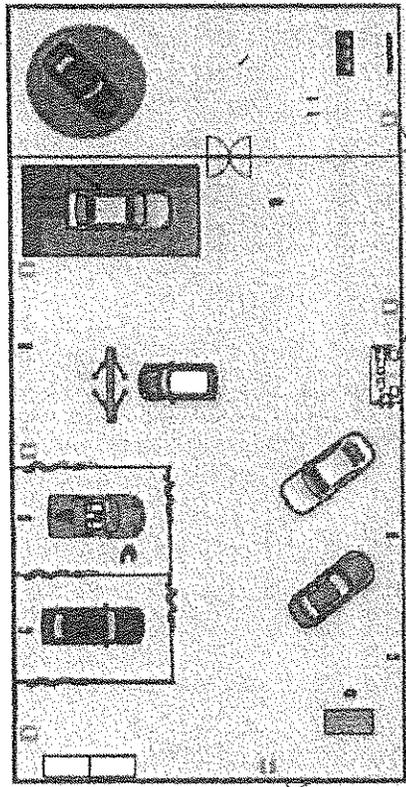
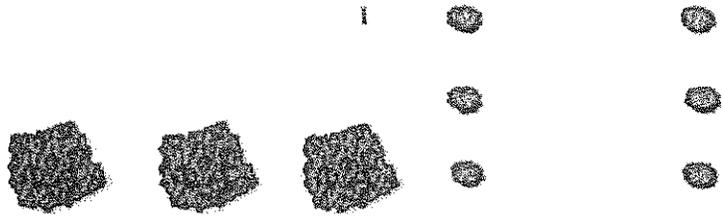
SCALE: 1/8" = 1'-0"



NORTH ELEVATION

SCALE: 1/8" = 1'-0"

FLOOR PLAN



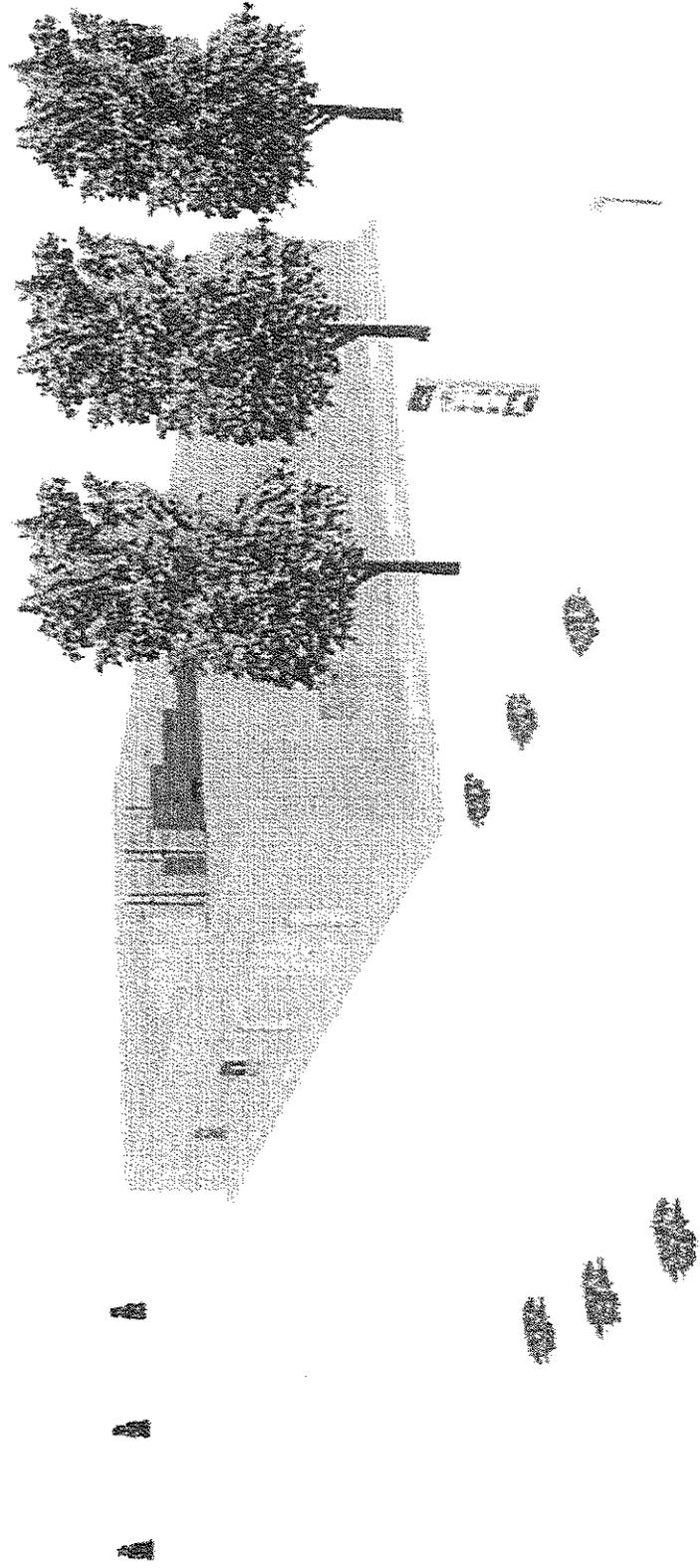
0ft

60ft

120ft



PROPOSED LANDSCAPE



RESOLUTION NO. 2015-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR
THE APPROVAL OF A SPECIAL USE FOR AN AUTO BODY SHOP BUSINESS USE
UPON PROPERTY LOCATED AT 9760 SOUTH 60TH STREET
(STEVEN C. VALENTI, D/B/A COLOR AND DESIGN STUDIO LLC, APPLICANT)

WHEREAS, Steven C. Valenti, d/b/a Color and Design Studio LLC having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District under Standard Industrial Classification Title No. 7532 "Top & body repair & paint shops", to allow for an auto body shop business use (providing metal repair, modifications, fabricating, paint restoration and refinishing for classic, collector and special interest vehicles, within the existing building) upon property located at 9760 South 60th Street, bearing Tax Key No. 899-9993-004, more particularly described as follows:

Lot 4 of Certified Survey Map No. 1231, being part of the Northwest 1/4 of Section 26, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 8th day of January, 2015, 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.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Steven C. Valenti, d/b/a Color and Design Studio 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:

STEVEN C. VALENTI, D/B/A COLOR AND DESIGN STUDIO LLC – SPECIAL USE
RESOLUTION NO. 2015-_____

Page 2

1. That this Special Use is approved only for the use of the subject property by Steven C. Valenti, d/b/a Color and Design Studio LLC, successors and assigns, as an auto body shop business use, which shall be developed in substantial compliance with, and operated and maintained by Steven C. Valenti, d/b/a Color and Design Studio LLC, pursuant to those plans City file-stamped December 29, 2014 and annexed hereto and incorporated herein as Exhibit A.
2. Steven C. Valenti, d/b/a Color and Design Studio 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 Steven C. Valenti, d/b/a Color and Design Studio LLC auto body shop 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 Steven C. Valenti, d/b/a Color and Design Studio LLC, and the auto body shop business use for the property located at 9760 South 60th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. Broken asphalt and cracks in the parking lot shall be repaired, prior to issuance of an Occupancy Permit by the Building Inspection Department.

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

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

STEVEN C. VALENTI, D/B/A COLOR AND DESIGN STUDIO LLC – SPECIAL USE
RESOLUTION NO. 2015-_____

Page 3

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 _____, 2015.

Passed and adopted at a regular meeting of the Common Council of the City of
Franklin this _____ day of _____, 2015.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">01/20/15</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SPECIAL USE AND SITE PLAN FOR PROPERTY LOCATED AT 10001 WEST ST. MARTINS ROAD (ST. MARTINS PLACE LLC, OWNER)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.2.</i></p>

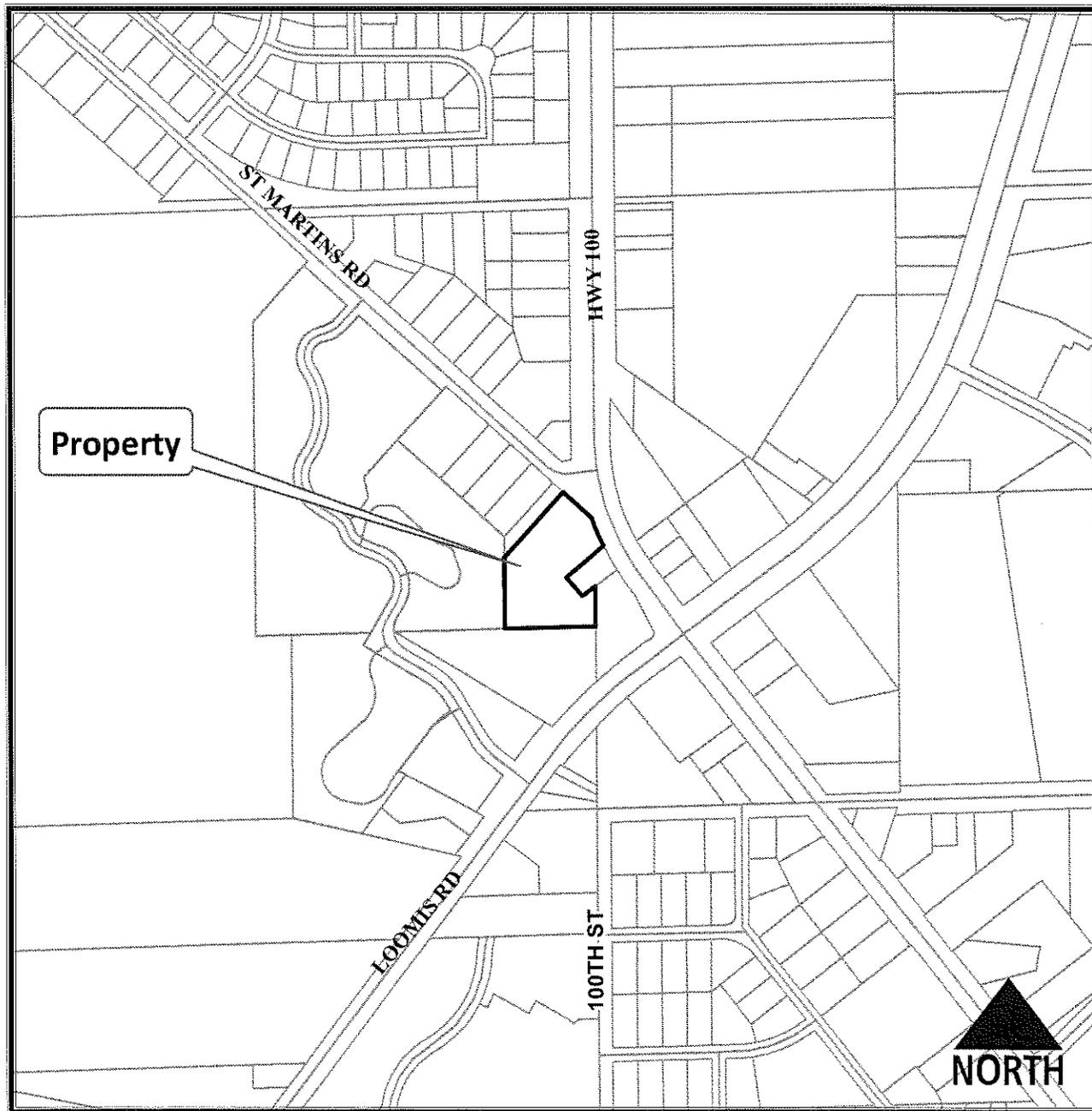
City Development staff recommends approval of a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of a Special Use and Site Plan for property located at 10001 West St. Martins Road (St. Martins Place LLC, Owner), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.

COUNCIL ACTION REQUESTED

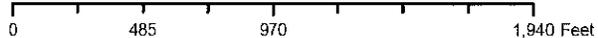
A motion to adopt Resolution No. 2015-_____, authorizing certain officials to accept a conservation easement for and as part of the review and approval of a Special Use and Site Plan for property located at 10001 West St. Martins Road (St. Martins Place LLC, Owner), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.



10001 W. St. Martins Road
TKN 841-9993-004



Planning Department
(414) 425-4024



2013 Aerial Photo

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

CONSERVATION EASEMENT

The Academy of Performing Arts

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

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, West ½ of the Northeast ¼ of Section 29, Township 5 North, Range 21 East, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation mature woodlands, wetland buffers, and wetlands, and refer to Natural Resource Investigation by Keller/Wetland & Woodland delineator, Inc. City file-stamped March 27, 2014, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

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

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

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

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

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

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

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

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

1. Construct or place buildings or any structure;

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

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

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

To Grantor:
 St Martins Place, LLC
 Attn: Stacy Tuschl
 9160 S. Pennsylvania Ave
 Oak Creek, WI 53154

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

In witness whereof, the grantor has set its hand and seals this on this date of January 5, 2015

St. Martins Place, LLC

By: [Signature]
 Stacy Tuschl (Owner)

STATE OF WISCONSIN)
) ss
 COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on the 5th day of JANUARY, A.D. 2015 by

Name(s) of person(s) as Title (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed)

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



Robin L. Mrotek
 Notary Public

My commission expires 5-22-18

Acceptance

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

In witness whereof, the undersigned has executed and delivered this acceptance on the ____ day of _____, A.D.20__.

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

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

Notary Public

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:

Nicholas Fuchs, Senior Planner
Department of City Development

Date

Approved as to form only:

Jesse A. Wesolowski
City Attorney

Date

MORTGAGE HOLDER CONSENT

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

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

US Bank
a Wisconsin Banking Corporation

By: _____

Name: _____

Title: _____

STATE OF WISCONSIN)
)ss
COUNTY OF MILWAUKEE)

On this, the _____ day of _____, 20____, before me, the undersigned, personally appeared name of officer of mortgagee, the (title of office, i.e.: VP) of (name of mortgagee), a Wisconsin banking corporation, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained.

Name: _____

Notary Public, State of Wisconsin

My commission expires _____

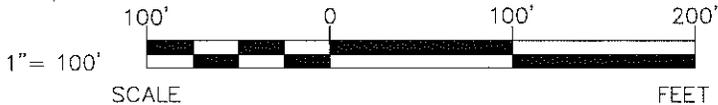
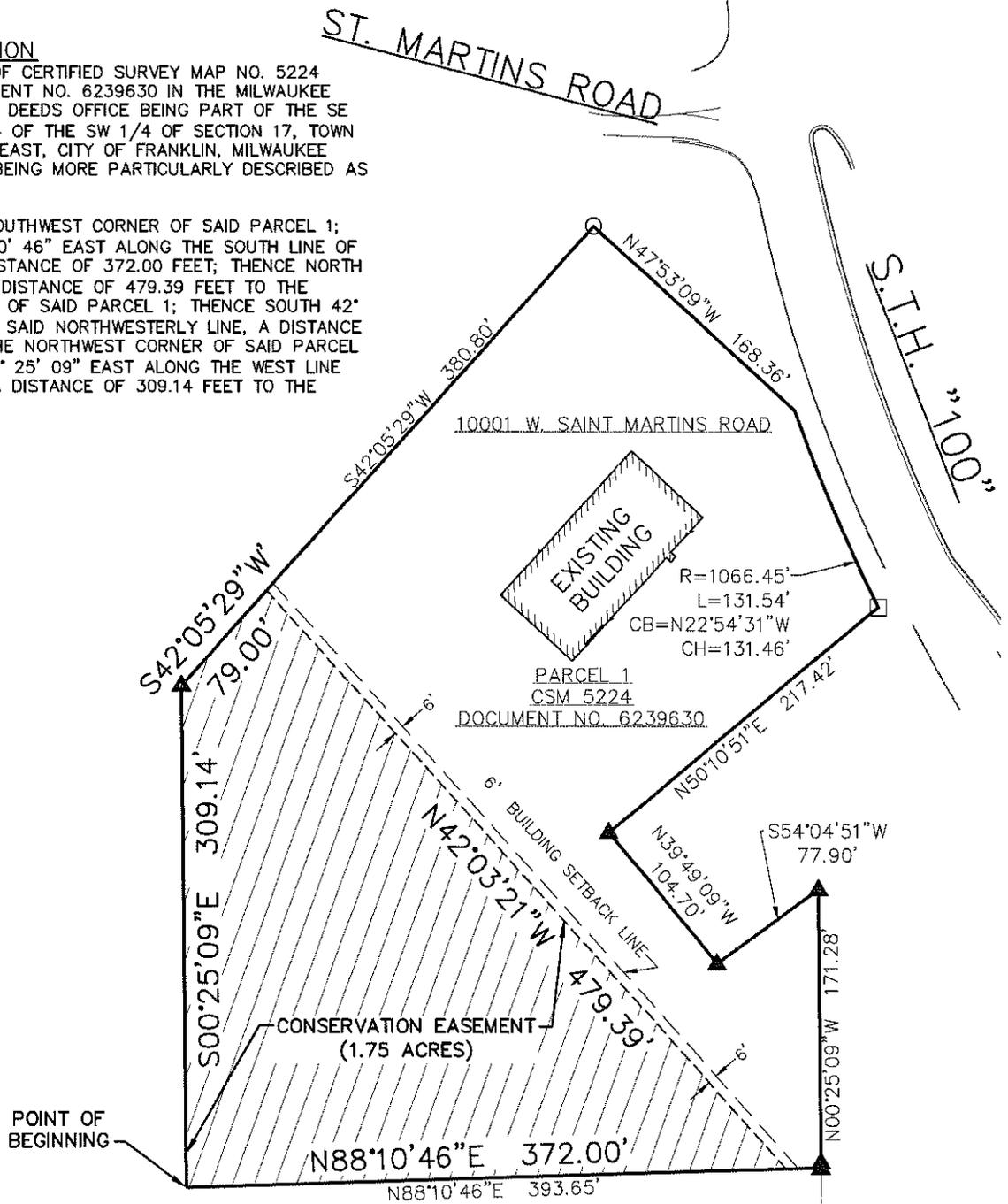
Exhibit A

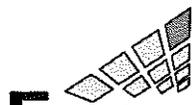
CONSERVANCY EASEMENT EXHIBIT

LEGAL DESCRIPTION

PART OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 5224 RECORDED AS DOCUMENT NO. 6239630 IN THE MILWAUKEE COUNTY REGISTER OF DEEDS OFFICE BEING PART OF THE SE 1/4 AND THE NE 1/4 OF THE SW 1/4 OF SECTION 17, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 1; THENCE NORTH 88° 10' 46" EAST ALONG THE SOUTH LINE OF SAID PARCEL 1, A DISTANCE OF 372.00 FEET; THENCE NORTH 42° 03' 21" WEST, A DISTANCE OF 479.39 FEET TO THE NORTHWESTERLY LINE OF SAID PARCEL 1; THENCE SOUTH 42° 05' 29" WEST ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 79.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE SOUTH 00° 25' 09" EAST ALONG THE WEST LINE OF SAID PARCEL 1, A DISTANCE OF 309.14 FEET TO THE POINT OF BEGINNING.





EXCEL

ENGINEERING INC.

SURVEYING GROUP

PROJECT NO. 1403820

Always a Better Plan

100 CAMELOT DRIVE
FOND DU LAC, WI 54935
PHONE: (920) 926-9800
FAX: (920) 926-9801

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2015-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART
OF THE REVIEW AND APPROVAL OF A SPECIAL USE AND SITE PLAN FOR
PROPERTY LOCATED AT 10001 WEST ST. MATINS ROAD (ST. MARTINS PLACE
LLC, OWNER)

WHEREAS, the Plan Commission having approved a Special Use and Site Plan upon the application of Studio 21 Pom & Dance Academy, Inc. d/b/a Academy of Performing Arts, on April 3, 2014, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the mature woodlands, wetland buffers and wetlands on the site; and

WHEREAS, §15-7.0102G. and §15-7.0103Q. of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Site Plan review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Special Use and Site Plan; and

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

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

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT
ST. MARTINS PLACE LLC
RESOLUTION NO. 2015-_____

Page 2

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">01/20/15</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">CITIZEN'S REQUEST FOR THE CITY TO LOCATE, DESIGN AND BUILD A DOG PARK</p>	<p style="text-align: center;"><i>G. 3,</i></p>

At the December 8, 2014, Parks Commission meeting, resident Jeremy Affolter made a presentation to the Parks Commission, requesting the City locate, design and build a dog park. On general consensus, the Parks Commission recommended Mr. Affolter present his request to the Common Council.

At the December 16, 2014 Common Council meeting, the following action was approved: move to direct the Parks Commission to determine possible locations, development costs and operational costs and return that data along with a recommendation to the Common Council by February 17, 2015.

At the January 12, 2015 Parks Commission meeting, the following action was approved: move to recommend to the Common Council the Parks Commission's support of the concept of reviewing the feasibility of adding a dog park as a defined community need to the Comprehensive Outdoor Recreation Plan: 2030. On general consensus, the Parks Commission directed Staff to prepare a draft update to the Comprehensive Outdoor Recreation Plan: 2030 identifying a dog park at the planned Southwest Park, for review and recommendation to the Common Council.

Please note this is only a status report, as staff is still working on this item. The original Common Council motion directed the Parks Commission to return data and a recommendation regarding a dog park to the Common Council by February 17, 2015. Staff has not yet completed the research into the development costs and operational costs associated with adding this facility to Southwest Park. Therefore, the draft CORP update is also not ready at this time.

COUNCIL ACTION REQUESTED

A motion to take action on the above item as the Common Council deems appropriate.

Ten Reasons Franklin Should Have a Dog Park

Benefits of a Dog Park for the Community

1. Providing a space that is leash-free for dogs makes it less likely that owners will exercise their dogs off-leash in other areas, such as playgrounds and other public places.
2. Dog parks are popular with many people. Having one in our town can only add perceived value for potential home buyers looking for a pet-friendly community.
3. Currently, Windsor residents utilize dog parks in other communities, and often patronize businesses in other communities while doing so.
4. Well-exercised dogs are better neighbors - they are less prone to anxiety related behaviors like excessive barking, property destruction, fear-based aggression.
5. Dog park dogs must be current on rabies & other vaccinations.
6. In every community, there are dog owners who do not license their pets. By requiring licensing for dog park access, these owners may be more likely to license their dogs, providing more revenue for the town.
7. Dogs who are used to meeting people they do not know are less likely to exhibit fear-related behaviors toward strangers.
8. Dog park users have opportunities to learn about responsible pet ownership from more seasoned owners. The park provides a venue in which people may share information, discuss problems & possible solutions with each other.
9. The dog park can provide an enhanced sense of community for citizens who do not have school-aged children or other family members who make routine use of town services.
10. The dog park will provide a spot for pet owners who are not physically able to participate in long walks and other exercise venues for their dogs to do so in a safe, friendly area, thus helping to maintain long-term dog/owner relationships that may otherwise have ended in pet surrender.

Other Benefits of a Dog Park

Benefits of a Dog Park for the Community

Will require dog owners to register them in order to use the park.

Registration done through MADACC: Milw Area Domestic Animal Control Commission

Laura - Left message on v/m 12/8/14 to find out how I can obtain # of registered dogs in Franklin, WI.

Allows dogs to exercise and socialize safely.

Puppies and adult dogs need room to run, and enclosed play areas permit them to do so while preventing them from endangering themselves and others (for example, by running into the path of an oncoming vehicle). In addition, dogs who are accustomed to playing with animals and people other than their owners are more likely to be well-socialized and react well toward strangers.

Promotes responsible dog ownership.

Dog parks prevent off-leash animals from infringing on the rights of other community residents and park users such as joggers, small children, and those who may be fearful of dogs. Parks also make it easier for a city to enforce its leash laws, as resident dog owners with park access have no reason to allow their canine companions off-leash when outside of the park.

Provides an outlet for dog owners to socialize.

Dog parks are a great place for owners to meet other people with common interests. The love people share for their dogs reaches beyond economic and social barriers and helps to foster a sense of community. Park users also benefit from the opportunity to ask questions of other owners and find solutions to problems they might be having with their pet.

Make for a better community by promoting public health and safety.

Well-exercised dogs are better neighbors who are less likely to create a nuisance, bark excessively and destroy property. Their presence in the park, along with their owners, also helps to deter crime.

Educate your fellow dog owners on the need to be responsible.

The owner who neglects to pick up after his dog or who allows an aggressive or un-socialized dog to run loose can do a lot of damage to your cause and undermine your chances of success.

Ideal Dog Park Features/ Policies

The Ideal Dog Park Should Include:

- 1 One acre or more of land surrounded by a four-to six-foot high chain-link fence. Preferably, the fence should be equipped with a double-gated entry to keep dogs from escaping and to facilitate wheelchair access.
- 2 Cleaning supplies, including covered garbage cans, dog waste Mitts and pooper scooper stations. There should be sufficient dispensers to encourage owners to pick up their dog's waste.
- 3 Shade and water for both dogs and owners, along with benches and tables.
- 4 A safe, accessible location with adequate drainage and a grassy area that is mowed routinely.
- 5 Signs that specify park hours and rules.
- 6 Parking close to the site.

Members of a dog park committee should establish and enforce reasonable health and safety rules for the park, such as the following:

- 1 Owners are legally responsible for their dogs and any injuries caused by them.
- 2 Puppies and dogs must be properly licensed, inoculated and healthy.
- 3 Animals should wear a collar and ID tags at all times.
- 4 Owners must clean up after their dogs. Mutt Mitt Dispensers are provided for your convenience.
- 5 Dogs showing aggression towards people or other animals will be removed from the park. Animals who exhibit a history of aggressive behavior will not be permitted.
- 6 Puppies using the park must be at least four months old.
- 7 Owners should not leave their dogs unattended or allowed out of sight. If young children are permitted in the dog park, they too should be under constant supervision.
- 8 Dogs in heat will not be allowed inside the park.
- 9 Owners must carry a leash at all times. Dogs should be leashed before entering and prior to leaving the park.
- 10 Violators will be subject to removal from the park and suspension of park privileges.

Current MADACC Rules and Petiquette

Dog Exercise Area (DEA) Rules:

1. No more than 3 dogs allowed per owner/guardian, per visit within the DEA.
2. Owner/guardian must be present within the fenced enclosure of the DEA and is responsible and liable for behavior of the dog(s) at all times. Milwaukee County is NOT liable for the actions of any dog within or outside the boundaries of the DEA.
3. Owner/guardian is responsible for cleaning up and properly disposing of dog excrement.
4. All dogs must display dog license and DEA tag while in the DEA (Wisconsin State Statute 174.07 and Milwaukee County Ordinance 29.01). If you purchase a daily permit, please tear off the receipt and keep it with you.
5. All dogs MUST BE current with vaccinations. All dogs are required to be current with rabies vaccination in accordance with Wisconsin State Statute 174.
6. Owner/guardian must have in their possession a leash for each dog(s) and remain within view and voice control of their dog(s) at all times. Dog(s) must be on-leash until you enter the double-gated entry and make sure to close all gates behind you.
7. For the safety of your dog(s) and those of others, **CHOKER, PINCH, SPIKE, OR TRAINING TYPES OF COLLARS ARE NOT ALLOWED in the DEA.** Remove such collars upon entering the DEA.
8. Aggressive dog(s) and/or dog(s) with known aggressive behavior are prohibited from the DEA.
9. Female dogs in heat are prohibited.
10. Follow all park rules and regulations governed under Chapter 47 of the Milwaukee County Ordinances.
11. Violation of the DEA rules and etiquette may result in the cancellation or forfeiture of your permit for any and all dogs under the owner/guardian's care and supervision.

NOTE - City of Cudahy Pit Bull Ordinance: Any Pit Bull in the DEA must have a bright orange collar and **must be leashed** with a leash no longer than 4' that is held by a person 16 years of age or older who is in control of the animal.

[See the complete City of Cudahy Pit Bull Ordinance, 12.25\(16\) \(external site\)](#)

Petiquette

1. In addition to rabies, we recommend all dogs be current with distemper and parvovirus vaccinations.
2. We recommend that puppies under six months old NOT use the DEA, as they have not yet received their full inoculations to protect them from distemper and parvovirus, as well as other diseases.
3. Each dog must be free of communicable illness and parasites (worms, fleas & ticks).
4. If your dog is ill, please return when your Veterinarian says there is no risk to other dogs.
5. Children must be accompanied by a parent/guardian and closely supervised.
6. Please evaluate your own dogs prior to bringing them to the DEA - ensure that they are well socialized so that they can be off-leash in this area.
7. If your dog digs, please stop them and fill any holes they made.
8. Dogs are the ONLY animals allowed in the DEA.
9. DO NOT bring food or glass containers into the DEA.
10. Please clean up after yourself. Place all of your trash in the appropriate receptacles.

CORP - Comprehensive Outdoor Recreation Plan

Does this include dog parks?

If not, it would need to be included in the plan to use IMPACT FEES.

Franklin, WI Population: **36,310 (2013)**

Registered Dog Population: **1,051 (2014)**

% of Registered Dogs/ Population: **2.89%**

Milwaukee County Population: **956,023 (2013)**

Registered Dog Population: **≈ 22,000 (2014)**

% of Registered Dogs/ Population: **2.30%**

Current Milwaukee County Dog Park Locations:

Dog Exercise Areas

Combined Areas for All Dogs		Notes
Bay View	corner of East Lincoln Avenue and South Bay Street in Bay View	
Currie	3535 N. Mayfair Rd. (intersection of Mayfair Rd & Capitol Drive)	
Granville	11718 W. Good Hope Place	
Roverwest	3243 N. Weil St. (intersection of Weil St. and Concordia Ave)	
General Area for All Dogs with Fenced Area for Small Dogs		Notes
Estabrook	4400 N. Estabrook Drive	
Runway	1214 E. Rawson Ave.	
Warnimont	6100 S. Lake Drive - NOTE: The DEA will be closed for maintenance, Tue., Nov. 18 until 2 p.m. We apologize for the inconvenience. Please visit one of the other DEAs. NOTE: Any Pit Bull in the DEA must have a bright orange collar and must be leashed with a leash no longer than 4' that is held by a person 16 years of age or older who is in control of the animal See the complete City of Cudahy Pit Bull Ordinance, 12.25(16) (external site)	

Residents for Off-Leash Milwaukee Parks is a group with the mission to establish and maintain off-leash dog exercise areas in Milwaukee County. To learn more about how you can help, visit the [Residents for Off-Leash Milwaukee Parks \(R.OM.P.\) website](#). (external site)

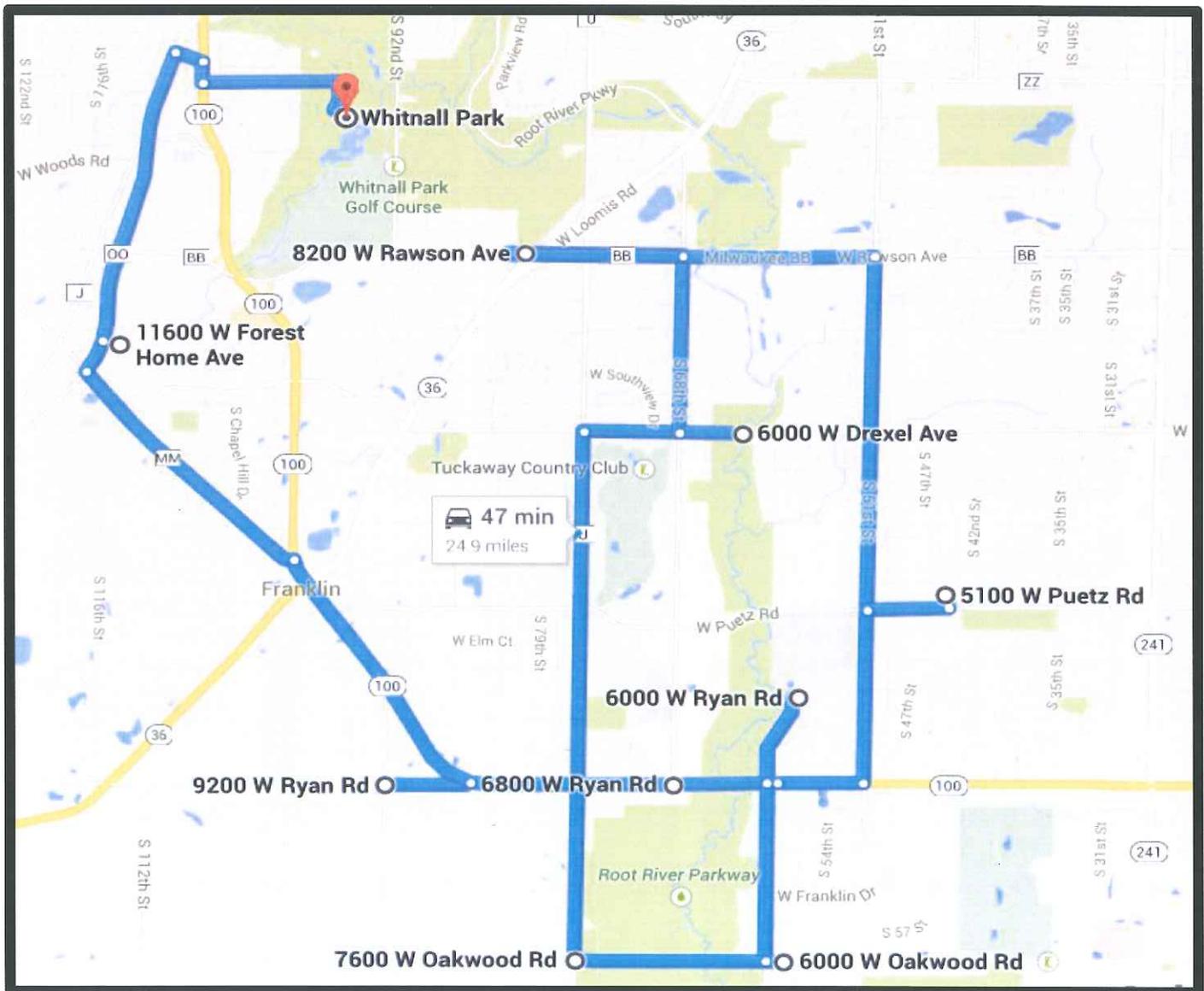
POSSIBLE LOCATIONS FOR FRANKLIN DOG PARK

IDEAL LOCATION CONSIDERATIONS:

- 1 Is the land owned by city, county, or private owner?
Advantages: draw more people to that area (Milw County Sports Complex, Whitnall Park)
- 2 SOUTH or WEST side of the city:
 - * dog parks in Milw County.
 - * West/Northern Side has a larger population than the South Side
- 3 Easy to access and find for the general population:
This would help generate the most use of the park.
- 4 Distance from housing:
Close enough for convenient public use, but not imposing on already established households.
- 5 Possible locations identified on "Proposed Dog Park Locations Map".
Milwaukee County Sports Complex
Whitnall Park

Proposed Dog Park Locations Map

LOCATION	OWNER
1 60th St & Ryan Rd (Milw County Sports Complex)	Milwaukee County
2 68th St & Ryan Rd	Milwaukee County
3 92nd St & Ryan Rd	Archdiocese/ Milw Office of Finance
4 60th St & Drexel Ave	Milwaukee County Park Commission
5 Rawson Ave & Old Loomis Rd	Milwaukee County
6 51st St & Puetz Rd	Milwaukee County Park Commission
7 60th St & Oakwood Rd	Milwaukee County
8 76th St & Oakwood Rd	Milwaukee County
9 Rawson Ave & Forrest Home Ave	Milwaukee County
10 Whitnall Park System	Milwaukee County Park Commission (?)





City of Franklin

Property Viewer

Current Action: Identify



Overview Map



Identify

Property with Addressowner

Taxkey: 883 9999 004
Address: 6000 W RYAN RD
Owner Line 1: MILWAUKEE COUNTY
Owner Line 2:
Acreage: 96.629194
Mail Addr Line 1: 901 N 9TH ST ROOM 102
Mail Addr Line 2:
Mail City: MILWAUKEE
Mail State: WI
Mail Zip: 53233-1462

Aldermanic District

District Number: 4
Alderman: Ald. Janet M. Evans
Poll Location: Milw. Cnty Sports Complex (6000 W Ryan Rd)

Zoning

Zoning District: FW
District Description: Floodway District
Ordinance: 2003-1751
PDD Number: Null

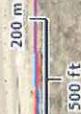
FEMA Floodplain

Flood Zone: AE

School District

School District: FRANKLIN SCHOOL DISTRICT
Elementary School: SOUTHWOOD GLEN

1





Identify

Property with Addressowner
 Taxkey: 895 9999 000
 Address: 8903 W RYAN RD
 Owner Line 1: ARCHDIOCESE/MILW.
 Owner Line 2: OFFICE OF FINANCE
 Acreage: 157.44
 Mail Addr Line 1: P O BOX 07912
 Mail Addr Line 2:
 Mail City: MILWAUKEE
 Mail State: WI
 Mail Zip: 53207-0912

Aldermanic District
 District Number: 6
 Alderman: Ald. Susanne M. Mayer
 Poll Location: St. Martin of Tours Church (7963 S 116th St)

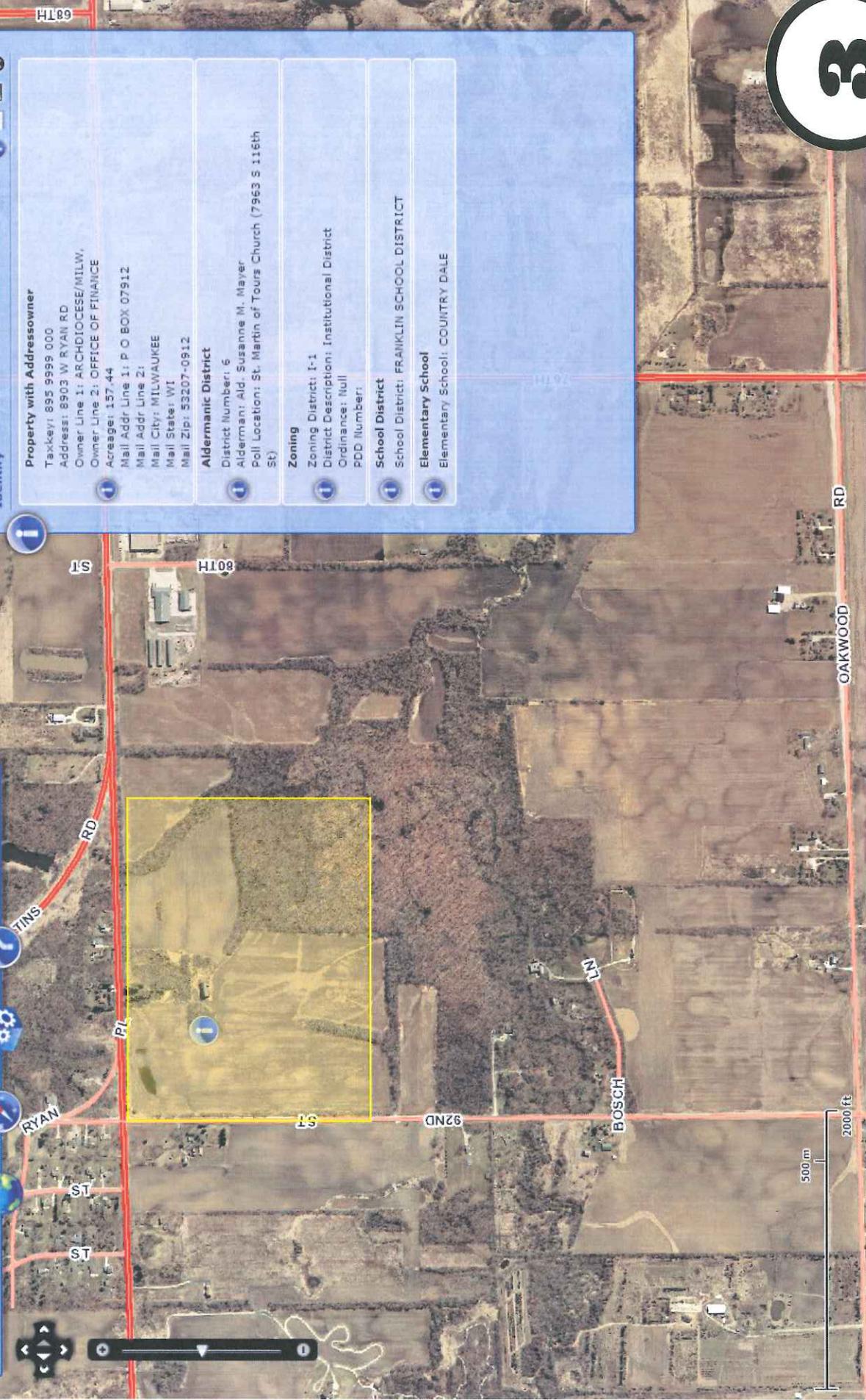
Zoning
 Zoning District: I-1
 District Description: Institutional District
 Ordinance: Itull
 PDD Number:

School District
 School District: FRANKLIN SCHOOL DISTRICT

Elementary School
 Elementary School: COUNTRY DALE

City of Franklin
Property Viewer
 Current Action: Identify

Navigation icons: Home, Search, Settings, Map, Overview





Current Action: Identify



Property with Addressowner
 Taxkey: 790 9999 000
 Address: 0 W DREXEL AVE
 Owner Line 1: MILWAUKEE COUNTY
 Owner Line 2: PARK COMMISSION
 Acreage: 39.6
 Mail Addr Line 1: 901 N 9TH ST ROOM 102
 Mail Addr Line 2:
 Mail City: MILWAUKEE
 Mail State: WI
 Mail Zip: 53233

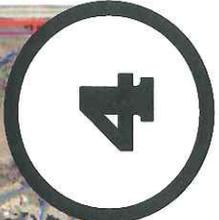
Aldermanic District
 District Number: 5
 Alderman: Ald. Doug Schmidt
 Poll Location: Milw. Cnty Sports Complex (6000 W Ryan Rd)

Zoning
 Zoning District: A-1
 District Description: Agricultural District
 Ordinance: Null
 PDD Number:

FEMA Floodplain
 Flood Zone: AE

School District
 School District: FRANKLIN SCHOOL DISTRICT

Elementary School
 Elementary School: PLEASANT VIEW



300 m
1000 ft

DREXEL AVE

ALLWOOD DR

67TH ST

1'S

1'S

H109

H199

1'S

H199

1'S

H199

H199

ST



Property Viewer

Current Action: Identify



823018236

100 m

500 ft

Overview Map



Identify

Property with Addressowner

Taxkey: 744 8985 002
 Address: 0 W RAWSON AVE
 Owner Line 1: MILWAUKEE COUNTY
 Owner Line 2:
 Acreage: 10.76
 Mail Addr Line 1: 901 N 9TH ST ROOM 102
 Mail Addr Line 2:
 Mail City: MILWAUKEE
 Mail State: WI
 Mail Zip: 53233

Aldermanic District

District Number: 2
 Alderman: Ald. Daniel M. Mayer
 Poll Location: Law Enforcement Facility (9455 W Loomis Rd)

Zoning

Zoning District: PDD
 District Description: Planned Development District
 Ordinance: 2012-0821
 PDD Number: 37

School District

School District: FRANKLIN SCHOOL DISTRICT

Elementary School

Elementary School: COUNTRY DALE



LOOMIS

AVE

RAWSON



PUETZ RD

51ST ST

ALESCI DR

DR

47TH ST

HILL TOP

Identify

Property with Addressowner

Taxkey: 852 9999 001
 Address: 0 S 51ST ST
 Owner Line 1: MILWAUKEE COUNTY,
 Owner Line 2: PARK COMMISSION
 Acreage: 113.52
 Mail Addr Line 1: 9480 W WATERTOWN PLUNK RD
 Mail Addr Line 2:
 Mail City: MILWAUKEE
 Mail State: WI
 Mail Zip: 53226

Aldermanic District

District Number: 4
 Alderman: Ald. Janet M. Evans
 Poll Location: Milk. Cnty Sports Complex (6000 W Ryan Rd)

Zoning

Zoning District: A-1
 District Description: Agricultural District
 Ordinance: Null
 PDD Number:

School District

School District: FRANKLIN SCHOOL DISTRICT
 Elementary School: SOUTHWOOD GLEN





Identify

Property with Addressowner

Taxkey: 947 9998 000
Address: 0 W OAKWOOD RD
Owner Line 1: MILWAUKEE COUNTY
Owner Line 2:
Acreage: 153.64
Mail Addr Line 1: 901 N 9TH ST ROOM 102
Mail Addr Line 2:
Mail City: MILWAUKEE
Mail State: WI
Mail Zip: 53233

Aldermanic District

District Number: 4
Alderman: Ald. Janet M. Evans
Poll Location: Milw. Cnty Sports Complex (6000 W Ryan Rd)

Zoning

Zoning District: FW
District Description: Floodway District
Ordinance: 2003-1751
PDD Number: Null

FEMA Floodplain

Flood Zone: AE

School District

School District: FRANKLIN SCHOOL DISTRICT

Elementary School

Elementary School: SOUTHWOOD GLEN

OAKWOOD RD

1S

H109



300m
1000ft



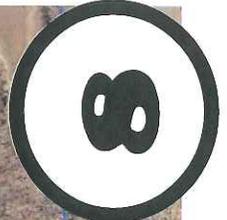
Property with Addressowner
 Taxkey: 946 9997 000
 Address: 0 W OAKWOOD RD
 Owner Line 1: MILWAUKEE COUNTY
 Owner Line 2:
 Acreage: 133.17
 Mail Addr Line 1: 901 N 9TH ST ROOM 102
 Mail Addr Line 2:
 Mail City: MILWAUKEE
 Mail State: WI
 Mail Zip: 53233

Aldermanic District
 District Number: 4
 Alderman: Ald. Janet M. Evans
 Poll Location: Milw. Cnty Sports Complex (6000 W Ryan Rd)

Zoning
 Zoning District: A-1
 District Description: Agricultural District
 Ordinance: Null
 PDD Number:

School District
 School District: FRANKLIN SCHOOL DISTRICT

Elementary School
 Elementary School: SOUTHWOOD GLEN



OAKWOOD RD

ST 76TH

300 m
 1000 ft





City of Franklin
Property Viewer
 Current Action: Identify

Identify

Property with Addressowner
 Taxkey: 748 9988 004
 Address: 0 W FOREST HOME AVE
 Owner Line 1: MILWAUKEE COUNTY
 Owner Line 2:
 Acreage: 1.45
 Mail Addr Line 1: 901 N 9TH ST ROOM 102
 Mail Addr Line 2:
 Mail City: MILWAUKEE
 Mail State: WI
 Mail Zip: 53233-1452

Aldermanic District
 District Number: 6
 Alderman: Ald. Susanne M. Mayer
 Poll Location: St. Martin of Tours Church (7963 S 116th SK)

Zoning
 Zoning District: B-2
 District Description: General Business District
 Ordinance: Null
 PDD Number:

School District
 School District: WHITNALL SCHOOL DISTRICT



City of Franklin
Property Viewer
Current Action: Identify

Property with Addressowner
Taxkey: 706 9999 000
Address: 9701 W COLLEGE AVE
Owner Line 1: MILWAUKEE COUNTY
Owner Line 2:
Acreage: 152.19
Mail Addr Line 1: 901 N 9TH ST ROOM 102
Mail Addr Line 2:
Mail City: MILWAUKEE
Mail State: WI
Mail Zip: 53233

Aldermanic District
District Number: 6
Alderman: Ald. Susanne M. Mayer
Poll Location: St. Martin of Tours Church (7963 S 116th St)

Zoning
Zoning District: P-1
District Description: Park District
Ordinance: Null
PDD Number:

School District
School District: FRANKLIN SCHOOL DISTRICT

Elementary School
Elementary School: COUNTRY DALE

92ND ST
HAWTHORNE LN
RAWSON AVE
COLLEGE AVE
CRYSTAL RIVER RD
LOUISIANA AVE

500m
1000ft