

***REVISED

CITY OF FRANKLIN
COMMON COUNCIL MEETING**
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, JULY 24, 2012, 6:30 P.M.

- A. Call to Order and Roll Call
- B.
 - 1. Citizen Comment Period
 - 2. Announcements from Mayor Taylor of upcoming community events & news items:
 - a. Proclamation in recognition of the 75th Anniversary of the founding of Carma Laboratories and to proclaim July 19, 2012 to be Carmex Day in the City of Franklin, Wisconsin.
- C. Approval of Minutes
 - 1. Approval of regular meeting of July 10, 2012.
- D. Hearings
 - 1. Public Hearing regarding a proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property located at 11052-11056 South 76th Street, from Residential Use to Agriculture Use (Franklin Investment Properties LLC applicant).
- E. Organizational Business
 - 1. Boards and Commissions Appointments
 - a. Kevin Mineard-Finance Committee-Dist. #4
 - b. Robert E. Campbell, Jr.-Finance Committee-Dist. #5
 - c. Alderman Skowronski-Finance Committee
 - d. Alderman Solomon-Plan Commission
- F. Letters and Petitions
- G. Reports and Recommendations
 - 1. Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map Use designation for property located at 11052-11056 S. 76th Street from residential to agricultural use (approximately 11.96902 acres).
 - 2. Ordinance to amend §15-3.0436 of the Unified Development Ordinance Planned Development District No. 31 (Foresthill Highlands/United Financial Group, Inc.) to allow for removal of a parcel of land for its potential use in adjoining property development (David W. Behrens, principal of GreenbergFarrow Architecture Inc., applicant) (eastern corner of W. Loomis Road and W. St. Martins Road (STH 100)).
 - 3. Ordinance to amend the Unified Development Ordinance Text at §15-3.0505A.2., to remove "PDD District" from the retail building size limit provisions (David W. Behrens, principal of GreenbergFarrow Architecture Inc., applicant).

4. Resolution conditionally approving a Condominium Plat for 8977-79 Cordgrass Circle Condominium at 8977 and 8979 S. Cordgrass Circle West, Lot 32, Prairie Grass Preserve Subdivision (Charles G. Crump and Renee M. Crump/Sarah A. Amble, owners, Antoinette M. Wotnoske, co-owner of FW Construction & Custom Carpentry LLC, applicant).
5. Resolution reapproving a Certified Survey Map conditionally approved by Resolution No. 2008-6467 on August 5, 2008 (People's Choice Corporation) (6901 S. 76th Street and 7700 W. Rawson Avenue).
6. Request for approval of the Administrative Rules and Procedures for the previously approved Franklin Complete Streets and Connectivity Board of the City of Franklin, Wisconsin.
7. Change Order No. 3 for Contract (CO2006-C03) for D.F. Tomasini, Inc., relative to the Ryan Creek Interceptor for additional work tunneling under Ryan Creek on S. 92nd Street between W. Ryan Road and W. Oakwood Road.
8. Ordinance prohibiting parking on the north side of W. Forest Hill Avenue from S. 79th Street to S. Forest Meadows Drive.
9. Method of obtaining refuse and recycling hauling municipal/resident services to be used relative to the refuse contract expiring December 31, 2012; John's Disposal Service, Inc. 5 year contract term proposal.
10. Ordinance to amend Chapter 133 of the Municipal Code related to Fire Prevention, Protection and Control to modernize and update the same and to impose certain fees upon property owners for fire inspection services.
11. Recommendation from the Personnel Committee regarding the Public Policy Forum's document "Exploring Shared or Consolidated Services in South Milwaukee County".
12. Recommendation from the Personnel Committee to modify the Battalion Chief job description.
13. Resolution to amend the City of Franklin Employee Handbook to provide for an extended introductory period to meet minimum job qualifications.
14. Recommendation from the Personnel Committee to create an additional Heavy Equipment Operator position and to eliminate one Light Equipment Operator position.
15. Recommendation from the Personnel Committee to revise the job description for Custodian.
16. Preliminary report as to the Personnel Committee's consideration of the need for retaining a consultant for a Classification and Compensation Study for Non-Represented Employees.
17. Franklin Senior Citizens Travel Program semi-annual update for 2012.
18. Milwaukee Area Domestic Animal Control Commission (MADACC) Dog Bite Policy change and option for the City of Franklin to opt out of the policy.

19. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a new Medical Office Building greater than 40,000 square feet in area use upon property located at 9969 South 27th Street (Wheaton Franciscan Healthcare-Franklin, Inc., Applicant). Wheaton Franciscan Healthcare-Franklin, Inc. (Wheaton Franciscan HealthCare Center 64,800 Square Foot Three-Story Medical Office Building Development, as Part of an Intended Plan for the Potential Future Development of a Total of Four Such Buildings, Adjacent to the Existing Wheaton Franciscan HealthCare Center Facility) (Potential development agreement condition to address terms of general property taxation of existing and future development and uses is pending review.) The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), to consider the terms and negotiation of a potential development agreement with Wheaton Franciscan Healthcare-Franklin, Inc. and related parties, concerning public improvements related to the development of the proposed medical office buildings and the terms of general property taxation of existing and future development and uses of the Wheaton Franciscan Healthcare-Franklin Inc. property within Tax Incremental District No. 4, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

- H. Licenses and Permits
 1. Miscellaneous Licenses.
- I. Bills
 1. Vouchers and Payroll approval.
- J. Adjournment

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

*****REVISED**

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

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

REMINDERS:

August 7	Committee of the Whole AND Common Council	6:30 p.m.
August 9	Plan Commission	7:00 p.m.
August 14	Partisan Primary	7:00 a.m.-8:00 p.m.

CITY OF FRANKLIN PROCLAMATION

A PROCLAMATION IN RECOGNITION OF THE 75TH ANNIVERSARY OF THE FOUNDING OF CARMA LABORATORIES AND TO PROCLAIM JULY 19, 2012 TO BE CARMEX DAY IN THE CITY OF FRANKLIN, WISCONSIN

WHEREAS, 2012 marks the 75th Anniversary of the founding of Carma Laboratories, the manufacturer of Carmex® Lip Balm, located in Franklin, Wisconsin; and

WHEREAS, it all began in 1937 when inventor Alfred Woelbing and his wife mixed the very first batch of Carmex on their kitchen stove, hand-poured it into the iconic opal glass jars, and sold it out of the trunk of his car to drug stores and retailers throughout Wisconsin and the Midwest; and

WHEREAS, with years of continued growth in sales and demand for the ever popular Carmex lip balm, Carma Laboratories, in 1976, built a new facility here in Franklin, Wisconsin, its current home still yet today; and

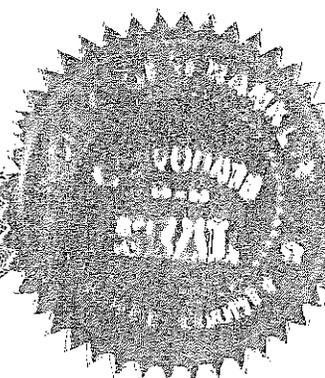
WHEREAS, Carma Laboratories has celebrated many notable milestones throughout these past 75 years including expanding distribution internationally; adding flavors to the mix such as mint, cherry, and strawberry; being the #1 recommended lip balm by pharmacists for a remarkable 14 years in a row; and, more recently in 2010, the introduction of its skin care product line, the first Carmex products outside of the lip balm category; and

WHEREAS, Carma Laboratories is a third-generation, family-owned and operated business with 100+ employees that is proud of the fact that today Carmex products are available throughout the United States and in more than 35 countries around the world.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Thomas M. Taylor, Mayor of the City of Franklin, Wisconsin, on behalf of all of the Citizens of Franklin, hereby commend and congratulate Carma Laboratories on their 75 years of success and achievements, and I hereby proclaim July 19, 2012 to be "Carmex Day" in Franklin.

Dated this 19th day of July, 2012.

Thomas M. Taylor
Thomas M. Taylor, Mayor



CITY OF FRANKLIN
COMMON COUNCIL MEETING
JULY 10, 2012
MINUTES

ROLL CALL

A. The regular meeting of the Common Council was held on July 10, 2012 and called to order at 7:16 p.m. by Mayor Tom Taylor in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Aldermen Steve Olson, Tim Solomon, Kristen Wilhelm, Steve Taylor, Doug Schmidt, and Ken Skowronski. Also present were City Engineer John M. Bennett, Director of Administration Mark Lubberda and City Clerk Sandi Wesolowski.

CITIZEN COMMENT

B.1. Citizen comment period was opened at 7:25 p.m. and closed at 7:40 p.m.

APPROVAL OF
MINUTES-6/19/12

C.1. Alderman Taylor moved to approve the minutes of the regular meeting of June 19, 2012. Seconded by Alderman Skowronski. All voted Aye; motion carried.

HEARINGS
W. LOOMIS RD./
W. ST. MARTINS RD.

D.1. Mayor Tom Taylor called the public hearing to order at 7:45 p.m. regarding a proposed Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the future land use map designation for property located at the eastern corner of W. Loomis Road and W. St. Martins Road (STH 100), from Mixed Use to Commercial Use and to change the City of Franklin Crossroads Trade Area Regulating Plan to allow for such commercial use (approximately 29.48 acres)(David W. Behrens, principal of GreenbergFarrow Architecture, Inc., applicant). The public hearing was closed at 8:20 p.m. (See Item G.4.)

APPOINTMENTS

E.1.a. Alderman Taylor moved to approve the Mayoral appointment of John Bergner to the Civic Celebrations Commission, term expires 7/01/15. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

E.1.b. Alderman Schmidt moved to approve the Mayoral appointment of Fred Knueppel to the Quarry Monitoring Committee, term expires 5/31/15. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.

E.1.c. Alderman Wilhelm moved to approve the Mayoral appointment of Mark Buchman to the Quarry Monitoring Committee, term expires 5/31/14. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

- DONATIONS
- G.1. Alderman Olson moved to accept the following donations: to the Fair Commission from the Franklin Noon Lions Club in the amount of \$250, from The Landmark in the amount of \$280, and from James and Suzanne Sass in the amount of \$250; to the Health Department from the Franklin Lioness Club in the amount of \$175, and from the Franklin Noon Lions Club in the amount of \$50; to the Police Department from the Franklin Lioness Club in the amount of \$175; and to the Fire Department from the Franklin Lions Club in the amount of \$175. Seconded by Alderman Skowronski. All voted Aye; motion carried.
- RES. 2012-6816
INITIAL
RESOLUTION-SCRUB
PLUS RA, LLC
PROJECT
- G.2. Alderman Solomon moved to adopt Resolution No. 2012-6816, AN INITIAL RESOLUTION REGARDING MIDWESTERN DISASTER AREA REVENUE BOND FINANCING FOR SCRUB PLUS RA, LLC PROJECT as amended. Seconded by Alderman Olson. All voted Aye; motion carried.
- ORD. 2012-2081
PDD #34
HAMPTON INN AND
SUITES
- G.3. Alderman Solomon moved to adopt Ordinance No. 2012-2081, AN ORDINANCE TO AMEND SECTION 15-3.0439 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 34 (HAMPTON INN AND SUITES PLUS MIXED USE COMMERCIAL) TO AUTHORIZE REDEVELOPMENT OF AN EXISTING COMMERCIAL CARE CENTER (AT APPROXIMATELY 7700 WEST RAWSON AVENUE)(SCRUB PLUS RA, LLC, APPLICANT). Seconded by Alderman Schmidt. All voted Aye; motion carried.
- W. LOOMIS RD. AND
W. ST. MARTINS RD.
- G.4. Alderman Olson moved to postpone to a meeting of the Common Council at the call of the Chair, adoption of 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 the eastern corner of West Loomis Road and West St. Martins Road (STH 100), from mixed use to commercial use and to change the City of Franklin Crossroads Trade Area Regulating Plan to allow for such commercial use pursuant to Wis. Stats. 66.1001(4)(B) (approximately 29.48 acres)(David W. Behrens, principal of GreenbergFarrow Architecture, Inc., applicant). Seconded by Alderman Skowronski. All voted Aye; motion carried. (See Item D.1.)
- RES. 2012-6817
SPECIAL USE-
NATURE'S NOOK
9801 S 27TH ST.
- G.5. Alderman Taylor moved to adopt Resolution No. 2012-6817, A RESOLUTION TO AMEND RESOLUTION NO. 94-4131 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR THE CONSTRUCTION AND OPERATION OF A NURSERY WITH OUTSIDE SALES, STORAGE AND DISPLAY OF NURSERY STOCK FOR PROPERTY LOCATED AT 9801 SOUTH 27TH STREET TO ALLOW FOR HOSTING A WEEKLY FARMERS MARKET (GRASS UNLIMITED, INC., D/B/A/ NATURE'S

NATURE'S NOOK-
CONTINUED

NOOK, APPLICANT), as amended to include only Items 1, 2, 3, 4, 10, and one inspection from Health Department. Seconded by Alderman Skowronski. All voted Aye; motion carried.

RES. 2012-6818
S. 51ST ST.
IMPROVEMENT
CONTRACT

G.6. Alderman Taylor moved to adopt Resolution No. 2012-6818, A RESOLUTION AWARDED CONTRACT TO THE LOWEST BIDDER, PAYNE AND DOLAN, INC. IN THE AMOUNT OF \$174,852.60 FOR IMPROVEMENT OF S. 51ST STREET NORTH OF W. RAWSON AVENUE INCLUDING A BITUMINOUS PATH AND CONCRETE SIDEWALK, WITH A SMALL NORTHERN PORTION OF THE ROAD PROJECT BEING IN GREENDALE AND THE REIMBURSEMENT ANTICIPATED AT \$25,800. Seconded by Alderman Solomon. All voted Aye; motion carried.

RES. 2012-6819
2012 PAVEMENT
MARKING
CONTRACT

G.7. Alderman Taylor moved to adopt Resolution No. 2012-6819, A RESOLUTION AWARDED CONTRACT TO THE LOWEST BIDDER, CROWLEY CONSTRUCTION CORPORATION, IN THE AMOUNT OF \$28,160.00 FOR THE 2012 PAVEMENT MARKING PROGRAM IN THE CITY OF FRANKLIN. Seconded by Alderman Solomon. All voted Aye; motion carried.

GPS DATA
COLLECTOR

G.8. Alderman Olson moved to authorize the purchase of a Trimble Data Collector for the City's Global Positioning System (GPS) with half the cost from the Engineering Department, through the Capital Outlay Contingency Fund, and the other half split between the Sewer and Water Fund. Seconded by Alderman Solomon. All voted Aye; motion carried.

ORD. 2012-2082
MUNICIPAL CODE
SEC. 13 BUDGET
PROCESS

G.9. Alderman Solomon moved to adopt Ordinance No. 2012-2082, AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 13-1 THROUGH 13-3 OF THE MUNICIPAL CODE OF THE CITY OF FRANKLIN, CHAPTER 13, "BUDGET", IN ORDER TO AMEND THE BUDGET PROCESS, INCLUDING DELEGATING TO THE COMMITTEE OF THE WHOLE THE RESPONSIBILITY FOR THE INITIAL REVIEW OF THE MAYOR'S PROPOSED ANNUAL BUDGET". Seconded by Alderman Olson. All voted Aye; motion carried.
It was further moved by Alderman Solomon to adopt the 2013 Annual Budget – Budget Preparation Timetable dated July 10, 2012, as presented. Seconded by Alderman Schmidt. All voted Aye; motion carried.

2013 CDBG
PROGRAM

G.10. Alderman Schmidt moved to authorize the Mayor to execute and the Director of Administration to submit applications for the 2013 Milwaukee County Community Development Block Grant Program in accordance with the revised recommendation as provided in the Council agenda packet for this meeting, and to authorize the necessary Community Development Block Grant funding contracts, if approved as submitted or if approved with

CDBG-
CONTINUED

equally proportionally adjusted funding with the Public Service Projects. Seconded by Alderman Solomon. All voted Aye; motion carried.

CLASSIFICATION
AND
COMPENSATION
STUDY

G.11. Alderman Olson moved to direct the Personnel Committee to provide a recommendation as to whether the City should consider retaining a consultant to perform a comprehensive Classification and Compensation Study and, if so, what should be the scope of such a review. Seconded by Alderman Taylor. All voted Aye; motion carried.

CONCEPT REVIEW
FORESTHILL
HIGHLANDS

G.12. No action was taken on a concept review presented at the Committee of the Whole meeting on July 10, 2012, for a senior and market rate housing development and revised site plan for Planned Development District No. 31 (Foresthill Highlands/United Financial Group, Inc.)(approximately 9200 W. Puetz Road)(United Financial Group, Inc., applicant).

CLOSED SESSION
CLAIM-
PETER SOBIC
7505 S. CAMBRIDGE
DR

G.13. Alderman Schmidt moved to enter closed session at 9:05 p.m. pursuant to §19.85(1)(e) and (g), Wis. Stats., to consider a claim of Peter Sobic for costs associated with the water service repairs at 7505 S. Cambridge Drive due to alleged repeated use of claimant's driveway as a turnaround space for heavy vehicles, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Olson. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 9:36 p.m., Alderman Solomon moved to deny claim of Peter Sobic for costs associated with the water service repairs at 7505 S. Cambridge Drive due to alleged repeated use of claimant's driveway as a turnaround space for heavy vehicles, and further moved to direct the Board of Public Works to address the road situation and report back to the Common Council within six months, and further to direct the City Engineer to issue a directive that employees not use private driveways as turnarounds. Seconded by Alderman Schmidt. All voted Aye; motion carried.

CLAIM-
YVONNE
VANDERVELDEN

G.14. Alderman Olson moved to deny the claim of Yvonne VanderVelden pursuant to §893.80(1g), Wis. Stats., based upon and in concurrence with the insurance adjuster that the City of Franklin is not negligent or legally liable for the claimant's injuries/damages. Seconded by Alderman Taylor. All voted Aye; motion carried.

MISCELLANEOUS
LICENSES

H.1. Alderman Solomon moved to grant the following licenses:

2012-13 Operator License to Anita L. Boliaris, 3719 S. 53rd St., Greenfield; Jaimie L. Budzinski, 7505 Old Spring St., Racine; Nicole L. Stankowski, 3166 W. Thorncrest Dr. and Halina Grochowski, 1111 W. Rosewood Trail, Oak Creek, all with warning letter from City Clerk;

2012-13 Operator License to Amy L. Mast, 8349 S. Newbury Dr. #1708, Oak Creek; Sara L. Mussa, 9253 S. 15th Ave., Oak Creek subject to satisfactory police report; Aelisha K. Binderim, 1601 N. Farwell Ave. #310, Milwaukee; Sandra L. Johnson, 433 Southtowne Dr., South Milwaukee; Gary A. Lewandowski, 106

W. Seeboth #908, Milwaukee; Mandeep Singh Toor, 6556 S. 35th St. #106; John C. Trudeau, 11410 W. Mayers Dr.; Steven J. Beaudry, 1408 S. 79th St. #205, West Allis; Joseph A. Cauley, 1813 S. 70th St., West Allis; Julie T. Delgado, 6853 W. Kathleen Ct. #6; Debra L. Hanley, 8048 Four Oaks Dr.; Judith A. Jung, 8612 W. Montana Ave., West Allis; Sabitri B. Kharel, 7815 S. Scepter Dr. #23; John B. Lehman, 11871 Woodland Cir., Hales Corners; Mark J. Matecki, 1007 W. Morgan Ave., Milwaukee; Becky C. Mueller, 4319 S. Quincy Ave., Milwaukee; Cynthia M. Rivette, 2251 S. 71st St., West Allis; Michael P. Sadowski, 7118 S. Tifton Dr.; Dawn M. Saldivar, 8723 S. Chicago Rd., Oak Creek and Melissa M. Vermillion, 3140 S. Logan Ave., Milwaukee;

Temporary Entertainment & Amusement License to Michael Klociewski for live music on 9/8/12 at Vernon Barg Park, 8717 W. Drexel Ave.;

Temporary Class B Beer License to Franklin Lions Club, David Lindner on 9/2-9/3/2012 at St. Martins Fair.

Extraordinary Entertainment & Special Event to Ahmadiyya Movement in Islam-Youth Retreat on 7/13-7/15/12 at Milw. County Sports Complex, 6000 W. Ryan Road and Alterra Coffee Bean Classic Mountain Bike Race, Todd Somers on 7/14-7/15/12 at Crystal Ridge Ski Area, 7900 W. Crystal Ridge Dr.;

Further moved to hold 2012-13 (and 2011-12) Operator License for Kelly Clausing-Tolar, 5937 W. Beacon Hill Dr.; Michael J. Magolan, W125 S8583 Countryview Ct., Muskego; Amanda J. Schaefer, 3272 S. Quincy Ave., Milwaukee; Jonathan J. Schmidt, 6514 W. Morgan Ave., Milwaukee; Samantha J. Skeen, 9140 Waterford Sq. South, Greenfield and Dale G. Hasenstein, 2100 E. Leroy Ave., St. Francis, all subject to appearing before the License Committee. Seconded by Alderman Taylor. All voted Aye; motion carried.



VOUCHERS AND
PAYROLL

I.1. Alderman Schmidt moved to approve net City vouchers in the range of Nos. 143370 through 143390 dated July 2, 2012, in the amount of \$102,840.21. Seconded by Alderman Solomon. On roll call, all voted Aye. Motion carried.

Alderman Solomon moved to approve net City vouchers in the range of Nos. 143324 through 143369 and Nos. 143391 through 143571 dated July 10, 2012, in the amount of \$1,897,957.00. Seconded by Alderman Schmidt. On roll call, all voted Aye. Motion carried.

Alderman Schmidt moved to approve net payroll dated June 29, 2012, in the amount of \$364,394.84. Seconded by Alderman Olson. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderman Olson moved to adjourn the meeting at 9:50 p.m. Seconded by Alderman Taylor. All voted Aye; motion carried.

CITY OF FRANKLIN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FRANKLIN will conduct a public hearing on Tuesday, July 24, 2012, at 6:30 p.m., or as soon thereafter as the matter may be heard, in the Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, to hear public comment regarding a proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property located at 11052-11056 South 76th Street, from Residential Use to Agriculture Use (Franklin Investment Properties LLC, applicant). The property which is the subject of this application bears tax key no. 983-9999-000, consisting of approximately 11.72 total acres of land. This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.1001(4)(d). The public is invited to attend the public hearing and to provide input. The proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan is available and open for inspection by the public in the Office of the City Clerk at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. The proposed draft ordinance is also available and open for inspection by the public at the Franklin Public Library, 9151 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. In addition, the draft ordinance is available for review at www.franklinwi.gov. Any questions or comments about the proposed amendment to the Comprehensive Master Plan may be directed to Joel Dietl, City of Franklin Planning Manager, at 414-425-4024.

Dated this 13th day of June, 2012.

Sandra L. Wesolowski
City Clerk

N.B. Class I

<p>APPROVAL <i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE 7/24/12</p>
<p>ORGANIZATIONAL BUSINESS</p>	<p>Boards and Commissions Appointments</p>	<p>ITEM NUMBER 5</p>

Several terms of offices on various Boards and Commissions have or will be expiring. The Mayor may have appointments for Council confirmation:

Finance Committee

Kevin Mineard, 1 yr. term expires 4/30/13

Robert E. Campbell, Jr., 1 yr. term expires 4/30/13

Alderman Skowronski, 1 yr. term expires 4/30/13

Plan Commission

Alderman Solomon, 1 yr. term expires 4/30/13

Jodi Vandenboom

From: volunteerfactsheet@franklinwi.gov
Sent: Friday, March 09, 2012 7:48 AM
To: Lisa Huening; Jodi Vandenboom
Subject: Volunteer Fact Sheet

Name: Kevin Mineard
PhoneNumber: 414-379-7940
EmailAddress: kmineard@yahoo.com
YearsasResident: 7
Alderman: Steve Taylor
ArchitecturalBoard: 0
CivicCelebrations: 0
CommunityDevelopmentAuthority: 0
FinanceCommittee: 1
EnvironmentalCommission: 0
ForwardFranklinEconomicDevelopComm: 1
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: 0
CompanyNameJob1: Snap-on Incorporated
TelephoneJob1: 1-262-656-5892
StartDateandPositionJob1: May 2005 - Director of Finance / Division Controller
EndDateandPositionJob1: Present
CompanyNameJob2: Ernst & Young LLP
TelephoneJob2:
StartDateandPositionJob2: September 2001
EndDateandPositionJob2: May 2005
CompanyNameJob3:
TelephoneJob3:

StartDateandPositionJob3:
EndDateandPositionJob3:
Signature: Kevin Mineard
Date: 3/9/12
Signature2: Kevin Mineard
Date2: 3/9/12
Address: 8050 S 35th ST Franklin, WI 53132
PriorityListing: Finance Committee Forward Franklin Economic Develop.
Comm.
WhyInterested: Based on my experience and background in finance, I would be interested in further making Franklin a great place to live and provide assistance to the city in the area where my talents would be beneficial.
CompanyAddressJob1: 2801 80th ST Kenosha, WI 53143
DescriptionofDutiesJob1: Oversee financial forecasting process and monthly close process for \$1.2billion division of Snap-on Incorporated. Prepare financial analysis for special projects and adhoc requests for the senior leadership team.
AddressJob2: Chicago, IL
DescriptionofDutiesJob2: Manage various multi-national audits of manufacturing and distribution companys.
AddressJob3:
DescriptionofDutiesJob3:
AdditionalExperience: Licensed CPA Expected to graduate with Executive Masters of Business Administration from the Kellogg School of Business at Northwestern University in December 2012.
ClientIP: 208.65.144.249
SessionID: 5eslcuutx11frp45ddia3b45
[See Current Results](#)

Jodi Vandenboom

From: volunteerfactsheet@franklinwi.gov
Sent: Saturday, March 03, 2012 10:16 AM
To: Lisa Huening; Jodi Vandenboom
Subject: Volunteer Fact Sheet

Name: Robert E Campbell, Jr
PhoneNumber: (414) 403-4622
EmailAddress: bob@ciam.net
YearsasResident: 3
Alderman:
ArchitecturalBoard: 0
CivicCelebrations: 0
CommunityDevelopmentAuthority: 0
EconomicDevelopmentCommission: 0
EnvironmentalCommission: 0
EthicsBoard: 1
FairCommission: 0
FinanceCommittee: 1
FirePoliceCommission: 0
BoardofHealth: 0
LibraryBoard: 0
ParksCommission: 0
PersonnelCommittee: 0
PlanCommission: 0
BoardofPublicWorks: 0
BoardofReview: 0
TechnologyCommission: 0
BoardofWaterCommissioners: 0
BoardofZoning: 1
WasteFacilitySiting: 0
WasteFacilitiesMonitoring: 0
CompanyNameJob1: Campbell Corporation of Wisconsin
TelephoneJob1: (414) 421-7601
StartDateandPositionJob1: 1994/Prinicpal Consultant
EndDateandPositionJob1: Presently Employed
CompanyNameJob2: Lexington Development Partners, LLC
TelephoneJob2: (414) 858-9330
StartDateandPositionJob2: 2007 / Principal Developer
EndDateandPositionJob2: Presently Employed
CompanyNameJob3:

TelephoneJob3:

StartDateandPositionJob3:

EndDateandPositionJob3:

Signature:

Robert E. Campbell, Jr

Date:

March 3rd, 2012

Signature2:

Robert E Campbell, Jr

Date2:

March 3rd, 2012

Address:

5416 West Behrendt Street

PriorityListing:

Forward Franklin Economic Development Commission; Board of Zoning & Building Appeals; Finance Commit

WhyInterested:

Generally, I am interested in participating in the administration of the community my family has come to love. Specifically, I am interested in the commision, board, and committee because I feel my education and work experience uniquely qualify among the pool of potential candidates within the City of Franklin.

CompanyAddressJob1:

7111 West Edgerton Avenue Greenfield, WI 53220

DescriptionofDutiesJob1:

I am a consultant for my company which is an industrial consulting firm. We service large equipment manufacturers and remanufactures. Our client list includes Manitowoc Cranes, Fenner Dunlap, Joy Global, and a host of other smaller manufacturers and other business. Our services include manufacturing strategic planning which includes identifying locations for new manufacturing facilities considering supplier transportation costs; areas of product consumption; implementation budgets, stability of infrastructure including utilities, employment, and government; along with many other factors to assist clients in determining the best strategic solution for a new facility. We assist our clients in preparing the cost justifications for new facilities, including the establishment of implementation budgets. I have specific experience in evaluating municipalities and negotiating and implementing municipal incentives including TIF, bonds, etc.

AddressJob2:

7111 West Edgerton Avenue Greenfield, WI 53220

DescriptionofDutiesJob2:

Lexington is a developer of multi family housing and hospitality projects. Lexington worked with the City of Burlington to develop and operate the Hampton Inn which opened 1/2011. We utilized Commerce, TIF, and land grant with layered financing including bank and the RCEDA to develop this project. We are working with the City of Worthington, MN to develop a Comfort Suites and conference center utilizing TIF and land grant. In 2011, Lexington purchased the Day's Inn in Wauwatosa. We are presently renovating this project which includes the hotel, a full service stand alone restaurant, and banquet facilities with cash flows. We are also Hilton's partner in the development of Hampton by Hilton in Chile.

AddressJob3:

DescriptionofDutiesJob3:

AdditionalExperience:

I have participated in the development of Campbell Corporations 200+ units of government subsidized family low income and elderly housing developments in south eastern Wisconsin utilizing Rural Development

and WHEDA programs. I also participate in the management of the approximately 150 units held for portfolio. Due to the lack of space of this form, please feel free to contact me for additional experiences or to expand on any of the experiences mentioned on this form.

ClientIP:

173.89.58.97

SessionID:

vdyli43klpztp245klxvr555

See Current Results

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>3/12</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;">07/24/12</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE FUTURE LAND USE MAP USE DESIGNATION FOR PROPERTY LOCATED AT 11052-11056 SOUTH 76TH STREET FROM RESIDENTIAL TO AGRICULTURAL USE (APPROXIMATELY 11.96902 ACRES) (FRANKLIN INVESTMENT PROPERTIES LLC, APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.I.</i></p>

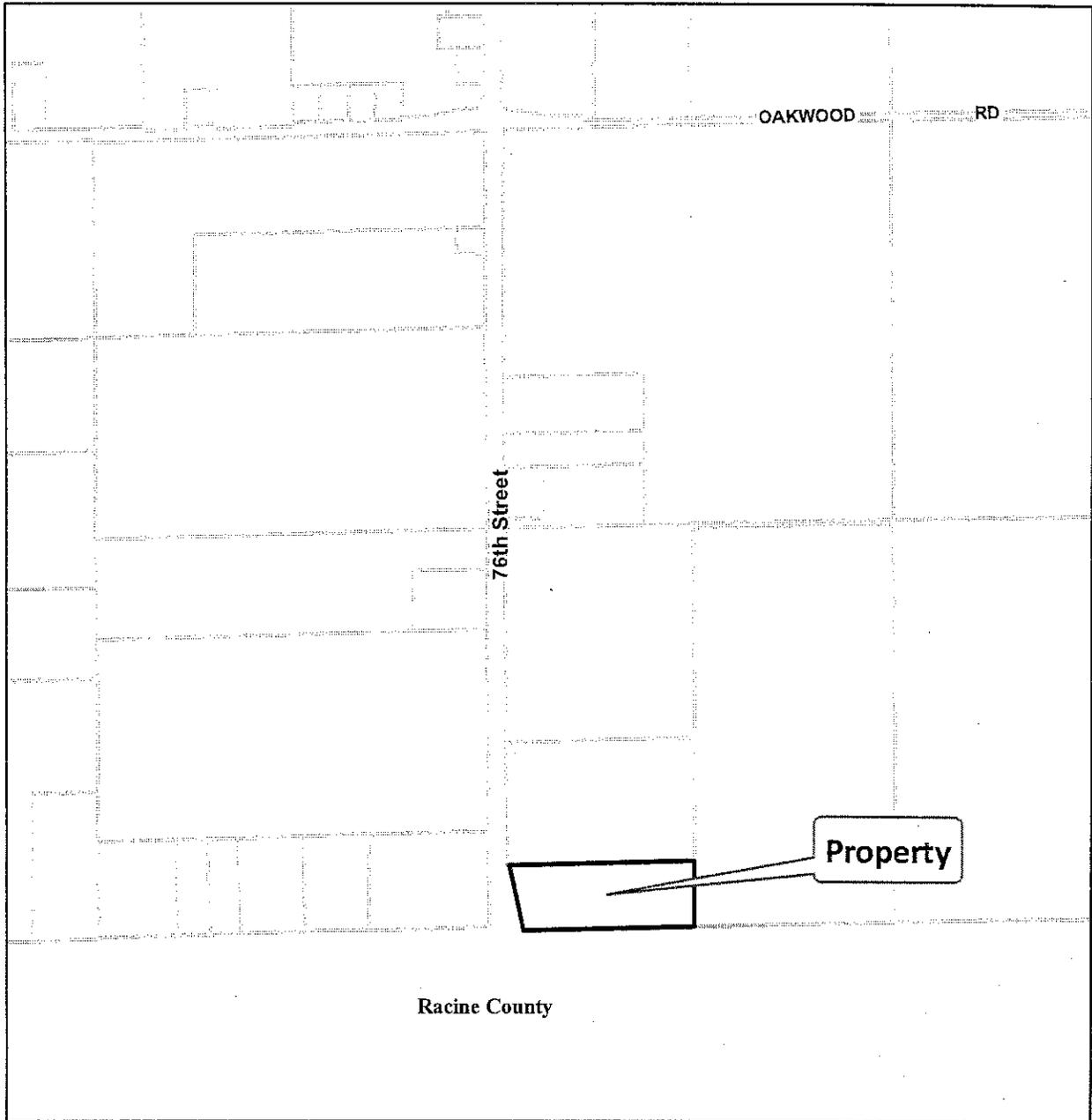
At their meeting on July 19, 2012, the Plan Commission recommended no action be taken on this item. The Rezoning, Special Use, and Comprehensive Master Plan Amendment applications were tabled to the next regularly scheduled meeting of the Plan Commission on August 9, 2012. This item was tabled to allow the applicant time to work with staff to address concerns raised by neighbors and the Plan Commission at the meeting.

Therefore, Planning Department staff recommends the Common Council take the action noted below at the conclusion of the public hearing for the proposed amendment to the Comprehensive Master Plan.

COUNCIL ACTION REQUESTED

A motion to postpone to the August 21, 2012, meeting of the Common Council, adoption of an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Plan use designation for property located at 11052-11056 South 76th Street from residential to agricultural use (approximately 11.96902 acres) (Franklin Investment Properties LLC, Applicant).

**11052-11056 S. 76th Street
TKN 983-9999-000**



0 600 1,200 2,400 Feet

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 Development 2012
(2010 Aerial Layer)



ORDINANCE NO. 2012-____

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 11052-11056 SOUTH 76TH
STREET FROM RESIDENTIAL USE TO AGRICULTURE USE
(APPROXIMATELY 11.72 ACRES)
(FRANKLIN INVESTMENT PROPERTIES LLC, APPLICANT)

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

WHEREAS, Franklin Investment Properties LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map use designation for property located at 11052-11056 South 76th Street from Residential Use to Agriculture Use; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on July 19, 2012, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property located at 11052-11056 South 76th Street from Residential Use to Agriculture Use; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on July 24, 2012; and

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

SECTION 1: The City of Franklin 2025 Comprehensive Master Plan is hereby amended to change the Future Land Use Map use designation for property located at 11052-11056 South 76th Street from Residential Use to Agriculture Use. Such property is more particularly described within Ordinance No. 2012-____ of even-date herewith.

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

ORDINANCE NO. 2012-_____

Page 2

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012, by Alderman _____.

Passed and adopted by a majority vote of the members-elect of the Common Council at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



CITY OF FRANKLIN



Item III.B.

REPORT TO THE PLAN COMMISSION

Meeting of July 19, 2012

Special Use, Rezoning, and Comprehensive Master Plan Amendment

RECOMMENDATION: City Development Staff recommends approval of the proposed Rezoning, Comprehensive Master Plan Amendment, and Special Use for a public horse stable business use upon property located at 11052-11056 South 76th Street, subject to the conditions set forth in the attached draft ordinances and resolution.

Project Name:	Sky's Stable Rezoning, Comprehensive Master Plan Amendment, and Special Use
Project Address:	11052-11056 South 76 th Street
Applicant:	Franklin Investment Properties, LLC
Owners (property):	Franklin Investment Properties, LLC
Current Zoning:	R-1 Countryside/Estate Single-Family Residence District
Proposed Zoning:	A-1 Agricultural District
2025 Future Land Use:	Residential
Use of Surrounding Properties:	Agricultural to the north, Town of Raymond to the south, agricultural to the east, and a countryside/estate single-family residence to the west
Applicant Action Requested:	Recommendation of approval to the Common Council of the proposed Rezoning and Comprehensive Master Plan Amendment

Please note:

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

BACKGROUND/INTRODUCTION:

On February 19, 1991, the Franklin Common Council adopted Resolution No. 91-3580, imposing conditions and restrictions for approval of a special use to Gerald Gunderman, for a private stable for horses, for use by the residents of the zoning lot and their guests at 11052 South 76th Street. The existing sheds, pole barn, horse barn, and indoor riding arena on the property were all approved as part of Mr. Gunderman's private stable approval.

On June 4, 2012, Franklin Investment Properties, LLC petitioned the City of Franklin for the approval of a Special Use in an A-1 Agricultural District, under Standard Industrial Classification Title 752 "Animal Specialty Services" to allow for a public horse stable business use upon property located at 11052-11056 South 76th Street. In addition, the applicant submitted

an application to rezone approximately 11.97 acres of land located at 11052-11056 South 76th Street from R-1 Countryside/Estate Single-Family Residence District to A-1 Agricultural District. Consequently, the applicant submitted a Comprehensive Master Plan Amendment Application to designate the property for agricultural use.

PROJECT DESCRIPTION/ANALYSIS:

Special Use:

Franklin Investment Properties, LLC is requesting a Special Use in an A-1 Agricultural District, under Standard Industrial Classification Title 752 "Animal Specialty Services" to allow for a public horse stable business use upon property located at 11052-11056 South 76th Street. The applicant is currently operating the site as a private stable subject to the conditions and restrictions of the special use approval from Resolution No. 91-3580.

In the project narrative, Mr. Steve Puschnig describes the proposed public stable as a, "therapeutic" stable, where disabled children can come and ride horses. Mr. Puschnig is proposing hours of operation from 9:00 a.m. to 5:00 p.m. daily. In addition, he anticipates a minimum of two (2) employees working at stable at any given time.

Existing improvements and structures on the subject property include a 1,724 square foot single-family residence (farmstead), a 1055 square foot shed/garage, a 410 square foot shed, a 300 square foot manure storage structure, a 6,013 square foot pole barn, and a 13,456 square foot horse barn/indoor riding arena. The property also includes six fenced paddocks and a large pasture on the east end. The front yard of the property contains a decorative fence, which happens to be located within the South 76th Street Right-of-Way. Staff suggests the applicant remove the fence from the South 76th Street Right-of-Way and relocate it onto the public stable's property.

As previously mentioned, the existing private stable on the property operates under a Special Use granted by Resolution No. 91-3580. Condition No. 7 of Resolution No. 91-3580 limits the operation of the private stable to a maximum of eleven (11) horses at any one time. Staff recommends the operation of the public stable be limited to a maximum of eleven (11) horses at any one time.

The applicant has provided a written response to the General Special Use Standards from Section 15-3.0701 of the Unified Development Ordinance (UDO). The applicant has also provided a written response to the Detailed Special Use Standards for Public Stables from Section 15-3.0703X of the UDO. According to §199 of the Municipal Code, a Riding Academy is defined as, "Any barn, stable, building or other place within the city, the principal use of which or the chief source of profit of which is derived from the keeping or letting for hire or reward of horses, carriages, cabs, wagons, sleighs or other vehicles for carrying passengers drawn by horses, whether such horses or vehicles be hired out or let with or without a driver furnished by the riding academy." The proposed public stable meets the above definition. Therefore, staff recommends the applicant receive approval from the City Clerk's Office for any permits required for a public stable.

Parking:

The applicant is proposing to provide twelve (12) off-street parking spaces for the proposed public stable. According to Table 15-2.0203 of the Unified Development Ordinance (UDO), riding arenas, equestrian centers, or public stables are required to provide a minimum of one space per four equestrian stalls, plus one space per 2,000 square feet of riding area.

By applying the required parking ratio, an 8,775 square foot riding arena requires four (4) spaces and fourteen (14) horse stalls require an additional five (5) spaces. Therefore, the total number of required off-street parking spaces is nine (9). As stated above, the applicant is proposing twelve (12) spaces, which exceeds the UDO requirement. The applicant has indicated one (1) handicap accessible parking stall near the main entrance to the building, which meets the requirement from Table 15-5.0202I(1) of the UDO.

The applicant's survey indicates striped parking stalls, but also indicates an existing gravel surface where nine (9) of the off-street parking spaces are proposed. According to Section 15-5.0202D, all open, off-street loading and parking spaces shall be improved with pavement, of either asphalt or concrete. Therefore, staff recommends the applicant pave and stripe all proposed off-street parking areas and the driveways leading to them, prior to commencement of the public stable business use.

Landscaping:

The applicant is not proposing any landscaping as part of their special use request. The Unified Development Ordinance (UDO) requires one canopy/shade tree, one evergreen tree, one decorative tree, and one shrub for every five parking spaces provided. Since the applicant is providing (12) off-street parking spaces, a minimum of three (3) units of each planting type would be required. However, the UDO also states that the minimum number of plantings shall be five (5) per property for each type. Therefore, the applicant shall provide a minimum of five (5) canopy/shade trees, five (5) evergreen trees, five (5) decorative trees, and five (5) shrubs. Staff recommends the applicant submit a detailed Landscape Plan, which meets the requirements set forth in Division 15-5.0300 of the Unified Development Ordinance for Plan Commission review and approval prior to commencement of the public stable business use.

The property across 76th Street from 11052-11056 South 76th Street is a countryside/estate single-family residence. The proposed public horse stable is a more intense use than the adjacent single-family residence. Therefore, staff suggests the five (5) required evergreen plantings be installed along the western property line, south of the driveway, to serve as a bufferyard between the adjacent single-family residence and the public stable.

Lighting:

The applicant is not proposing to make any changes to the site's outdoor lighting.

NRPP:

The applicant has provided a Natural Resource Reconnaissance Report from R.A. Smith National dated April 9, 2012. The letter states that, "Based on the field assessment, it was determined that no natural resource features were present." This letter is an acceptable alternative to a Natural Resource Protection Plan for the property.

Rezoning:

The subject property is located on the east side of South 76th Street, immediately north of the Town of Raymond in south central Franklin (Tax Key No. 983-9999-000). The property is owned by Franklin Investment Properties, LLC, who is requesting the rezoning. The property is currently zoned R-1 Countryside/Estate Single-Family Residence District. As stated above, the applicant is proposing to rezone the property to A-1 Agricultural District.

The applicant is requesting the rezoning because Standard Industrial Classification (SIC) Title No. 752 is not allowed in the R-1 Countryside/Estate Single-Family Residence District. However, SIC Title No. 752 is allowed within the A-1 Agricultural District as a Special Use.

As stated above, the property is approximately 11.97 acres, which meets the 3-acre minimum lot area requirement of the requested A-1 Agricultural District. In addition, the proposed zoning is consistent with the adjacent Root River Parkway property to the east, which is also zoned A-1 Agricultural District. Finally, the existing farmstead, stable, and pasture uses are all consistent with allowable uses within the A-1 Agricultural District.

Comprehensive Master Plan Amendment:

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."

The City of Franklin 2025 Comprehensive Master Plan (CMP) identifies this property, and the lands to the north for residential use. Since the applicant is requesting to rezone the property from R-1 Countryside/Estate Single-Family Residence District to A-1 Agricultural District, the CMP must be amended to designate the property for agricultural use. The CMP amendment is necessary for the zoning to be consistent with the CMP, which is a requirement of the State of Wisconsin Comprehensive Planning Legislation.

The subject rezoning and comprehensive master plan amendment request, and special use is consistent with the following principles and goals set forth within the Comprehensive Master Plan:

- Preserve and enhance the City's community character, including individual planning areas identities, while directing growth and development.
 - Residents of Planning Area H had a strong desire to maintain the rural, open character found in area H. Many unique open spaces in Area H are not found elsewhere in Franklin and should be preserved.
- Promote an active healthy lifestyle.

- Provide access to parks, open space, and a wide range of recreational programs and facilities that help to promote an active and healthy lifestyle.

Based upon the information provided by the applicant for the subject Rezoning, Comprehensive Master Plan Amendment, and Special Use, and the information noted in this report, it is staff's professional opinion that the proposed project would be consistent with a preponderance of the principles, goals, objectives, and policies set forth in the Comprehensive Master Plan.

STAFF RECOMMENDATION:

City development staff recommends approval of the proposed Rezoning, Comprehensive Master Plan Amendment, and Special Use for a public horse stable business use upon property located at 11052-11056 South 76th Street, subject to the conditions set forth in the attached draft ordinances and resolution.

<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;">07/24/12</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">ORDINANCE TO AMEND §15-3.0436 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 31 (FORESTHILL HIGHLANDS/UNITED FINANCIAL GROUP, INC.) TO ALLOW FOR REMOVAL OF A PARCEL OF LAND FOR ITS POTENTIAL USE IN ADJOINING PROPERTY DEVELOPMENT (DAVID W. BEHRENS, PRINCIPAL OF GREENBERGFARROW ARCHITECTURE INC., APPLICANT) (EASTERN CORNER OF WEST LOOMIS ROAD AND WEST ST. MARTINS ROAD (STH 100))</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.2.</i></p>

At their meeting on July 19, 2012, the Plan Commission recommended approval of an ordinance to amend §15-3.0436 of the Unified Development Ordinance Planned Development District No. 31 (Foresthill Highlands/United Financial Group, Inc.) to allow for removal of a parcel of land for its potential use in adjoining property development (David W. Behrens, Principal of GreenbergFarrow Architecture Inc., Applicant) (eastern corner of West Loomis Road and West St. Martins Road (STH 100)).

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance No. 2012-_____, an ordinance to amend §15-3.0436 of the Unified Development Ordinance Planned Development District No. 31 (Foresthill Highlands/United Financial Group, Inc.) to allow for removal of a parcel of land for its potential use in adjoining property development (David W. Behrens, Principal of GreenbergFarrow Architecture Inc., Applicant) (eastern corner of West Loomis Road and West St. Martins Road (STH 100)).

ORDINANCE NO. 2012-_____

AN ORDINANCE TO AMEND §15-3.0436 OF THE UNIFIED
DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT
DISTRICT NO. 31 (FORESTHILL HIGHLANDS/UNITED FINANCIAL
GROUP, INC.) TO ALLOW FOR REMOVAL OF A PARCEL OF LAND
FOR ITS POTENTIAL USE IN ADJOINING PROPERTY DEVELOPMENT
(DAVID W. BEHRENS, PRINCIPAL OF GREENBERGFARROW
ARCHITECTURE INC., APPLICANT)
(EASTERN CORNER OF WEST LOOMIS ROAD AND
WEST ST. MARTINS ROAD (STH 100))

WHEREAS, §15-3.0436 of the Unified Development Ordinance provides for and regulates Planned Development District No. 31 (Foresthill Highlands/United Financial Group, Inc.), same having been created by Ordinance No. 00-1620 and later amended by Ordinance Nos. 01-1669, 02-1694, 02-1731, 10-1993 and 11-2041, with such District primarily being located at 9095 West Highland Park Avenue; and

WHEREAS, Planned Development District No. 31 (Foresthill Highlands/United Financial Group, Inc.) currently includes those lands legally described as follows:

Outlot No. 1 of Certified Survey Map No. 5911, being a part of the Northeast 1/4 of, the Southwest 1/4 of Section 16, and unplatted lands, being a part of the Northeast 1/4 of the Southwest 1/4 of Section 16, and unplatted lands, being the Northwest 1/4 of the Southwest 1/4 of Section 16, and unplatted lands, being the Southeast 1/4 of the Southeast 1/4 of Section 17, all in Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, now being more particularly bounded and described as follows: Commencing at the northwest corner of the Southwest 1/4 of said Section 16, said corner being the point of beginning of lands hereinafter described: Thence North 88°27' 55" East and along the north line of the said Southwest 1/4 Section and the centerline of "Forest Hill Avenue", 1657.31 feet to a point; thence South 00°27'59" East, 846.47 feet to a point; thence North 88°29' 03" East and along the north line of Outlot No. 1, Certified Survey Map No. 5911, 337.80 feet to a point; thence South 00°31' 38" East and along the east line of said Outlot No. 1, 478.36 feet to a point; thence South 88°29'03" West, 1997.01 feet to a point in the east line of the Southeast 1/4 of Section 17; thence South 00°24'21" East and along the said east line, 1324.32 feet to the southeast corner of the Southeast 1/4 of said Section 17; thence South 88°12'47" West and along the south line of the said Southeast 1/4 Section and the centerline of "Puetz Road", 1321.71 feet to a point; thence North 00°24'45" West, 1324.52 feet to a point;

thence North 88°13'20" East, 1321.86 feet to a point in the west line of the Southwest 1/4 of said Section 16; thence North 00°24'21" West and along said west line, 1324.32 feet to the northwest corner of the Southwest 1/4 of said Section 16 and the place of beginning of this description. The gross area of said lands is 94.3192 acres, more or less. Excepting therefrom the North 40.00 feet for public street purposes for "Forest Hill Avenue" and the South 33.00 feet for public street purposes for "Puetz Roads". Tax Key Nos.: 839-9992-005, 839-9992-006, 839-9992-011 and 840-9999; and

WHEREAS, the property which is the subject of the application for removal from Planned Development District No. 31 (Foresthill Highlands/United Financial Group, Inc.) is more particularly described as follows:

(9530 W. PUETZ ROAD): LOT ONE (1), CERTIFIED SURVEY MAP NO. 7785 RECORDED JULY 12, 2006 IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN, AS DOCUMENT NUMBER 9267685; BEING ALL THAT PART OF THE SOUTH 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN. Tax Key No.: 840-9999-001; and

WHEREAS, David W. Behrens, Principal of GreenbergFarrow Architecture Inc., having petitioned for a further amendment to Planned Development District No. 31 (Foresthill Highlands/United Financial Group, Inc.), to allow removal of an approximate 15.171982 acre parcel to allow for its potential use in adjoining property development at the eastern corner of West Loomis Road and West St. Martins Road (STH 100); and

WHEREAS, the Plan Commission having reviewed the proposed amendment to Planned Development District No. 31 (Foresthill Highlands/United Financial Group, Inc.), and having held a public hearing on the proposal on the 5th day of July, 2012 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment to Planned Development District No. 31 (Foresthill Highlands/United Financial Group, Inc.) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0436 Planned Development District No. 31 (Foresthill Highlands/United Financial Group, Inc.), of the Unified Development Ordinance of the City of Franklin, Wisconsin, specifically, Ordinance No. 00-1620, as previously amended, is hereby amended to remove the approximate 15.171982 acre parcel described above to allow for its potential use in adjoining property development at the eastern corner of West Loomis Road and West St. Martins Road (STH 100).

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

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

Meeting of July 19, 2012

**Comprehensive Master Plan Amendment, Planned Development District
 No. 36, Planned Development District No. 31 Amendment, Certified
 Survey Map, Unified Development Ordinance Text Amendment, and
 Natural Resource Special Exception**

RECOMMENDATION: Planning Department staff does not recommend approval of Planned Development District No. 36, the Comprehensive Master Plan amendment, or of the Natural Resource Special Exception for the proposed Meijer grocery and department store development at the eastern corner of West Loomis Road and West St. Martins Road.

However, staff would recommend approval of the amendment of Planned Development District No. 31, of the Certified Survey Map, and of the Unified Development Ordinance Text Amendment, subject to the conditions set forth in the draft ordinances and resolutions, should the subject property owner wish to proceed with those changes.

Project Name:	Meijer grocery and department store development
Project Address:	Approximately the eastern corner of West Loomis Road and West St. Martins Road (STH 100)
Applicant:	David Behrens, GreenbergFarrow
Property Owner:	Paul Bouraxis, Legend Creek LLC
Current Zoning:	B-3 Community Business District, Planned Development District No. 31 and FW Floodway District
2025 Comprehensive Plan	Mixed Use
Use of Surrounding Properties:	Commercial to the north and west, residential to the south and east
Applicant Action Requested:	Recommendation of approval for the creation of PDD No. 36 and associated applications to support the proposed Meijer store development

Please bring the materials that were distributed at the July 5th meeting. Other than the staff report itself, they are not included in this packet. If you need an additional copy of any of those materials, please contact the Planning Department.

INTRODUCTION

Since preparation of the staff report for the Plan Commission's July 5, 2012, meeting (which is attached) the following has occurred.

Plan Commission meeting of July 5, 2012:

Four public hearings (a rezoning to create Planned Development District (PDD) No. 36, an amendment of Planned Development District (PDD) No. 31, a Unified Development Ordinance Text Amendment, and a Natural Resource Special Exception) were held on this matter at the Plan Commission's July 5, 2012 meeting.

During the public hearings, 20 persons spoke on this matter. In general, six persons indicated support of the project and 14 persons indicated either concern with or opposition to the project. Correspondence on this matter was provided by seven individuals (four of whom also spoke at the public hearing) prior to or at the Plan Commission meeting (copies of all seven of these letters/emails were provided to the Plan Commissioners). Of the three who did not speak at the public hearing, their correspondence indicated concerns with the project.

In general, reasons for support included:

- The proposed store will be an improvement upon what is now located at the site.
- Additional stores and retail opportunities will be a benefit to the City.
- The project will bring needed tax base to the City, and to the Franklin School District without the added burden of additional children.
- The type of development envisioned by the Crossroads Plan has not yet happened and is unlikely to happen, but the proposed development has been determined to be feasible by the applicant.
- The subject location, at the intersection of two state highways, is appropriate for a development of this type.

In general, reasons for concern or opposition included:

- General concerns about increased traffic, primarily on Puetz Road.
- A traffic light should be placed at the intersection of Puetz and Hwy 100.
- Access to Puetz Road should be eliminated or restricted.
- Truck delivery hours should be limited.
- Store hours should be limited.
- General concerns about safety, crime, noise, and litter.
- Potential adverse wetland and drainage impacts.
- The store/development is too large for the area.
- Concern that the Franklin area market will not support another grocery store.
- Location of the access to Hwy 36/Loomis Road should be shifted slightly south of the currently proposed location.

It should be noted that one of the letters, expressing concern with possible adverse impacts upon shoreland wetlands by the proposed project, was from the Wisconsin Department of Natural Resources. The letter stated "the department is recommending that the Plan Commission and Common Council either deny or delay approval of the rezoning request until the applicant is able to provide the City with a copy of the permits, from the department and the Corps of Engineers to fill the wetlands."

During their presentation at the public hearings, representatives of the Meijer project indicated they would also agree to extend a sidewalk along the north side of Puetz Road to the east end of their property. This had been and still is included as a condition of approval within the proposed PDD No. 36 ordinance if the Plan Commission would decide to recommend approval of this project.

Staff also indicated that Wisconsin Department of Transportation (DOT) approval is needed for the access to Hwy 100/St. Martins Road and to Hwy 36/Loomis Road and for any related matters such as traffic signals at these locations, etc. Currently, DOT is still reviewing the project. Staff has therefore included a new condition in the draft PDD Ordinance to the effect that DOT approval is necessary prior to approval of any Building Permit.

The Plan Commission subsequently indicated that it would continue the public hearings held on this matter to their July 19th meeting in order to allow more time for review and comment by the public and the Plan Commission. The Plan Commission on this matter took no other action.

Common Council meeting of July 10, 2012:

A public hearing on an amendment of the City of Franklin's Comprehensive Master Plan to revise the Future Land Use Map and to allow changes from the Crossroads Plan for the proposed Meijer project was held at the Council's July 10, 2012 meeting. Prior to the hearing, two individuals spoke on this matter, one in support and one in opposition to the proposed project for reasons similar to those noted above. At the hearing, two individuals spoke, both with concerns about the project similar to those noted above.

The Common Council also moved to postpone to its next meeting action on this matter in order to allow the public and Common Council more time for review and comment.

Subsequent Information:

The Planning Department has received two additional pieces of communication on this matter. One is an email from an individual opposed to the Meijer project. The other is a letter from the Southeastern Wisconsin Regional Planning Commission (SEWRPC) indicating concurrence with the wetland and Secondary Environmental Corridor delineations for the subject property. Copies of this information are included.

CONCLUSION

Based upon this information, staff's recommendation of denial of the Meijer project (rezoning/creation of PDD No. 36, Comprehensive Master Plan amendment, and NRSE), but approval of the CSM, PDD No. 31 amendment, and UDO Text Amendment, remains the same as expressed in the July 5, 2012 staff report. In addition, and as expressed in the previous staff report, should the Plan Commission wish to recommend approval of the Meijer project, pertinent recommendations and suggestions have been identified. As usual, the recommendations are already included within the appropriate ordinances and resolutions.


CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Meeting of July 5, 2012

**Comprehensive Master Plan Amendment, Planned Development District
No. 36, Planned Development District No. 31 Amendment, Certified
Survey Map, Unified Development Ordinance Text Amendment, and
Natural Resource Special Exception**

RECOMMENDATION: Planning Department staff does not recommend approval of Planned Development District No. 36, the Comprehensive Master Plan amendment, or of the Natural Resource Special Exception for the proposed Meijer grocery and department store development at the eastern corner of West Loomis Road and West St. Martins Road.

However, staff would recommend approval of the amendment of Planned Development District No. 31, of the Certified Survey Map, and of the Unified Development Ordinance Text Amendment, subject to the conditions set forth in the draft ordinances and resolutions, should the subject property owner wish to proceed with those changes.

Project Name:	Meijer grocery and department store development
Project Address:	Approximately the eastern corner of West Loomis Road and West St. Martins Road (STH 100)
Applicant:	David Behrens, GreenbergFarrow
Property Owner:	Paul Bouraxis, Legend Creek LLC
Current Zoning:	B-3 Community Business District, Planned Development District No. 31 and FW Floodway District
2025 Comprehensive Plan	Mixed Use
Use of Surrounding Properties:	Commercial to the north and west, residential to the south and east
Applicant Action Requested:	Recommendation of approval for the creation of PDD No. 36 and associated applications to support the proposed Meijer store development

Introduction

Please note:

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

Should the Plan Commission recommend approval of the subject requests, staff would recommend including the conditions set forth in the attached draft ordinances and resolutions.

On May 25, 2012, the applicant submitted the following applications for the development of a Meijer grocery and department store at the eastern corner of West Loomis Road and West St. Martins Road:

- **Comprehensive Master Plan Amendment Application** to amend the 2025 Future Land Use Map from Mixed Use to Commercial and to allow deviations from the City of Franklin Crossroads Trade Area Regulating Plan
- **Planned Development District (PDD) Application** to create a new PDD for the Meijer store development
- **Major PDD Amendment Application** to modify the boundary of PDD No. 31
- **Unified Development Ordinance Text Amendment Application** to strike "PDD" from Section 15-3.0505A.2.
- **Certified Survey Map Application** to combine the eight parcels involved with this development
- **Natural Resource Special Exception Application** to allow encroachments into protected natural resource features

Meijer is a privately held company based in Grand Rapids, Michigan. Meijer currently operates approximately 200 supercenter stores throughout Michigan, Ohio, Indiana, Illinois and Kentucky, and is now entering the Wisconsin market. Additional company information can be found in the applicant's project narrative.

The applicant's project narrative states that the total project costs will be a minimum of \$15,000,000 and the store will be constructed consistent with Leadership in Energy and Environmental Design (LEED) standards. Meijer anticipates the store will create between 200 and 250 jobs. Meijer estimates approximately 25 percent of those jobs will be full-time positions and approximately 75 percent will be part-time employees.

Project Description/Analysis

The subject project area encompasses eight separate parcels, which are proposed to be combined via Certified Survey Map. The eight parcels are currently zoned B-3 Community Business District, Planned Development District No. 31 and FW Floodway District.

Please note that throughout this report staff will utilize the B-3 Community Business District standards as well as all applicable standards of the Unified Development Ordinance for comparisons to the standards proposed by the applicant for the Meijer store development. Unless otherwise stated, these B-3 standards are intended to form the basis of proposed PDD No. 36.

Creation of Planned Development District No. 36:

The proposed Meijer store development is generally in compliance with B-3 Community Business District standards and Part 5 Design Standards of the Unified Development Ordinance, unless otherwise set forth within the PDD No. 36 draft ordinance (attached).

However, due to its inconsistency with the Comprehensive Master Plan and Ordinance 2004-1803 (as discussed later in this staff report), staff does not recommend approval of this PDD.

The draft PDD No. 36 ordinance utilizes B-3 Community Business District setbacks and zoning requirements pursuant to Table 15-3.0303. However, PDD No. 36 contains a maximum building height of 3.0 stories/45 feet whereas the B-3 District limits retail buildings to 2.0 stories/35 feet and office buildings to 3.0 stories/45 feet. The multi-story entrance/exit features on the Meijer store would have a peak height of 42 feet. The draft PDD No. 36 ordinance also further restricts fencing, temporary structures and ancillary structures, which are prohibited without Plan Commission approval.

The Meijer store is planned to operate 24-hours per day, seven days a week; however, the applicant is proposing to limit the hours of operation for the garden center to 6:00 a.m. to 10:00 p.m. Should this project be approved, staff recommends that the hours of operations for the garden center and drive-thru pharmacy be limited to 7:00 a.m. to 10:00 p.m. to ensure adjacent residential properties are not adversely impacted by store operations.

The outdoor garden center has a communication system, which staff suggested be eliminated to reduce noise on the site. The applicant stated that the communication system would be turned off in the outdoor area between the hours of 6:00 p.m. and 7:00 a.m. The draft ordinance limits the hours of operation for the communication system as proposed by the applicant. The applicant has indicated they do not believe the loud speakers will be heard beyond the property, but will install a volume control in the event that the volume needs to be adjusted in the future to address relevant complaints.

Meijer will have approximately one to three semi-truck deliveries to the store daily. Deliveries will occur more frequently during holiday seasons, and additional daily deliveries will be made to the grocery store department of the Meijer store. The applicant has indicated that "No Trucks" signage will be posted at the drive behind the store and at the West Puetz Road ingress/egress. Should this project be approved, staff recommends prohibiting truck deliveries and refuse collection between the hours of 10:00 p.m. and 7:00 a.m. The applicant does not believe the noise from the delivery trucks will adversely affect the surrounding area. Staff also recommended, and the applicant agreed, to prohibit trucks from idling while unloading.

The applicant indicated to staff that other Meijer stores have included interior space for separate businesses. This remains under consideration for this location. The draft PDD ordinance allows B-3 Community Business District uses in addition to the Meijer store. These uses would be allowed within or outside the Meijer store in the future. Meijer also holds periodic sidewalk sales events. The draft PDD allows temporary uses and special events as permitted under the City of Franklin Unified Development Ordinance and Municipal Code; therefore, these types of uses may be subject to Temporary Use and/or Extraordinary and Special Event approvals. Staff suggests the applicant provide additional details regarding the anticipated sidewalk sales events and revise the draft PDD ordinance appropriately, doing so would eliminate separate review and approval each time a sidewalk sales event is held.

The draft PDD No. 36 does not include a provision for a Surety or Demolition Bond to cover the costs of razing and site maintenance if the store becomes vacant in the future. This is not an uncommon practice by municipalities for large retail buildings (often those buildings over 100,000 square feet in size). The bond is carried for the life of the building and is utilized if the building is vacant for more than a set amount of time (e.g. 12 months). A number of communities require Surety or Demolition Bonds to alleviate the risk of being left with a large vacant store that is difficult to reuse. Staff suggests the Plan Commission consider the necessity of a demolition bond or other type of surety.

Site plan and other project details relating to PDD No. 36 and the proposed Meijer store development plans are discussed later in this report.

Planned Development District No. 31 Major Amendment:

The 15.18 acre property located at 9530 West Puetz Road is currently zoned PDD No. 31. Section 15-3.0103A.3 of the UDO prohibits split zoning; therefore, the parcel must be rezoned to PDD No. 36 for the Meijer store development to proceed, prior to recording of the CSM, which is discussed below.

Staff would note that should creation of PDD No. 36 not be approved, amendment of PDD No. 31 would still be appropriate at this time as the subject 15 acre parcel is under ownership separate from the rest of PDD No. 31 and such amendment would help facilitate combination of the eight parcels into one larger more developable parcel.

Staff is recommending, with agreement from the applicant, that the Plan Commission and Common Council classify the proposed amendment to PDD No. 31 as a Major PDD Amendment. Section 15-9.0401A. Fee Schedule of the UDO lists "change in boundary" as an example of a Major Amendment. To expedite the process, the applicant has paid the Major PDD Amendment Application fee and a public hearing notice was published. Major PDD Amendments are typically reserved for changes to the exterior boundaries of a PDD, changes to uses and changes to street layouts. The amendment will remove approximately 15.18 acres of land from PDD No. 31.

The property owner and developer of Foresthill Highlands, a multiple building senior apartment development to the east, sold the subject PDD No. 31 zoned property to Legend Creek LLC. PDD No. 31 included two alternative site plans. One site plan and related standards were based on the inclusion of the 15.18-acre parcel and another alternative plan was included for development without the inclusion of the subject parcel. Consequently, the removal of the property from PDD No. 31 will not adversely impact the future development of the senior apartments as planned.

Unified Development Ordinance Text Amendment:

Section 15-3.0505A.1. of the Unified Development Ordinance (UDO) limits the maximum permitted floor area for a retail building to 125,000 square feet in the B-1, B-2, B-3 and B-5 zoning districts. Furthermore, Section 15-3.0505A.2. states, "Notwithstanding, any other

provision of this Ordinance, no special use permit, PDD District, special exception or variance may be approved or granted that would allow a retail building to exceed the size limits of this subparagraph (1) and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subparagraph (1).”

The applicant is proposing to strike “PDD District” from subparagraph 2. in order to construct the 191,352 square foot Meijer grocery and department store under Planned Development District zoning. Doing so would then allow the City to approve retail buildings larger than 125,000 square feet if it so desired during its review and consideration of a Planned Development District.

It is important to note that this building size limitation was adopted by the City of Franklin in Ordinance 2004-1803 during preparation of the *Crossroads Trade Area Regulating Plan* and is slightly larger than a similar building size limitation recommended within the Crossroads Plan.

Based upon the information provided by the applicant, and the information noted in this report, it is staff’s professional opinion that in general the proposed Text Amendment would be consistent with the City’s adopted plans, would facilitate sound planning, and would generally be in the public interest. In particular, staff would agree with the applicant that proper opportunity for review and consideration of such a change would be afforded by the PDD process.

However, staff would not recommend approval of such a PDD for the Crossroads area due to its inconsistency with a preponderance of the principles, goals, objectives, and policies set forth in the Comprehensive Master Plan as discussed later in this staff report.

Staff would suggest that should the proposed development be revised to come into greater compliance with the Comprehensive Master Plan’s principles, goals, objectives, and policies, and should the proposed development achieve a higher level of design and quality, that consideration of a building slightly larger than the 125,000 square foot limit may be appropriate.

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 majority of the subject property as Mixed Use, with Areas of Natural Resource Features within the eastern portion of the subject area. The surrounding future land uses are Mixed Use, Residential, and Areas of Natural Resource Features. The CMP anticipates that public sanitary sewer and water service will be provided to development within this area.

It can be noted that the Meijer proposal is not consistent with certain elements of the City’s Comprehensive Master Plan including but not limited to:

- The future land use map, which envisions that the subject area will be developed for mixed uses.
- The Development and Redevelopment Opportunities section found within the land use chapter, which states that for the subject area “Mixed use development is the main focus at the intersection of Loomis Road and STH 100. The Crossroads Plan should be followed for design development concepts for this area.”
- The Crossroads Trade Area Plan, which is incorporated into the CMP, and recommends:
 - “Maximum tenant space allowed is 100,000 square feet.”
 - “No 24-hour uses are permitted in the Crossroads Trade Area.”
 - “A mix of uses is recommended to create a ‘Village Center’ character.”
- The Franklin First Plan, which is incorporated into the CMP, and recommends for Area H (the Crossroads Area):
 - “The Crossroads area is expected to evolve into a convenience and neighborhood-oriented retail district serving the south central neighborhoods of the City.”
 - “The McComb Group’s Retail Development Potential report indicates that the Crossroads Center Area could support an additional 40,000 square feet (4 acres) of leasable retail space by year 2002 and an additional 100,000 square feet (10 acres) by year 2020.”
 - “The recommended use is Neighborhood Commercial.”

However, it can be noted that the Meijer proposal is consistent with certain elements of the City’s Comprehensive Master Plan primarily relating to the economic development chapter, including but not limited to:

- The following Economic Development Principles,
 - “Create jobs for a growing population.”
 - “Stabilize and expand a diverse tax base.”
- The 70/30 Goal, which states “that it remain the goal of the Common Council to obtain the 70/30 ratio of residential to commercial assessed valuation.”

Crossroads Plan. As previously noted, the Comprehensive Master Plan incorporated the *City of Franklin Crossroads Trade Area Regulating Plan* by reference, which encompasses the subject area. More specifically, the Crossroads Plan recommends that:

- the subject area be developed as part of a “Village Center that integrates high quality development with pedestrian amenities.”

[Staff would note that the Village Center character is to be founded upon a number of elements including: a mix of uses; limited building sizes and heights; four sided architecture; buildings located adjacent to the street with a majority of the parking in back; shared parking; a well developed road network including a well defined internal circulation system; streets with urban cross-sections and lined with landscaping and pedestrian amenities; and significant amounts of landscaping and public spaces integrated throughout the development, all to be located within each quadrant of the Crossroads area. However, while the Meijer project encompasses all of quadrant D, it proposes only one use comprised of one large building setback a significant distance from the street, with parking in front,

- with a poorly connected pedestrian and public space system, and with limited amounts of landscaping to screen and break-up the large parking area.]
- “The buildings should be implemented approximately per their location on the approved plan.”
[Staff would note that 14 separate buildings (one large retail building, four probable two-story mixed use buildings, and nine small office buildings) were envisioned by the Crossroads Plan within quadrant D, however, the Meijer project proposes only one use contained within one large building.]
 - “No 24-hour uses are permitted...”
[Staff would note that no other 24-hour uses exist within or adjacent to the Crossroads area. Staff would further note that other similar uses within or adjacent to the Crossroads area have hours of operation generally limited to 7:00 a.m. to 10:00 p.m. However, the applicant proposes a 24-hour principle use, with limited hours only for the garden center.]
 - “Maximum tenant space allowed is 100,000 square feet. Liner shops can be added to the perimeter of the primary building.”
[Staff would note that no other larger than 100,000 square foot retail/commercial building exists within the Crossroads area. Staff would further note that the nearest such building is the Target store located at Hwy 100 and Drexel Avenue at approximately 125,000 square feet, that there are only 7 such buildings within the City, that all but the Target store are located in areas planned for community or regional scale development, and that only 2 buildings (located on 27th Street) are larger than the proposed Meijer store. Whereas the applicant proposes an approximately 192,000 square foot building within an area planned for neighborhood scale development.]

However, it can also be noted that the Meijer project is consistent with a few elements of the Crossroads Plan including: parking ratios; screening of loading areas; drive-thru uses; four-sided architecture; and primary access points to the existing road network.

Franklin First/Tichnor Report. The Comprehensive Master Plan also incorporated the Franklin First plans (the Ticknor & Associates plan dated March 2000 and the R.A. Smith & Associates plan dated October 2001) by reference. The Ticknor report identified 12 areas which it believed must be reserved for their commercial, office, or industrial development potential in order to strive toward the City’s 70/30 goal, i.e. expanding the City’s nonresidential tax base to 30 percent in order to reduce the residential tax burden. The subject area is located within Area H which was recommended to “evolve into a convenience and neighborhood-oriented retail district serving the south central neighborhoods of the City.” The Tichnor report notes that the retail potential of this area is limited by low density housing to the south but that this area could evolve into a neighborhood shopping area if sewer service is extended southward from this area (which has recently occurred). It can be noted that this area was not selected in the follow-up R.A. Smith report as one of the five key development areas within the City.

Based upon the information provided by the applicant, and the information noted in this report, it is staff’s professional opinion that PDD No. 36 as currently

proposed would not be consistent with a preponderance of the principles, goals, objectives, and policies set forth in the Comprehensive Master Plan.

However, staff has provided the applicant with a number of suggestions over the course of its review which would increase the compatibility of this project with the CMP, and if such changes were made (a smaller building footprint and smaller parking lot which might in turn allow additional outlots and buildings, move the building closer to Hwy 36 and Hwy 100 and relocate some parking to the east side of the property; no 24-hour uses, and higher quality development including less natural resource impacts and/or better mitigation, and enhanced landscaping, pedestrian, and open space amenities), reconsideration of the proposed PDD would be warranted.

Staff would also note that the amendment of PDD No. 31, the UDO Text Amendment, and the CSM, are generally consistent with the Comprehensive Master Plan.

Certified Survey Map:

As previously stated, the project area consists of eight properties. To develop the Meijer store, the applicant is proposing to combine the eight properties into a single lot. The properties are listed below:

Tax Key No.	Address	Zoning	±Size
840 9969 000		B-3 Community Business District	0.14
840 999 7003	9661 W. Loomis Rd.	B-3 Community Business District	3.89
840 999 7002	9745 W. Loomis Rd.	B-3 Community Business District	3.92
840 9994 000	9821 W. Loomis Rd.	B-3 Community Business District	0.73
840 9998 000	9710 W. St. Martins Rd.	B-3 Community Business District	1.13
840 9997 001	9760 W. St. Martins Rd.	B-3 Community Business District	3.91
840 9993 000	9824 W. St. Martins Rd.	B-3 Community Business District	0.77
840 9999 001	9530 W. Puetz Rd.	PDD No. 31	15.17

The newly created lot, Lot 1, will have an area of 28.2609 acres or 1,231,043 square feet. As shown on the CSM, approximately 2.21 acres of the site will be dedicated to the Wisconsin Department of Transportation for right-of-way purposes. The CSM submitted for Plan Commission review contains a number of omissions and errors that will have to be corrected prior to recording. For example, the CSM shows only one storm water pond and storm water detention pond easement. The Conservation Easement is also not shown for the remaining protected natural resource features. These and any other technical omissions or errors must be corrected prior to recording with Milwaukee County per Condition No. 1 of the draft CSM resolution.

Staff would note that should creation of PDD No. 36 not be approved, approval of the subject CSM would still be appropriate at this time as combination of the eight parcels into one larger more developable parcel would likely help facilitate the eventual development of this property.

Site Plan:

Should PDD No. 36 be approved, staff would request that the following recommendations and suggestions be incorporated into the subject site plan. However, due to the number of unanswered questions, possible concerns, and ongoing review by other regulatory agencies, many of which will likely lead to further site plan changes, staff would suggest that approval of the site plan be tabled until more information related to the Traffic Impact Analysis (ongoing DOT review, etc.), Stormwater Management Plan (verification of the appropriate water quality standards to be met, etc.), Natural Resource Special Exception (lack of mitigation details, intrusion into a Secondary Environmental Corridor, etc.), and the Landscaping Plan (questions about existing vegetation credits, etc.), is obtained.

Currently, there are four existing one-story commercial buildings abutting West Loomis Road and two 2-story single-family homes, a detached garage and a barn structure north of West Puetz Road within the project area. The applicant is proposing to raze all existing structures and construct a 191,352 square foot Meijer grocery and department store. In addition to the Meijer store building, a garden center is attached to the south side of the building and enclosed with a black steel ornamental fence. The site contains approximately 594,199 square feet of impervious surface with approximately 636,844 square feet of greenspace, resulting in a Landscape Surface Ratio (LSR) of approximately 52 percent. As a comparison, the B-3 Community Business District requires a minimum LSR of 40 percent.

Ingress and Egress. The site plan includes ingress and egress from West Loomis Road (Highway 36), West St. Martins Road (Highway 100) and West Puetz Road. A traffic signal is envisioned at the access to Hwy 36. Staff has encouraged the applicant to place a traffic signal at the intersection of West Puetz Road and Hwy 100. Additionally, citizen and Alderman comments requested a traffic signal at the intersection of Hwy 100 and West Puetz Road. The applicant has indicated that ultimately the Wisconsin Department of Transportation (WisDOT) will determine the need for a traffic signal at this intersection. The Traffic Impact Analysis submitted by the applicant determined that a traffic signal was not warranted. It is staff's understanding that the WisDOT has not yet made a final determination in regard to these access connection and signalized intersection proposals, and that their approval is required.

Engineering Department staff recommend that a deceleration lane be constructed on Puetz Road for entrance into the site from the east, and that the radii at all proposed drives be increased to 20 feet.

Pedestrian Amenities. The site plan includes two pedestrian seating areas. Four benches are provided within an area adjacent to the Hwy 36 and Hwy 100 intersection. Three benches are also located on the north side of the parking lot adjacent to the Hwy 36 access drive, storm water detention basin and an approximately 17-foot high retaining wall. The applicant is also providing two benches, three trash receptacles and a bike rack along the front of the store. Specification sheets for all pedestrian amenities are attached.

The applicant indicates that sidewalks will be eventually be developed along Hwy 36, Hwy 100, and along the south side of West Puetz Road, by the DOT. Walkways are also proposed

internally by the applicant. Staff recommends the applicant construct a sidewalk along the north side of West Puetz Road along the entire length of their property. In the future, this sidewalk will provide pedestrian access to the Foresthill Highlands multi-family residential development to the east.

Citizen and Alderman comment also requested a trail through the natural resource features on the site to connect to the Foresthill Highlands development to the east. Staff also suggested that the applicant consider a paved multi-purpose trail directly connecting the future Foresthill Highlands apartment development to the Meijer store. Staff suggested the trail extend approximately at the intersection of West Highland Park Avenue and Brenwood Park Drive to the northwest corner of the building. There is an existing culvert crossing, which should be utilized if the location is appropriate. The applicant has indicated they believe the best connection with the least amount of environmental impacts is construction of a sidewalk along West Puetz Road. It should be noted that a trail would increase encroachments into natural resource features and require changes to the Natural Resource Special Exception request.

Staff suggests that further changes or additions to the sidewalk system be made, such as extension of the internal sidewalk along the entire northern bio-swale, alignment of the internal sidewalks with the store entrances and/or additional pavement markings for the pedestrian crossings of the drive lanes, a sidewalk connection directly to Puetz Road, sidewalks along Hwy 36 and Hwy 100, etc. Any such sidewalks must be constructed to City or State standards as appropriate.

Parking Lot. The applicant has illustrated thirty-two, approximately 19-foot long cart corrals within the parking lot. Staff suggests that at least two cart corrals be relocated or added to the rear of the parking lot, closer to Hwy 36. If shoppers utilize these spaces and cart corrals are not located nearby, it may result in carts frequently being scattered throughout the rear of the parking lot. Staff also suggested decorative, covered style cart corrals be utilized for the site. The applicant has stated, "Given the quantity of cart corrals required to support a grocery store, we believe decorative structure styled corals will be distractive and a long term maintenance issue. Meijer's experience is that it is more appropriate to use standard corrals that recess into the area around them." Staff continues to suggest that more decorative cart corrals be utilized. These would not necessarily have to be covered.

Miscellaneous. The applicant has located the transformer and generator on the north side of the building near the truck docks. A chain-link fence is proposed to enclose the transformer, generator and the wheeled milk container racks that are stored until they are picked up by the vendor. As requested per citizen and staff comments, the applicant has added a 12-foot high wall for the length of the truck docks. A tiered retaining wall is also located on the opposite side of the rear drive from the loading docks. A dumpster enclosure is not proposed as the trash and cardboard compactors will be kept within the interior of the loading dock area. Engineering Department staff recommend that a fence be installed at all locations where retaining walls are greater than three feet in height, and suggest such fences for all retaining walls.

Staff would suggest that the garden center be removed. This would allow more room for: the pharmacy drive-thru, ingress and egress to Puetz Road, buffering along Puetz Road, relocation of

one of the site amenities, and/or possibly more parking. Staff would suggest that the building be moved further to the west. Depending upon the amount of change, fewer natural resources might be impacted and/or additional room may be created for parking or other uses on that side of the building.

Staff recommends that a Market Analysis, as required by the Unified Development Ordinance, be prepared prior to consideration of this matter by the Common Council. The applicant has indicated that they will not provide such an analysis as they consider such information proprietary and confidential.

Engineering Department staff suggest that the easternmost berm located along Puetz Road be further extended to the east to provide further screening of this area.

Mechanical Plan:

The majority of mechanical equipment will be located on the roof of the building. The applicant has submitted a rooftop mechanical plan as well as a site-line drawing. Staff believes the rooftop mechanicals are adequately screened by the parapet walls.

Cross-access:

Currently cross-access is not provided to the property to the north, 9609 West Loomis Road. The applicant has indicated that they do not wish to provide cross-access at this time as it would require additional environmental impacts; however, Meijer would consider cross-access in the future upon WisDOT, Army Corps of Engineers and Wisconsin DNR review. Staff included language within the draft PDD No. 36 ordinance requiring a cross-access easement be provided at the time the property to the north is redeveloped, subject to approval of a Natural Resource Special Exception (NRSE) and submittal of a recorded cross-access agreement providing for cross-access with the adjoining property to the north, 9609 West Loomis Road. If the City of Franklin determines at that time the cross-access is not appropriate or denies the NRSE, the applicant will not have to provide the cross-access.

Parking:

The applicant is proposing to provide 684 parking spaces, including 28 ADA accessible spaces. Table 15-2.0203 of the UDO requires a parking ratio of six parking spaces per 1,000 square feet of gross floor area for grocery or foodstores and four parking spaces per 1,000 square feet of floor area for department stores. The applicant has indicated approximately 65 percent of the store is grocery and 35 percent general retail sales. Therefore, 747 parking spaces are required for the grocery portion of the store and 268 parking spaces required for the department store, which is a total of 1,015 parking spaces. Please note, the applicant has provided parking calculations on the Site Plan utilizing just the 6/1,000 parking ratio.

With 684 provided parking spaces, the applicant is proposing 331 less parking spaces than required by the UDO standard parking ratio, which is a reduction of approximately 33 percent. Please note the UDO does allow for parking reductions as approved by the Plan Commission.

In comparison, the Crossroads Trade Area Plan recommends parking at a ratio of four parking spaces per 1,000 square feet of floor area, which would require 765 parking spaces. Staff is in favor of the reduction in parking from UDO and Crossroad Trade Area Plan standards.

The 28 ADA accessible parking spaces provided complies with ADA standards and Table 15-5.0202(I)(1) of the UDO, which requires at least 2 percent of the total parking spaces provided install be ADA accessible spaces. In this case, 14 ADA spaces are required.

Landscaping:

The Landscape Plan includes 100 canopy/shade trees, 157 evergreen trees, 82 decorative trees and 287 shrubs. As a comparison, Table 15-5.0302 of the Unified Development Ordinance (UDO) requires one canopy/shade tree, one evergreen tree, one decorative tree and one shrub for every five provided parking spaces. A 20% increase is also required as the property abuts less intense residential uses. Since the applicant is providing 684 parking spaces on the property, 164 plantings of each type are required, which includes the 20% increase.

The Landscape Plan contains a note stating, "322 existing trees within natural area, to remain, to count toward over all tree totals on the site." Including the 322 existing trees and the proposed plantings, the site contains a total of 661 trees and 287 shrubs for a total of 948 plantings, opposed to 656 as required pursuant to UDO standards. Per Section 15-5.0302D. of the UDO, developments may get credit for preserving existing plant materials, depending on the size and type of the tree and whether it is located within a non-bufferyard or bufferyard. It also requires that plantings to be preserved shall be shown on the submitted landscape plan, including exact location, size and type. Due to the number of existing trees for which the applicant is requesting credit for, staff suggested the applicant provide quantities, types and general sizes of plant materials within the natural resource areas. The submitted Landscape Plan includes approximate location of existing trees and types of trees within the designated area, although size and location of individual trees is not included. Staff is not able to identify the size of every existing tree nor if it is located within a bufferyard or not, nor if noxious or subnoxious species are being counted; therefore, there is insufficient information to determine if an adequate number of trees are being preserved to comply with UDO landscape standards; however, staff believes a significant number of trees are being preserved and should be considered in review of the Landscape Plan. Staff recommends that the Landscape Plan be revised to provide additional information necessary to confirm the amount of existing vegetation eligible for credit, to meet the current UDO quantity standards, and to ensure that the additional plantings are focused within the required bufferyards.

The applicant has illustrated landscape plantings within the 60' x 60' vision triangle. Staff recommends that these plantings comply with Section 15-5.0201 of the UDO.

An underground irrigation system will be utilized for all landscape and grass areas. A detailed irrigation plan will be submitted once a landscape contractor is hired.

The applicant is proposing snow storage within the rear of the parking lot, which will not interfere with landscaping; however, will occupy parking spaces. It will be up to the applicant in the future to haul snow off-site if the parking spaces used for snow storage are needed.

Lighting:

The Lighting Plan provides 29 single fixture lights and 3 double-headed fixtures. The parking lot will consist of 20 MSV style fixtures (see cut sheet attached). MSV fixtures will be attached to a 30-foot light pole. 12 Sternberg 1750 Chateau Series decorative lights are located along the front of the store. These fixtures will be attached to 12-foot poles, for a total height of 14'-2 ½". There are also a total of 31 surface mounted canopy lights and wall mounted lights above the exit doors and within the garden center.

As shown on the Photometric Plan, light levels do not exceed zero footcandles at the property lines. The applicant indicated that lighting would be significantly reduced during off hours in the garden center area. Furthermore, the parking lot lighting will be designed to allow lighting to be reduced during a 24-hour period. The applicant has requested to continue to work with staff to address lighting concerns, while properly providing for the safety of those using the facility. Staff recommends the applicant submit, to the Planning Department for review and approval, a 24-hour lighting management plan to set guidelines for lighting levels on the site throughout a 24-hour period.

Natural Resource Protection Plan and Conservation Easement:

RA Smith National (RASN), Inc. has provided a natural resource protection plan, a wetland delineation report and a floodplain compensatory storage report for the subject 29.48-acre property. RASN conducted field assessments in March, April and May 2012 in order to identify and delineate natural resource features on the property (see the table on NRPP Figure 2A). All of these natural resources contain a 100% protection standard. According to the field assessments, the subject property contains:

- 7.10 acres of wetlands;
- 4.417 acres of wetland buffers;
- 2.87 acres of wetland setbacks;
- 0.17 acres of floodplain;¹
- 0.36 acres of a navigable stream (Legend Creek); and
- 0.256 acres of shore buffer.

The Southeastern Wisconsin Regional Planning Commission (SEWRPC) visited the property on June 14, 2012 and has confirmed the wetland delineations recorded by RASN. SEWRPC has also field delineated the Secondary Environmental Corridor (SEC), which the applicant has identified

¹ It is important to note that the floodway/floodplain delineation shown in the attached materials is incorrect. Additional Zone A floodplain (pursuant to adopted FEMA mapping) is located along the creek immediately east of Loomis Road. As such, staff recommends that the applicant identify the correct floodway/floodplain boundaries on the Natural Resource Protection Plan, prior to Common Council review of the Natural Resource Special Exception request.

on the Natural Resource Protection Plan (NRPP). It should be noted that the proposed development does encroach into the SEC, and that such encroachment includes some wetland and floodland resources. Pursuant to Wisconsin Administrative Code, SEWRPC policy, and the recommendations contained within SEWRPC Community Assistance Planning Report No. 176 (2nd Edition), such encroachments are discouraged and often prohibited. Any such encroachments will likely need approval from the City, SEWRPC, and the Wisconsin Department of Natural Resources.

Natural Resource Special Exception:

The applicant is requesting approval of a Natural Resource Special Exception (NRSE) in order to develop a 191,352 square foot Meijer Store on the subject 29.48-acre property pursuant to the attached plans. Specifically, the applicant is requesting approval to:

- Completely fill and develop four small isolated wetlands and their respective 30-foot wide wetland buffers and 50-foot wide wetland setbacks;
- Partially fill and develop one large wetland complex and portions of its respective 30-foot wide wetland buffer and 50-foot wide wetland setback;
- Partially fill and develop a 100-year floodplain; and
- Partially fill a 75-foot wide shore buffer;

In total, about 0.940 acres of wetland, 2.546 acres of wetland buffer, 2.222 acres of wetland setback, 0.100 acres of floodplain and 0.139 acres of shore buffer would be filled/developed with the subject request. Each specific natural resource disturbance is described in detail in the attached Environmental Commission report. The UDO's mitigation standards and the applicant's mitigation proposals are detailed in the following sections. If the subject project should be approved, Staff recommends that the applicant obtain all required approvals and permits from the Army Corp of Engineers, the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency (FEMA) prior to issuance of a building permit.

The applicant is proposing the following mitigation measures to offset disturbances to the protected natural resource standards:

Wetlands: The applicant is proposing to fill 0.940 acres of wetlands. Using the required 1.5:1 mitigation ratio prescribed in the UDO, a total of 1.410 acres of wetland would typically be mitigated. According to the applicant's response letter dated June 25, 2012, the applicant intends to purchase mitigation credits from the Wisconsin Department of Natural Resources so that all impacts to wetlands are mitigated at a ratio of 1.5:1. The mitigation would occur offsite, on a U.S. Army Corp of Engineers/Wisconsin Department of Natural Resources approved mitigation bank. For this project, the applicant is also proposing to provide rain gardens within two parking lot planter islands and two 20-foot wide bio swales with natural plantings within the parking lot area. (The square footage of these areas was not provided). In addition, the applicant is (1) specifying a storm sewer system that combines catch basins and oil-water debris separators and (2) specifying a wet bottom detention pond to filter the stormwater runoff, reduce soil erosion and provide total suspended solids (TSS) removal.

Wetland Buffers/Wetland Setbacks: The applicant is proposing to develop 2.546 acres of wetland buffer and 2.222 acres of wetland setback. Using the required 1.5:1 mitigation ratio prescribed in the UDO for wetland buffer, a total of 3.819 acres would typically be mitigated. The UDO does not discuss specific mitigation requirements for wetland setbacks that are disturbed and not restored to their current, natural state.

According to a letter from the applicant dated June 25, 2012, mitigation for the wetland buffers and setbacks is proposed through the removal of buckthorn in an approximately 0.45-acre swath of land along the east and west sides of Legend Creek. Removal would occur during the winter months when the buckthorn is dormant and the ground is frozen. Each stump would be cut at the base and treated with Glyphosate herbicide approved for woody shrubs. The cut shrubs would be burned or removed off-site to a landfill. A follow-up visit would occur the following spring/early summer to check for re-sprouts and treated as needed.

According to the applicant's response to staff's first review comment letter, mitigation for the buffers and setbacks is also proposed through floodplain compensatory storage. The applicant has indicated that a total of about 379 cubic feet of floodplain compensatory storage area will be provided (a ratio of about 1.8:1 to the amount of floodplain to be filled). The applicant has not indicated how much of the compensatory storage is for wetland buffer/setback impacts and how much is for floodplain impacts. The applicant will provide native seeding within the 0.44-acre floodplain compensatory storage area east of the building with a native seed mix designed to not interfere with floodplain storage function.

The applicant is also proposing to provide native seeding within the 0.02-acre back slope area of the wet detention pond using a native seed mix. Finally, the applicant wishes to obtain credit for preserving approximately 320 trees including a dozen specimen trees. If the project should be approved, Staff recommends that the applicant provide mitigation at a minimum ratio of 1.5:1 for the wetland buffers and wetland setbacks prior to issuance of a building permit. In addition, Staff recommends that the applicant submit a tree preservation plan, in accordance with Section 15-8.0204 of the UDO, prior to issuance of a building permit.

Floodplain: The UDO requires mitigation for all floodplain disturbances; however, the UDO does not require a specific floodplain mitigation ratio. According to the submitted NRPP, a total of 0.100 acres of floodplain will be impacted. According to the applicant's response to staff's first review comment letter, mitigation for the floodplain is proposed through floodplain compensatory storage. The applicant has indicated that a total of about 379 cubic feet of floodplain compensatory storage area will be provided (a ratio of about 1.8:1 to the amount of floodplain to be filled). However, the applicant has not indicated how much of this compensatory storage is for wetland buffer/setback impacts and how much is for floodplain impacts.

According to a letter from the applicant dated June 25, 2012, the applicant will provide native seeding within the 0.44-acre floodplain compensatory storage area east of the building with a native seed mix designed to not interfere with floodplain storage function. The applicant is requesting that the native seeding be applied as a credit towards the wetland buffer/setback

encroachments. If the project should be approved, staff recommends that the floodplain delineation be corrected, the floodplain changes reviewed and approved by SEWRPC, and the NRSE and mitigation plan revised accordingly, prior to issuance of a building permit.

Shore Buffer: The applicant is proposing to develop a total of 0.139 acres of shore buffer. According to Table 15-4.0100 of the UDO, mitigation is only allowed for shore buffers in cases of crossings (street, bicycle or pedestrian) which are determined to be in the best interest of the City and which crossings are at or near a 90-degree angle. Using the typical 1.5:1 mitigation ratio prescribed in the UDO, a total of 0.209 acres of shore buffer would be mitigated. However, the NRSE Application submittal does not provide any details about proposed mitigation measures for shore buffer disturbances. Staff recommends that the applicant provide shore buffer mitigation at a ratio of 1.5:1, prior to issuance of a building permit.

Per Section 15-10.0208 of the Unified Development Ordinance (UDO), the applicant shall have the burden of proof to present evidence sufficient to support a Natural Resource Special Exception (NRSE) request. The applicant has presented evidence for the request by answering the questions and addressing the statements that are part of the Natural Resource Special Exception (NRSE) application. The applicant's responses to the application's questions and statements are attached for your review. Also attached is a document titled "City of Franklin Environmental Commission" that the Environmental Commission has completed for Common Council review. The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed.

If the project should be approved, Staff recommends that the applicant clearly describe each mitigation method and demonstrate how each mitigation method meets the requirements set forth in the UDO. In addition, staff recommends that the applicant hire a consultant to provide an annual monitoring report that addresses all mitigation activities per the approved Natural Resource Protection Plan, for a period of three years. Staff suggests that the warranty on all mitigation plantings be no less than 3 to 5 years.

The Environmental Commission reviewed the applicant's Natural Resource Special Exception (NRSE) request at their regular meeting on June 20, 2012, pursuant to Section 15-10.0208 of the UDO. Approximately 12 residents attended the meeting, all of whom were likely there for the Meijer NRSE item. At the meeting, the Environmental Commission recommended approval of the applicant's request, contingent on the applicant obtaining the proper permits from the State of Wisconsin Department of Natural Resources and the Army Corp of Engineers, approval of a Conservation Easement Agreement with the City of Franklin, and referred the evaluation for mitigation to the Plan Commission for their review and approval.

Based upon the information provided by the applicant, and the information noted in this report, it is staff's professional opinion that the Natural Resource Special Exception as currently proposed is not consistent with a preponderance of the standards set forth in Section 15-10.0208 of the Unified Development Ordinance.

In particular, while staff believes sufficient information and appropriate mitigation has been proposed for the filling of the four small isolated wetlands and associated natural resource features, sufficient information, justification, and mitigation has not been proposed for the impacts upon the larger wetland/floodland/shoreland complex. In addition, appropriate information about the extent of temporary disturbances, the relationship of the proposed mitigation measures to the specific resources impacted and to other required standards such as stormwater management and landscaping, and a long-term management plan, do not enable a full and complete analysis of the proposed impacts and mitigation measures.

Architecture:

The primary building materials and features specified for the proposed building include brick and stone. The building includes two entrance/exit features, which consist of a multi-story glass element, multiple brick and stone parapets at different heights and blue metal awnings. The building contains additional parapets and corner features, stone pilasters and metal almond colored awnings. The applicant has noted that additional windows beyond the entrance features are “not possible due to the merchandise fixturing that occurs on the perimeter walls.”

Signage:

The applicant has shown signage on the building elevations and two monument signs on the Site Plan. These signs are shown for reference only. Staff is recommending in the draft PDD ordinance that all signs must be in accordance with the Municipal Code, as amended, approved by the Architectural Review Board and subject to issuance of a Sign Permit through the Inspection Department. On-site directional signage may be allowed in any area needed to control traffic or parking provided such signage has received approval from the Architectural Review Board.

Stormwater Management:

The applicant has provided preliminary storm water management plans, which includes underground storage and two detention ponds to the east and west of the access drive extending from West Loomis Road. The applicant is proposing a fountain within the pond east of the entrance drive. The applicant has indicated they are evaluating the size, depth and water volume of the pond west of the drive to determine if a fountain is feasible in this pond as well.

Bio-swales and three rain gardens are also proposed within the main parking area. The applicant has indicated that best management practices will be utilized for the operation of the storm water management system and a management plan will be included within the Stormwater Report provided by GreenbergFarrow.

The Engineering Department has reviewed the site drainage and preliminary storm water management pond and is working with the applicant to provide a final plan for review and approval. Staff recommends the applicant submit, to the Engineering Department for review and approval, a final storm water management plan, prior to Building Permit. Preliminary

comments from the Engineering Department include: provide connections and spillways for both stormwater ponds, provide larger storm sewer inlets at select locations, detailed calculations are required for the underground storage, the water main should be 12" rather than 10" and must be located within 20' easements, the water main will need to be relocated due to its proximity to the stormwater management pond and retaining wall.

Staff Recommendation

Planning Department staff does not recommend approval of the Comprehensive Master Plan Amendment, the Planned Development District No. 36, or the Natural Resource Special Exception.

Staff does recommend approval of the Planned Development District Amendment to PDD No. 31, the Certified Survey Map, and the Unified Development Ordinance Text Amendment, subject to the conditions set forth in the draft ordinances and resolutions.

To summarize, staff recommendations and suggestions are listed below.

Recommendations:

1. Staff recommends that the hours of operations for the garden center and drive-thru pharmacy be limited to 7:00 a.m. to 10:00 p.m.
2. Staff recommends prohibiting truck deliveries and refuse collection between the hours of 10:00 p.m. and 7:00 a.m. and to prohibit trucks from idling while unloading.
3. Engineering Department staff recommend that a deceleration lane be constructed on Puetz Road for entrance into the site from the east, and that the radii at all proposed drives be increased to 20 feet, prior to a certificate of occupancy for the Meijer grocery and department store.
4. Staff recommends the applicant construct a sidewalk along the north side of West Puetz Road along the entire length of their property, prior to a certificate of occupancy for the Meijer grocery and department store.
5. Engineering Department staff recommends that a fence be installed at all locations where retaining walls are greater than three feet in height, prior to a certificate of occupancy for the Meijer grocery and department store.
6. Staff recommends that a Market Analysis, as required by the Unified Development Ordinance, be prepared and submitted to planning staff prior to consideration of this matter by the Common Council.

7. Staff included language within the draft PDD No. 36 ordinance requiring a cross-access easement be provided at the time the property to the north is redeveloped, subject to approval of a Natural Resource Special Exception (NRSE) and submittal of a recorded cross-access agreement providing for cross-access with the adjoining property to the north, 9609 West Loomis Road.
8. Staff recommends that the Landscape Plan be revised to provide additional information necessary to confirm the amount of existing vegetation eligible for credit, to meet the current UDO quantity standards, and to ensure that the additional plantings are focused within the required bufferyards, prior to issuance of a building permit.
9. Staff recommends that the plantings within the vision triangles comply with Section 15-5.0201 of the UDO.
10. Staff recommends the applicant submit, to the Planning Department for review and approval, a 24-hour lighting management plan that sets guidelines for lighting levels on the site throughout a 24-hour period.
11. Staff recommends that the applicant obtain all required approvals and permits from the Army Corp of Engineers, the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency (FEMA) prior to issuance of a building permit.
12. Staff recommends that the applicant provide mitigation at a minimum ratio of 1.5:1 for the wetland buffers and wetland setbacks prior to issuance of a building permit. In addition, staff recommends that the applicant submit a tree preservation plan, in accordance with Section 15-8.0204 of the UDO, prior to issuance of a building permit.
13. Staff recommends that the floodplain delineation be corrected, the floodplain changes reviewed and approved by SEWRPC, and the NRSE and mitigation plan revised accordingly, prior to issuance of a building permit.
14. Staff recommends that the applicant provide shore buffer mitigation at a ratio of 1.5:1, prior to issuance of a building permit.
15. Staff recommends that the applicant clearly describe each mitigation method and demonstrate how each mitigation method meets the requirements set forth in the UDO, prior to consideration of this matter by the Common Council.
16. Staff recommends that the applicant hire a consultant to provide an annual monitoring report that addresses all mitigation activities, per the approved Natural Resource Protection Plan, for a period of three years.

17. Staff is recommending in the draft PDD ordinance that all signs must be in accordance with the Municipal Code, as amended, approved by the Architectural Review Board and subject to issuance of a Sign Permit through the Inspection Department. On-site directional signage may be allowed in any area needed to control traffic or parking provided such signage has received approval from the Architectural Review Board.
18. Staff recommends that the applicant submit a final storm water management plan to the Engineering Department, for their review and approval, prior to issuance of a building permit.

Suggestions:

1. Staff suggested that the garden center's outdoor sound system be eliminated to reduce noise on the site.
2. Staff suggests the applicant provide additional details regarding the anticipated sidewalk sales events and revise the draft PDD ordinance appropriately.
3. Staff suggests the Plan Commission consider the necessity of a demolition bond or other type of surety.
4. Due to the number of unanswered questions, possible concerns, and ongoing review by other regulatory agencies, many of which will likely lead to further site plan changes, staff would suggest that approval of the site plan be tabled until more information related to the Traffic Impact Analysis (ongoing DOT review, etc.), Stormwater Management Plan (verification of the appropriate water quality standards to be met, etc.), Natural Resource Special Exception (lack of mitigation details, intrusion into a Secondary Environmental Corridor, etc.), and the Landscaping Plan (questions about existing vegetation credits, etc.), is obtained.
5. Staff also suggested that the applicant consider a paved multi-purpose trail directly connecting the future Foresthill Highlands apartment development to the Meijer store.
6. Staff suggests that further changes or additions to the sidewalk system be made, such as extension of the internal sidewalk along the entire northern bio-swale, alignment of the internal sidewalks with the store entrances and/or additional pavement markings for the pedestrian crossings of the drive lanes, a sidewalk connection directly to Puetz Road, sidewalks along Hwy 36 and Hwy 100, etc.
7. Staff suggests that at least two cart corrals be relocated or added to the rear of the parking lot, closer to Hwy 36.
8. Staff also suggested decorative, covered style cart corrals be utilized for the site.

9. Staff continues to suggest that more decorative cart corrals be utilized.
10. Staff would suggest that the building be moved further to the west.
11. Engineering Department staff suggest that the easternmost berm located along Puetz Road be further extended to the east to provide further screening of this area.
12. Staff also suggests that the warranty on all mitigation plantings be no less than 3 to 5 years.
13. Staff would suggest that the garden center be removed.
14. Engineering staff suggests fences for all retaining walls.

<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;">07/24/12</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT §15-3.0505A.2., TO REMOVE "PDD DISTRICT" FROM THE RETAIL BUILDING SIZE LIMIT PROVISIONS (DAVID W. BEHRENS, PRINCIPAL OF GREENBERGFARROW ARCHITECTURE INC., APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.B.</i></p>

At their meeting on July 19, 2012, the Plan Commission recommended approval of an ordinance to amend the Unified Development Ordinance text at §15-3.0505A.2., to remove "PDD District" from the retail building size limit provisions (David W. Behrens, Principal of GreenbergFarrow Architecture Inc., Applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance No. 2012-_____, an ordinance to amend the Unified Development Ordinance text at §15-3.0505A.2., to remove "PDD District" from the retail building size limit provisions (David W. Behrens, Principal of GreenbergFarrow Architecture Inc., Applicant).

ORDINANCE NO. 2012-____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT §15-3.0505A.2., TO REMOVE "PDD DISTRICT" FROM THE RETAIL BUILDING SIZE LIMIT PROVISIONS (DAVID W. BEHRENS, PRINCIPAL OF GREENBERGFARROW ARCHITECTURE INC., APPLICANT)

WHEREAS, Section 15-3.0505A.2. of the Unified Development Ordinance sets forth the maximum permitted floor area for a retail building; and

WHEREAS, David W. Behrens, Principal of GreenbergFarrow Architecture Inc., having applied for a text amendment to §15-3.0505A.2. so as to remove the 125,000 gross square feet of floor area maximum size limitation for an individual retail building from being applicable to property within a Planned Development District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to remove the 125,000 gross square feet of floor area maximum size limitation for an individual retail building from being applicable to property within a Planned Development District, and having held a public hearing on the proposal on the 5th day of July, 2012 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0505A.2. of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended as follows: remove "PDD District" from the retail building size limit provisions paragraph.

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

SECTION 3: All ordinances and parts of ordinances in contravention to this

ORDINANCE NO. 2012-_____

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ordinance are hereby repealed.

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

SECTION 15-3.0505

**CALCULATION OF SITE INTENSITY AND CAPACITY
FOR NONRESIDENTIAL USES**

In order to determine the maximum floor area which may be permitted on a parcel of land zoned in a nonresidential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0505 shall be performed.

A. Maximum Permitted Floor Area for a Retail Building:

- 1 Notwithstanding the provisions of Table 15-3.0505, no individual retail building in any of the following districts shall exceed a total of 125,000 gross square feet of floor area, including all roofed area.
 - a. B-1 Neighborhood Business District
 - b. B-2 General Business District
 - c. B-3 Community Business District
 - d. B-5 Highway Business District

- 2 Notwithstanding, any other provision of this Ordinance, no special use permit, PDD District, special exception or variance may be approved or granted that would allow a retail building to exceed the size limits of this subparagraph (1) and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subparagraph (1).

<p>APPROVAL</p> <p><i>Sh</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>07/24/12</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>RESOLUTION CONDITIONALLY APPROVING A CONDOMINIUM PLAT FOR 8977-79 CORDGRASS CIRCLE CONDOMINIUM AT 8977 AND 8979 SOUTH CORDGRASS CIRCLE WEST, LOT 32, PRAIRIE GRASS PRESERVE SUBDIVISION (CHARLES G. CRUMP AND RENEE M. CRUMP/SARAH A. AMBLE, OWNERS, ANTOINETTE M. WOTNOSKE, CO-OWNER OF FW CONSTRUCTION & CUSTOM CARPENTRY LLC, APPLICANT)</p>	<p>ITEM NUMBER</p> <p><i>6.4.</i></p>

At its July 19, 2012 meeting, the Plan Commission recommended approval of a resolution conditionally approving a condominium plat for 8977-79 Cordgrass Circle Condominium at 8977 and 8979 South Cordgrass Circle West, Lot 32, Prairie Grass Preserve Subdivision (Charles G. Crump and Renee M. Crump/Sarah A. Amble, Owners, Antoinette M. Wotnoske, Co-owner of FW Construction & Custom Carpentry LLC, Applicant).

COUNCIL ACTION REQUESTED

A motion to approve Resolution 2012-_____, conditionally approving a condominium plat for 8977-79 Cordgrass Circle Condominium at 8977 and 8979 South Cordgrass Circle West, Lot 32, Prairie Grass Preserve Subdivision (Charles G. Crump and Renee M. Crump/Sarah A. Amble, Owners, Antoinette M. Wotnoske, Co-owner of FW Construction & Custom Carpentry LLC, Applicant).

RESOLUTION NO. 2012-_____

A RESOLUTION CONDITIONALLY APPROVING A
CONDOMINIUM PLAT FOR 8977-79 CORDGRASS CIRCLE
CONDOMINIUM AT 8977 AND 8979 SOUTH CORDGRASS
CIRCLE WEST, LOT 32, PRAIRIE GRASS PRESERVE SUBDIVISION
(CHARLES G. CRUMP AND RENEE M. CRUMP/SARAH A. AMBLE, OWNERS,
ANTOINETTE M. WOTNOSKE, CO-OWNER OF FW CONSTRUCTION & CUSTOM
CARPENTRY LLC, APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a condominium plat for 8977-79 Cordgrass Circle Condominium, such plat being a Re-division of Certified Survey Map No. 6462 and unplatted lands in the Southwest 1/4 and the Southeast 1/4 of the Northeast 1/4 of Section 20, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, more specifically, of the property located at 8977 and 8979 South Cordgrass Circle West, bearing tax key nos. 847-0131-000 and 847-0132-000, Lot 32, Prairie Grass Preserve Subdivision, Charles G. Crump and Renee M. Crump/Sarah A. Amble, Owners, Antoinette M. Wotnoske, Co-Owner of FW Construction and Custom Carpentry LLC, applicant; said Condominium Plat having been reviewed by the City Plan Commission following the reviews and recommendations or reports of the Department of City Development and the City Engineering Department, and the Plan Commission having recommended approval thereof at its meeting on June 21, 2012, pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed condominium plat is appropriate for approval pursuant to law upon certain conditions and is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin, and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Condominium Plat for 8977-79 Cordgrass Circle Condominium, as submitted by Antoinette M. Wotnoske, Co-Owner of FW Construction and Custom Carpentry LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, and that all minor technical deficiencies within the Condominium Plat be rectified, all prior to the recording of the Condominium Plat.

A RESOLUTION CONDITIONALLY APPROVING A CONDOMINIUM PLAT FOR CHARLES G. CRUMP AND RENEE M. CRUMP/SARAH A. AMBLE, OWNERS (8977-79 CORDGRASS CIRCLE CONDOMINIUM)

RESOLUTION NO. 2012-_____

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2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Charles G. Crump and Renee M. Crump/Sarah A. Amble, Owners, Antoinette M. Wotnoske, Co-Owner of FW Construction and Custom Carpentry LLC, applicant, 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 8977-79 Cordgrass Circle Condominium development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
4. The approval granted hereunder is conditional upon Charles G. Crump and Renee M. Crump/Sarah A. Amble, Owners, Antoinette M. Wotnoske, Co-Owner of FW Construction and Custom Carpentry LLC, applicant, and the 8977-79 Cordgrass Circle Condominium development for the property located at 8977 and 8979 South Cordgrass Circle West: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
5. The 8977-79 Cordgrass Circle Condominium development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
6. Applicant shall record the revised Condominium Plat with the Milwaukee County's Office of the Register of Deeds within 60 days of Common Council approval.

BE IT FURTHER RESOLVED, that the Condominium Plat for 8977-79 Cordgrass Circle Condominium be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

A RESOLUTION CONDITIONALLY APPROVING A CONDOMINIUM PLAT FOR CHARLES G. CRUMP AND RENEE M. CRUMP/SARAH A. AMBLE, OWNERS, (8977-79 SOUTH CORDGRASS CIRCLE CONDOMINIUMS)

RESOLUTION NO. 2012-_____

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BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a condominium plat, the City Clerk is hereby directed to obtain the recording of the Condominium Plat for 8977-79 Cordgrass Circle Condominium with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

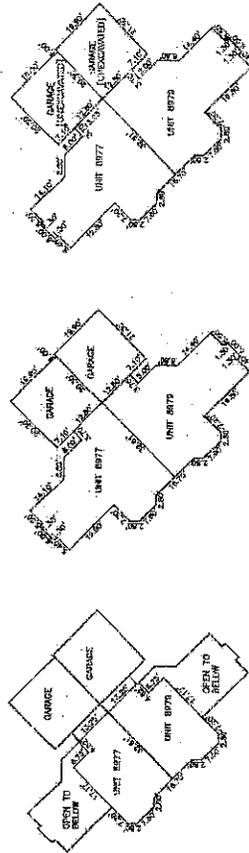
AYES _____ NOES _____ ABSENT _____

CONDOMINIUM PLAT OF
8977-79

CORDGRASS CIRCLE CONDOMINIUM*
 LOT 32, IN "PRAIRIE GRASS PRESERVE", AS SHOWN ON THE PLAT OF SUBDIVISION RECORDED JANUARY 19, 2005, AS DOCUMENT NO. 8939308, BEING A RE-DIVISION OF CERTIFIED SURVEY MAP NO. 6482 AND UNPLATTED LANDS IN THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 20, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

ADDRESSES:
 UNIT 8977: 8977 S. CORDGRASS CIRCLE
 WEST, FRANKLIN, WI.
 UNIT 8978: 8978 S. CORDGRASS CIRCLE
 WEST, FRANKLIN, WI.

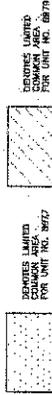
S. CORDGRASS CIRCLE WEST



BASEMENT PLAN
 UNIT 8977 & 8978: 1000 SF
 UNIT 8979: 1000 SF

FIRST FLOOR PLAN
 UNIT 8977: 1165 SF
 UNIT 8978: 1165 SF
 UNIT 8979: 1165 SF

SECOND FLOOR PLAN
 UNIT 8977 & 8978: 1165 SF
 UNIT 8979: 1165 SF



"SURVEYOR'S CERTIFICATE"
 STATE OF WISCONSIN)
 COUNTY OF RACINE)

I, PETE L. BAILEY, Registered Land Surveyor, do hereby certify: THAT I have surveyed the entire lot and this survey accurately represents the exterior boundary lines and the location of improvements shown on this plat and the representations of "THE PLAT OF 8977-79 CORDGRASS CIRCLE CONDOMINIUM" and the identification and location of the units and common area can be determined from this plat.
 DATED THIS 04TH DAY OF NOVEMBER, 2011. REVISED THIS 21ST DAY OF JUNE, 2012

Pete L. Bailey
 AMERICAN SURVEYING COMPANY, INC.
 PETE L. BAILEY, RLS. NO. 1398



A AMERICAN SURVEYING COMPANY, INC.
 2207 C.D.L. "X" FRANKLIN, WISCONSIN 53126
 TEL: (262) 688-4774 FAX: (262) 688-6379

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C1	970.00'	65.59'	130.80'	7°43'35"	130.70'	S 22°24'05" E

JN2011183.DWG

SHEET 1 OF 1

Franklin

UN 2 7 702

City Development

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

Meeting of July 19, 2012

Condominium Plat

RECOMMENDATION: City Development Staff recommends approval of the Condominium Plat for 8977-8979 South Cordgrass Circle West, subject to the conditions in the attached draft resolution.

Project Name: 8977-8979 S. Cordgrass Circle West Condominiums
Project Address: 8977-8979 South Cordgrass Circle West
Applicant: Toni Wotnoske, FW Construction
Owner: Charles G. & Renee M. Crump (8977 S. Cordgrass Circle West) and Sarah A. Amble (8979 S. Cordgrass Circle West)
Zoning: R-7 Two-Family Residence District
Use of Surrounding Properties: Two-family residential to the north, south and east and single-family residential to the west
2025 Comprehensive Plan: Residential – Multi-Family
Applicant Action Requested: Recommendation of approval to the Common Council for the proposed Condominium Plat Application upon property located at 8977-8979 South Cordgrass Circle West

INTRODUCTION AND ANALYSIS:

Please note that:

- Staff recommendations are underlined, in italics and are included in the draft ordinance.

On April 25, 2008, a Condominium Plat was recorded with Milwaukee County, without City of Franklin review and approval, which included eight noncontiguous lots within the Prairie Grass Preserve Subdivision, including the subject property located at 8977-8979 S. Cordgrass Circle West.

On November 11, 2011, Planning Staff received a letter from Milwaukee County's Office of the Register of Deeds notifying the City of a preliminary review for a proposed Condominium Plat for the subject property. The letter indicated that the property was already declared a Condominium in 2008 and the applicant must record a Dissolution of Condominium. Soon thereafter, the property owner at that time, Antoinette Wotnoske, dissolved the subject property from the 2008 Condominium Plat and recorded the new Condominium Plat and documents, which only included the two-family dwelling at 8977-8979 S. Cordgrass Circle West.

After receipt of the letter from the Office of the Register of Deeds, staff contacted Wotnoske and informed her that City of Franklin approval is required for Condominium Plats. Wotnoske recently sold both units; however, has continued the City's application process. On May 14, 2012, Antoinette Wotnoske, filed a Condominium Plat Application with the Department of City Development on behalf of the current property owners. The applicant has made revisions regarding common and limited common elements as requested by staff and will have to record the revised Condominium with Milwaukee County, if approved; therefore, staff recommends that the applicant shall record the revised Condominium Plat with the Milwaukee County's Office of the Register of Deeds within 60 days of Common Council approval.

The subject property is Lot 32 of the Prairie Grass Preserve Subdivision. Lot 32, and the adjacent lots are zoned R-7 Two-Family Residence District. The abutting properties directly to the north and south have not been converted to Condominium units. The proposed Condominium Plat is consistent with the 2025 Comprehensive Master Plan, as the future land use designation for the property is Residential – Multi-Family.

According to the Milwaukee County Automated Mapping and land Information System (MCAMLIS), fifteen (15) out of twenty-nine (29) duplex lots in the two-family portion of the Prairie Grass Preserve Subdivision have already been converted to condominiums, which includes the subject lot as it was originally converted to a Condominium in 2008. Franklin has only reviewed and approved one other Condominium Plat within the Prairie Grass Preserve Subdivision for property located at 9030-9032 South Cordgrass Circle East. This Condominium Plat was approved by the Common Council at their June 7, 2011 meeting via Resolution No. 2011-6723.

STAFF RECOMMENDATION:

City Development Staff recommends approval of the Condominium Plat for property located at 8977-8979 South Cordgrass Circle West, subject to the conditions in the attached draft resolution.

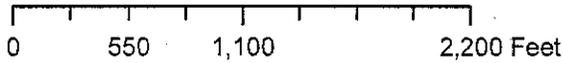
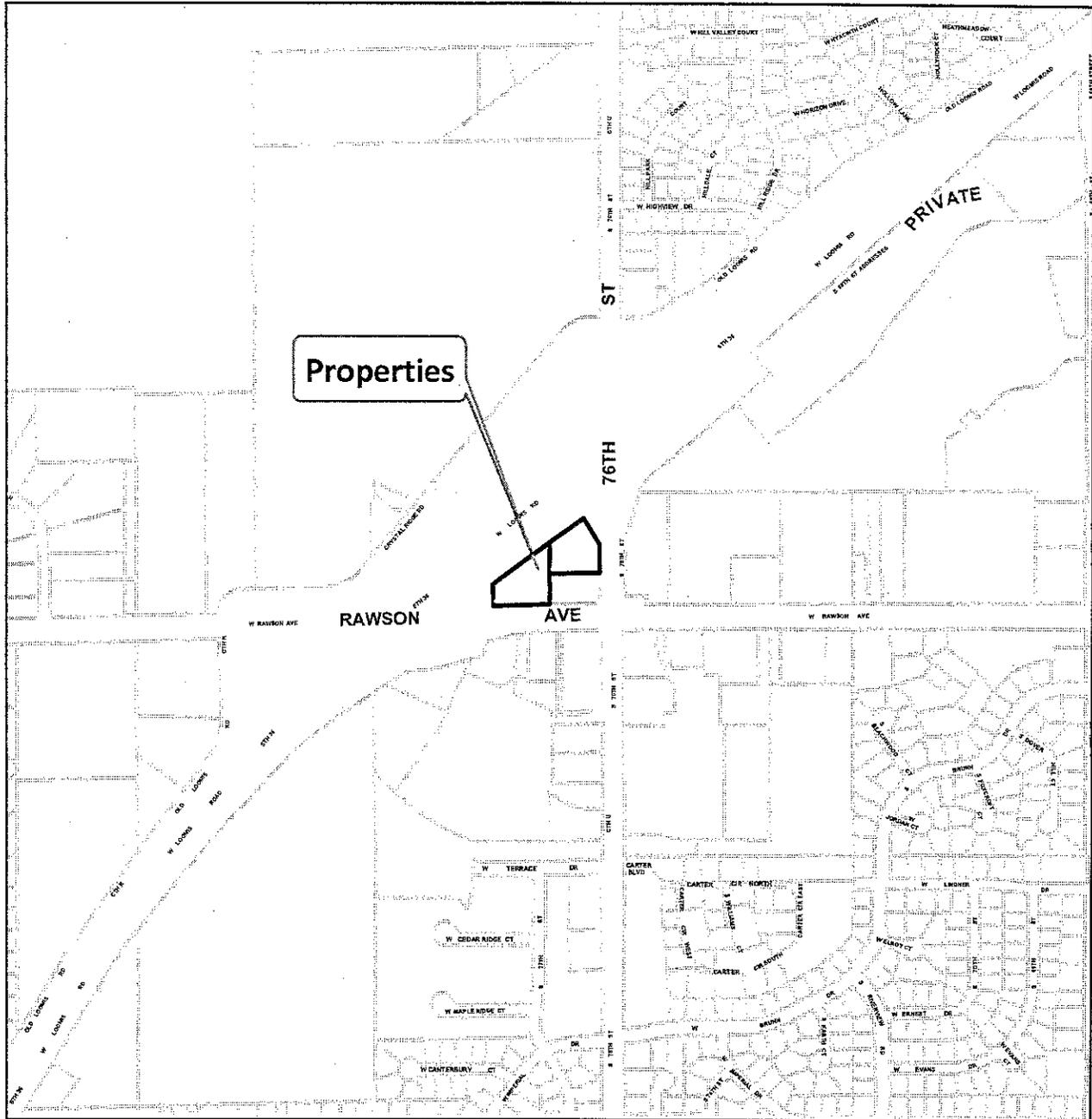
<p>APPROVAL</p> <p><i>Slu</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>07/24/12</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>RESOLUTION REAPPROVING A CERTIFIED SURVEY MAP CONDITIONALLY APPROVED BY RESOLUTION NO. 2008-6467 ON AUGUST 5, 2008 (PEOPLE'S CHOICE CORPORATION) (6901 SOUTH 76TH STREET AND 7700 WEST RAWSON AVENUE)</p>	<p>ITEM NUMBER</p> <p><i>G. 5.</i></p>

At its July 19, 2012 meeting, the Plan Commission recommended approval of a resolution reapproving a Certified Survey Map conditionally approved by Resolution No. 2008-6467 on August 5, 2008, amending the terms of condition No. 3 of Resolution No. 2008-6467 to provide that the Development Agreement shall be required prior to any hotel construction or development or permits therefore and not prior to recording, and further, that should any determination be made by a property owner that sewer and water laterals are to be installed upon the car care use area of the property, a development agreement shall be required and approved prior to any construction or development or permits therefore (People's Choice Corporation) (6901 South 76th Street and 7700 West Rawson Avenue).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2012-_____, a resolution reapproving a Certified Survey Map conditionally approved by Resolution No. 2008-6467 on August 5, 2008 (People's Choice Corporation) (6901 South 76th Street and 7700 West Rawson Avenue).

PDD #34 ~7700 W. Rawson Avenue



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 Development 2012
(2010 Aerial Layer)



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2012-_____

A RESOLUTION REAPPROVING A CERTIFIED SURVEY MAP CONDITIONALLY
APPROVED BY RESOLUTION NO. 2008-6467 ON AUGUST 5, 2008
(PEOPLE'S CHOICE CORPORATION)
(6901 SOUTH 76TH STREET AND 7700 WEST RAWSON AVENUE)

WHEREAS, People's Choice Corporation having applied for re-approval of a 2 Lot Certified Survey Map for People's Choice Hotel development, so as to allow for the timely recording thereof, such 2 Lot Certified Survey Map having been previously conditionally approved for People's Choice Corporation by the Mayor and Common Council, by way of Resolution No. 2008-6467, approved on August 5, 2008; and

WHEREAS, the Mayor and Common Council having found such request to be reasonable.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that Resolution No. 2008-6467 adopted on August 5, 2008, be and the same is hereby amended: i) to modify the terms of condition No. 3 to provide that the Development Agreement shall be required prior to any hotel construction or development or permits therefore and not prior to recording, and further, that should any determination be made by a property owner that sewer and water laterals are to be installed upon the car care use area of the property, a development agreement shall be required and approved prior to any construction or development or permits therefore; and ii) to extend the time to meet the conditions of approval and so as to provide that the Certified Survey Map for People's Choice Corporation be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the conditions set forth in Resolution No. 2008-6467 is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FURTHER RESOLVED, that all of the other terms of Resolution No. 2008-6467 and its conditions of approval shall remain in full force and effect.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

PEOPLE'S CHOICE CORPORATION – RE-APPROVAL OF A
CERTIFIED SURVEY MAP
RESOLUTION NO. 2012-_____

Page 2

APPROVED:

Thomas M. Taylor, Mayor

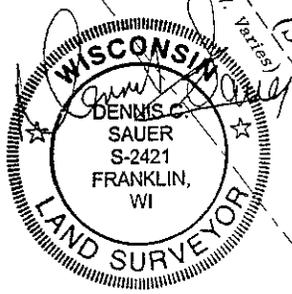
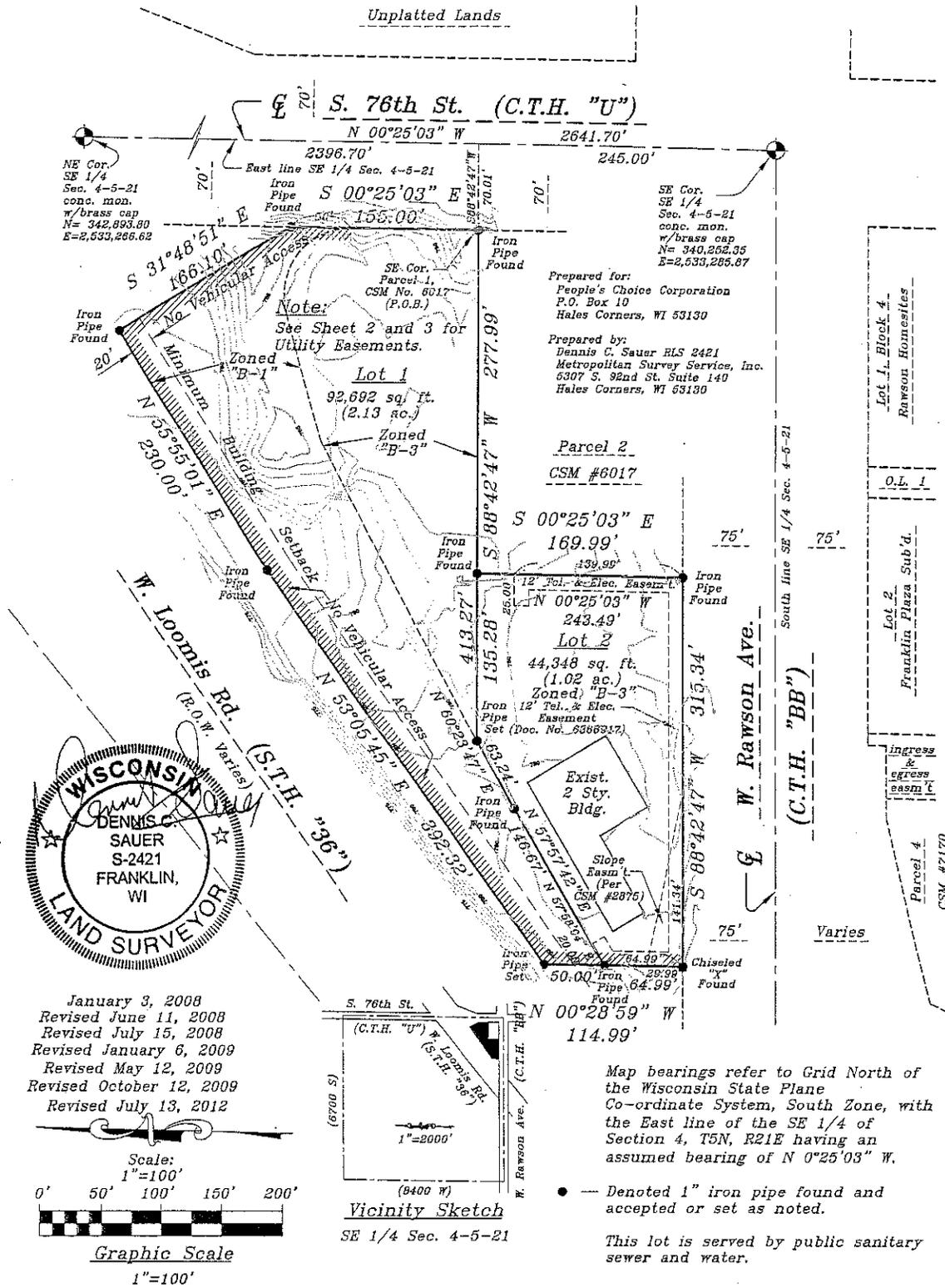
ATTEST:

Sandra L. Wesolowski, City Clerk

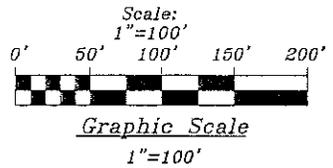
AYES _____ NOES _____ ABSENT _____

CERTIFIED SURVEY MAP NO. _____

Being a re-division of Parcels 1 and 3 of Certified Survey Map No. 6017 and a vacated portion of West Loomis Road (S.T.H. "36") in the Southeast 1/4 of the Southeast 1/4 of Section 4, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.



January 3, 2008
 Revised June 11, 2008
 Revised July 15, 2008
 Revised January 6, 2009
 Revised May 12, 2009
 Revised October 12, 2009
 Revised July 13, 2012



Prepared for:
 People's Choice Corporation
 P.O. Box 10
 Hales Corners, WI 53130

Prepared by:
 Dennis C. Sauer RLS 2421
 Metropolitan Survey Services, Inc.
 6307 S. 92nd St. Suite 140
 Hales Corners, WI 53130

Parcel 2
 CSM #6017

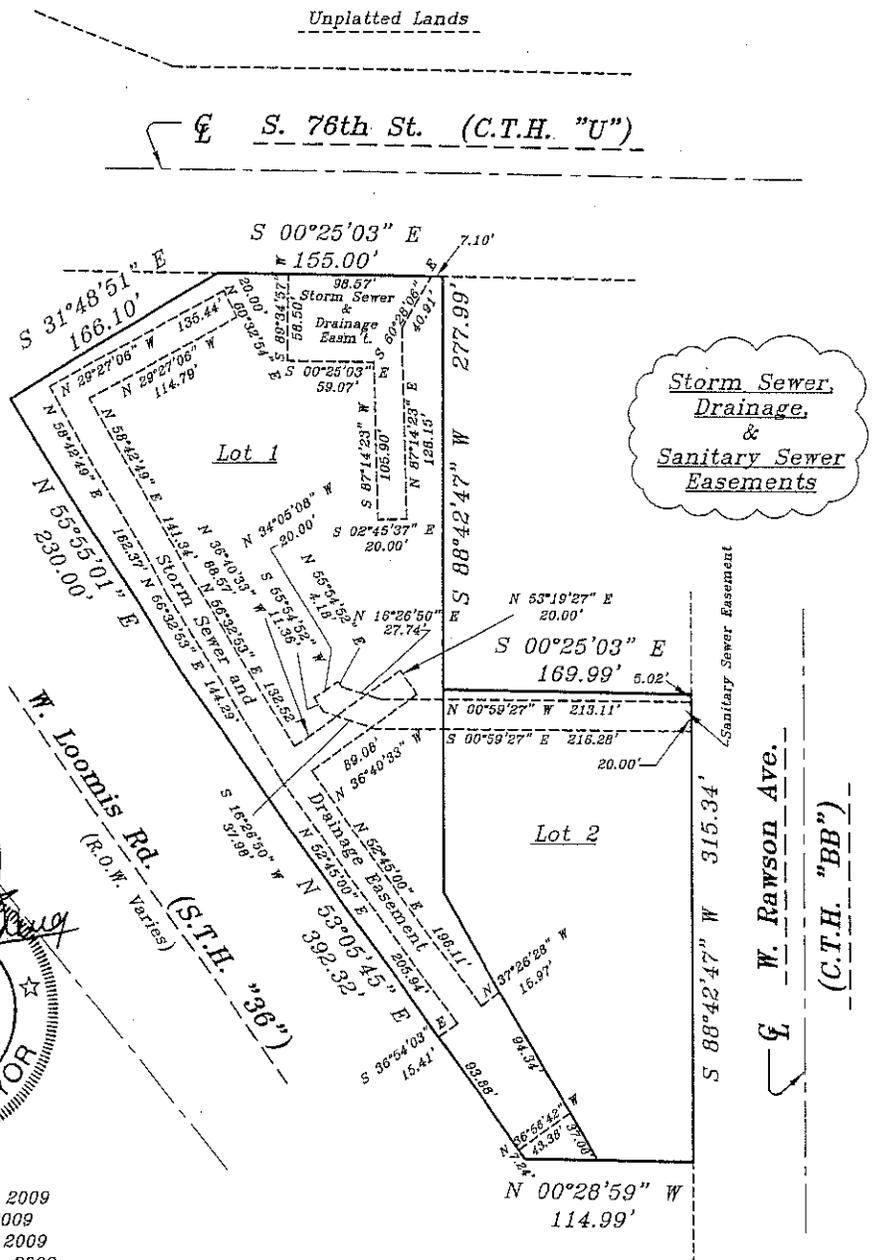
Map bearings refer to Grid North of the Wisconsin State Plane Co-ordinate System, South Zone, with the East line of the SE 1/4 of Section 4, T5N, R21E having an assumed bearing of N 0°25'03" W.

● -- Denoted 1" iron pipe found and accepted or set as noted.

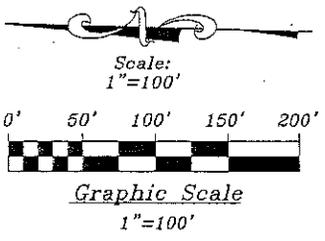
This lot is served by public sanitary sewer and water.

CERTIFIED SURVEY MAP NO. _____

Being a re-division of Parcels 1 and 3 of Certified Survey Map No. 6017 and a vacated portion of West Loomis Road (S.T.H. "36") in the Southeast 1/4 of the Southeast 1/4 of Section 4, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.



July 15, 2008
 Revised January 8, 2009
 Revised May 12, 2009
 Revised August 17, 2009
 Revised December 2, 2009
 Revised July 13, 2012



CERTIFIED SURVEY MAP NO. _____

Being a re-division of Parcels 1 and 3 of Certified Survey Map No. 6017 and a vacated portion of West Loomis Road (S.T.H. "36") in the Southeast 1/4 of the Southeast 1/4 of Section 4, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

I, Dennis C. Sauer, Registered Land Surveyor, do hereby certify:

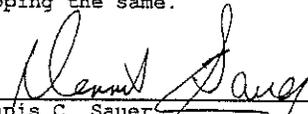
That I have surveyed, divided and mapped a re-division of Parcels 1 and 3 of Certified Survey Map No. 6017 and a vacated portion of West Loomis Road (S.T.H. "36") in the Southeast 1/4 of the Southeast 1/4 of Section 4, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Southeast corner of said Southeast 1/4; thence N 0°25'03" W along the East line of said Southeast 1/4, 245.00 feet to a point; thence S 88°42'47" W, 70.01 feet to a point on the West line of South 76th Street (C.T.H. "U"), and the Southeast corner of Parcel 1 of said Certified Survey Map No. 6017, said point being the point of beginning of the lands to be described; thence continuing S 88°42'47" W along the South line of said parcel 1, 277.99 feet to the Southwest corner of said Parcel 1; thence S 0°25'03" E along the East line of Parcel 3 of said Certified Survey Map No. 6017, 169.99 feet to the Southeast corner of said Parcel 3 and a point on the North line of West Rawson Avenue, (C.T.H."BB"); thence S 88°42'47" W along the North line of said West Rawson Avenue and the South line of said Parcel 3, 315.34 feet to the Southwest corner of said parcel 3; thence N 0°28'59" W, 114.99 feet to a point on the South line of West Loomis Road, (S.T.H. "36"); thence N 53°05'45" E along said South line, 392.32 feet to a point; thence N 55°55'01" E along said South line 230.00 feet to a point; thence S 31°48'51" E, 166.10 feet to a point on the West line of South 76th Street; thence S 0°25'03" E along said West line, 155.00 feet to the point of beginning. Said lands containing 137,041 square feet (3.15 acres).

That I have made such survey, land division and map by the direction of People's Choice Corporation, owner of said land.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the Unified Development Ordinance - Division 15, of the City of Franklin Municipal Code in surveying, dividing and mapping the same.

January 3, 2008
Date
Revised June 11, 2008
Revised July 15, 2008
Revised July 13, 2012


Dennis C. Sauer
Registered Land Surveyor S-2421



CERTIFIED SURVEY MAP NO. _____

Being a re-division of Parcels 1 and 3 of Certified Survey Map No. 6017 and a vacated portion of West Loomis Road (S.T.H. "36") in the Southeast 1/4 of the Southeast 1/4 of Section 4, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

People's Choice Corporation, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that it has caused the lands described on this map to be surveyed, divided and mapped as represented on this map in accordance with the provisions of Chapter 236 of the Wisconsin State Statutes and the Unified Development Ordinance - Division 15, of the City of Franklin Municipal Code in surveying, dividing and mapping the same.

IN WITNESS WHEREOF, the said People's Choice Corporation, has caused these presents to be signed by Edward W. Eldridge, President, at _____, Wisconsin, this _____ day of _____, 20__.

People's Choice Corporation:

Edward W. Eldridge, President

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

PERSONALLY came before me this _____ day of _____, 20__, Edward W. Eldridge, President of People's Choice Corporation, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public-State of Wisconsin
My Commission Expires: _____

CONSENT OF CORPORATE MORTGAGEE

Franklin State Bank, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping of the land described on this map and does hereby consent to the above certification of owner.

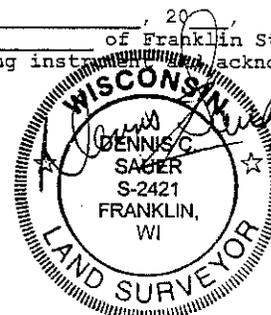
IN WITNESS WHEREOF, the said Franklin State Bank, has caused these presents to be signed by _____, (title) _____, at _____, Wisconsin, this _____ day of _____, 20__.

Signed
Print Name and Title: _____

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

PERSONALLY came before me this _____ day of _____, 20__, _____, (Title) _____ of Franklin State Bank, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public State of Wisconsin
My Commission Expires: _____



January 3, 2008
Revised July 13, 2012

CERTIFIED SURVEY MAP NO. _____

Being a re-division of Parcels 1 and 3 of Certified Survey Map No. 6017 and a vacated portion of West Loomis Road (S.T.H. "36") in the Southeast 1/4 of the Southeast 1/4 of Section 4, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

CONSENT OF CORPORATE MORTGAGEE

Fox River State Bank, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping of the land described on this map and does hereby consent to the above certification of owner.

IN WITNESS WHEREOF, the said Fox River State Bank, has caused these presents to be signed by _____, (title) _____, at _____, Wisconsin, this _____ day of _____, 20____.

Signed
Print Name and Title: _____

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

PERSONALLY came before me this _____ day of _____, 20____, _____, (Title) _____ of Fox River State Bank, to me known to be the person who executed the foregoing instrument and acknowledged the same.

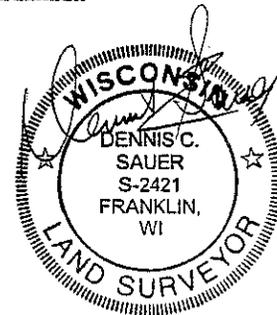
Notary Public State of Wisconsin
My Commission Expires: _____

COMMON COUNCIL APPROVAL

APPROVED by the Common Council of the City of Franklin, Resolution No. _____, on this _____ day of _____, 20____.

Thomas M. Taylor, Mayor
City of Franklin

Sandra L. Wesolowski, Clerk
City of Franklin



January 3, 2008
Revised June 11, 2008
Revised July 15, 2008
Revised July 13, 2012

THIS INSTRUMENT WAS DRAFTED BY:
Dennis C. Sauer, R.L.S. S-2421



CITY OF FRANKLIN



Item III.E.

REPORT TO THE PLAN COMMISSION

Meeting of July 19, 2012

Certified Survey Map Re-Approval

RECOMMENDATION: City Development staff recommends approval of the re-approval for the Certified Survey Map for Planned Development District No. 34 located at 6901 South 76th Street and 7700 West Rawson Avenue.

Project Name:	People's Choice Corporation Certified Survey Map
Project Address:	6901 South 76 th Street and 7700 West Rawson Avenue
Applicant:	Ed Eldridge, People's Choice Corporation
Current Zoning:	Planned Development District No. 34
Comprehensive Plan:	Commercial
Use of Surrounding Properties:	Loomis Road (Milwaukee County) to the north and west; a gas station to the south; and a bank to the east
Action Requested:	A recommendation of approval of a re-approval for the Certified Survey Map for PDD No. 34 to the Common Council.

Introduction and Analysis:

The applicant is seeking re-approval of a time extension for the Certified Survey Map (CSM) previously approved for Planned Development District No. 34 located at approximately 6901 South 76th Street and 7700 West Rawson Avenue. The Plan Commission recommended approval of the CSM at their July 24, 2008 meeting and the Common Council approved it at their August 5, 2008 meeting via Resolution No. 2008-6467 (Exhibit 1). The Plan Commission also recommended re-approval of the CSM at their June 18, 2009 meeting. The Common Council then re-approved the CSM at their July 7, 2009 meeting via Resolution No. 2009-6572.

Wisconsin State Statute 236.34(2)(b)1. requires that a CSM be recorded within six months from the date of last approval. Furthermore, Resolution No. 2008-6467 states, "that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owners, People's Choice Corporation, with the Office of the Register of Deeds for Milwaukee County."

In addition, Resolution No. 2009-6572 states "that Resolution No. 2008-6467 adopted on August 5, 2008, be and the same is hereby amended to extend the time to meet the conditions of approval and so as to provide that the Certified Survey Map for People's Choice Corporation be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the conditions set forth in

Resolution No. 2008-6467 is or are not met and satisfied within 180 days from the date of adoption of this Resolution.”

After Common Council approval of the CSM in 2008 and re-approval in 2009, the applicant did not file a corrected CSM with original signatures to the Department of City Development for recordation. The CSM approval must now be extended by the Plan Commission and Common Council, prior to recording the CSM and issuance of a building permit.

There has been one revision to the CSM since it was initially approved in 2008. At the request of Hilton, the applicant has modified the interior property line between Lots 1 and 2. The original division is shown in red on Exhibit 2. The CSM contains no changes from the CSM re-approved in 2009.

STAFF RECOMMENDATION:

City Development staff recommends approval of the re-approval for the Certified Survey Map for Planned Development District No. 34 located at 6901 South 76th Street and 7700 West Rawson Avenue.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2008- 6467

A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (6901 SOUTH 76TH STREET AND 7700 WEST RAWSON AVENUE) (PEOPLE'S CHOICE CORPORATION, APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being a part of the Southeast 1/4 of the Southeast 1/4 of Section 4, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 6901 South 76th Street and 7700 West Rawson Avenue, bearing tax key nos. 744-8998-004 and 744-8998-005, People's Choice Corporation, applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed certified survey map is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by People's Choice Corporation, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Pursuant to §236.13(1) and (2), and §236.45, Stats., pertaining to conditions of land division approvals and the provision of public improvements reasonably necessary, and the local regulation of land division, respectively, and §15-9.0309 of the Unified

PEOPLE'S CHOICE CORPORATION – CERTIFIED SURVEY MAP
RESOLUTION NO. 2008- 6467

Page 2

Development Ordinance, pertaining to required improvements and the financial security to be provided therefore as conditions of certified survey map approval, the required improvements prescribed in the Unified Development Ordinance for land divisions are required as a condition of the approval of the Certified Survey Map for People's Choice Hotel; a Development Agreement ("Subdivider's Agreement"), as may be approved by the Common Council upon the recommendation of the City Engineer and as secured by a letter of credit in form as approved by the City Attorney, shall provide for the furnishing, construction and installation of the required improvements and such other matters as set forth therein, and shall be entered into and executed by People's Choice Corporation prior to the recording of the Certified Survey Map.

4. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.
5. People's Choice Corporation, successors and assigns and any developer of the People's Choice Hotel development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the People's Choice Hotel development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
6. The approval granted hereunder is conditional upon People's Choice Corporation and the hotel project for the property located at 6901 South 76th Street and 7700 West Rawson 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.
7. Applicant shall submit a revised Certified Survey Map that includes all access easements as required by Section 15-7.0700 of the Unified Development Ordinance, including extending the "No Vehicular Access" south adjacent to South 76th Street to the proposed access drive location. Revisions shall be reviewed and approved by the Department of City Development, prior to issuance of a Building Permit.

PEOPLE'S CHOICE CORPORATION - CERTIFIED SURVEY MAP
RESOLUTION NO. 2008- 6467

Page 3

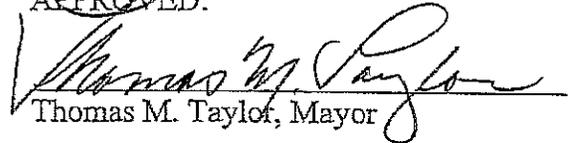
BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owners, People's Choice Corporation, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owners, People's Choice Corporation, with the Office of the Register of Deeds for Milwaukee County.

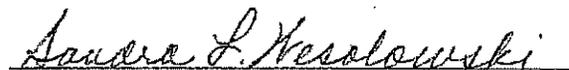
Introduced at a regular meeting of the Common Council of the City of Franklin this 5th day of August, 2008.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 5th day of August, 2008.

APPROVED:


Thomas M. Taylor, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>07/24/2012</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>REQUEST FOR COUNCIL TO APPROVE THE ADMINISTRATIVE RULES AND PROCEDURES FOR THE PREVIOUSLY APPROVED FRANKLIN COMPLETE STREETS AND CONNECTIVITY BOARD OF THE CITY OF FRANKLIN, WISCONSIN</p>	<p>ITEM NUMBER</p> <p><i>5.6</i></p>

At the March 6, 2012 meeting of the Common Council, the Council authorized the establishment of a Connectivity Board where Alderman Solomon moved to allow the Franklin Trails Committee to pursue establishment of a Complete Streets and Connectivity Advisory Body. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Approval of the Administration Rules and Procedures will formalize the change of the Trails Committee to become the "Franklin Complete Streets and Connectivity Board" and will replace the Franklin Trails Committee currently functioning without procedures.

With assistance from City Staff, the Franklin Trails Committee at their meeting of July 19, 2012, finalized the Administrative Rules and Procedures for Council review and is requesting Council approval.

Once formalized, the Board will then work to prepare a "Guiding Document" that would assist with determining when and how Complete Streets and Connectivity principles are applied and/or discussed in the planning/development process. Thus document will return to the Council at a future date prior to any implementation.

COUNCIL ACTION REQUESTED

A motion to approve the Administrative Rules and Procedures for the Complete Streets and Connectivity Board, a replacement for the Franklin Trails Committee.

THE FRANKLIN COMPLETE STREETS AND CONNECTIVITY ADVISORY BOARD

OF THE CITY OF FRANKLIN, WISCONSIN

ADMINISTRATIVE RULES AND PROCEDURES

Adopted by the Complete Streets and Connectivity Advisory Board: _____, 2012

City of Franklin Complete Streets and Connectivity Advisory Board

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ADMINISTRATIVE RULES AND PROCEDURES

ARTICLE I.

Name of Board

The name of this operation shall be the "Franklin Complete Streets and Connectivity Advisory Board" of the City of Franklin, Wisconsin, hereinafter referred to as the "Board". It replaces the former Franklin Trails Committee.

ARTICLE II.

Mission Statement and Goals

The overall mission of Franklin Complete Streets and Connectivity Advisory Board (FCS) is to raise public awareness and provide assistance during the proposal, design, and construction process so that streets and site plans are designed to promote safe and convenient access for travel to all users including pedestrians, bicyclists, people of all ages and abilities, as well as motor vehicles and drivers.

The Goals of the Board are to:

- Construct a Development Review Participation Guide for Common Council approval. This Guide will determine when and how Complete Streets and Connectivity principles are applied and/or discussed in the planning/development process.
- Create a Complete Streets ordinance or resolution for approval by the Common Council.

ARTICLE III.

Authorization

The authorization for the establishment of this Board is pursuant to the **March 6, 2012**, meeting of the Common Council where Alderman Solomon moved to allow the Franklin Trails Committee to pursue establishment of a Complete Streets and Connectivity Advisory Body. Seconded by Alderman Schmidt. All voted Aye; motion carried.

ARTICLE IV.

Membership and Quorum

Section 1.

The Franklin Complete Streets and Connectivity Board shall consist of eleven (11) total members. One (1) shall be a non-voting parliamentarian consisting of either an Alderman or the Mayor. Three (3) shall be non-voting Advisors, and seven (7) shall be voting citizen members, each appointed by the Mayor and confirmed by the Common Council. Members shall be residents of the city unless shown to have particular skills, and as approved by the Common Council. One Staff member, assigned by the City Administrator, will assume the duties of secretary to the Board and perform the duties under Section 5.

Section 2.

A quorum shall be a majority plus one (1) of the appointed voting citizen members and all actions shall require approval of a majority of the voting members, except a motion to adjourn. A record of all Board votes shall be kept as a part of its minutes. Each of the

seven (7) citizen members of the Board shall be entitled to one (1) vote. The Board Chair is a voting member and votes according to Roberts Rules of Order. Voting by proxy is not permitted. On a tie vote, the motion is lost.

Section 3. All members shall serve without compensation.

Section 4. The Staff member assigned to the Board by the City Administrator, and with the assistance of the Chair, shall prepare agendas for regular and special meetings and reports of Board action. The Staff member shall be responsible for keeping the official minutes and records of the Board and provide notice to all Board members, arrange proper and legal notice of hearings, attend to correspondence of the Board, as approved by same, and have such other duties as may, from time to time, be assigned by the Board.

Section 5. The Board Chair is to be appointed at the first meeting of the Board by the voting members present by majority voice vote, shall serve until the November termination in the 2-year of the appointment, and shall preside at all meetings and hearings of the Board, having the duties normally conferred by parliamentary usage to such office.

Section 6. The voting citizen members shall select the Vice-Chair by majority voice vote during the first meeting of the Board, and shall serve until the November termination in the 2-year of the appointment. The Vice-Chair shall preside at all Board functions in the absence of the Board Chair, and shall have the duties normally conferred by parliamentary usage to such office, including the signing of approved Board reports and all other documents requiring the Board signature pursuant to state and local law.

When the Board Chair and Vice-Chair are unable to preside or fulfill the duties of the Chair and a quorum of the Board is present for a properly noticed and scheduled Board meeting or hearing, the staff assigned to the Board may call the Board to order and shall temporarily preside solely over the selection of a Chair Pro Tempore by and from the Board members present. Upon selection, the Chair Pro Tempore shall preside and assume the duties of the Chair until the Chair or the Vice-Chair is able to preside or until the Mayoral re-selection and re-appointments at the November 2-year period as confirmed by the Common Council.

ARTICLE V. Terms and Vacancies

Members will serve 2-year terms, with terms expiring in November of the second year. In November of the 2nd year, appointments must be re-selected and re-confirmed by the Common Council.

ARTICLE VI. Duties and Responsibilities

The duties of the Board shall be, primarily, to create a Development Review Participation Guide for Common Council approval.

The Participation Guide will enumerate the manner with which the Board will provide

recommendations for city transportation and site plan elements during planning, construction or reconstruction throughout the city. The Board also has the right but not the obligation to seek funding assistance to offset costs for connectivity elements, training, or educational materials in order to assist the city in meeting the needs of the community. Any funding commitments or acceptance must first be approved by the Common Council.

ARTICLE VII.

Subcommittees

The Board Chair may establish a Grant Research subcommittee, pursuant to the April 19, 2011 Common Council approval stating that the Trails Committee "to establish a subcommittee, Funding Research Committee, and that they be allowed to seek up to five interested individuals to find funds for City projects," and additional subcommittee as deemed appropriate and appoint members thereto, with Common Council approval.

ARTICLE VIII.

Meetings

Section 1.

The regular monthly meeting of the Board will be held on the Wednesday following the regular Common Council meeting date of the first Tuesday of each month. In the event of a conflict with holidays or other events, the Chair or a majority vote at any Board meeting may change the date of such regular monthly meeting.

Section 2.

Any member of the Board may, upon consultation with the Chair or in the absence, the Vice-Chair or acting Chair, place on a Board agenda for consideration, discussion, action, etc. any matter that is properly within or related to the duties, rules, procedures, activities, etc. of the Board.

Section 3.

Special meetings may be called by the Board Chair. It shall be the duty of the Board Chair to call a special meeting when requested to do so by a majority of the members of the Board. Special meetings may be held at such times and places as shall be determined by the Board.

Section 4.

All meetings of the Board shall be open to the general public in accordance with the Statutes of Wisconsin (Open Meetings Act).

Section 5.

Unless otherwise specified, Robert's Rules of Order newly revised, shall govern the proceedings at the meetings of the Board.

ARTICLE IX.

Order of Business

Section 1.

The order of business at regular meeting and administrative sessions of the Board shall be:

- a. Call to Order & Roll Call
- b. Approval of Minutes of previous meeting(s).

- c. Citizen Comment Period
- d. Hearings
- e. Business Items
- f. Schedule next meeting
- g. Adjournment

Section 2. Agendas and other documents for all meetings shall, whenever possible, be delivered to the members of the Board no later than the Friday preceding the regular meeting. In general, order of business shall follow the printed agendas. The order of business may vary from the printed agenda by consensus of the Board members present.

ARTICLE X. Public Meetings, Special Meetings, Workshops

The Board may from time to time hold public meetings, workshops and policy sessions which are required pursuant to state and local law, or which the Board deems to be in the public interest.

ARTICLE XI. Staff

The Department of City Development of the City of Franklin, hereinafter referred to as the "Department", shall serve as the staff of the Board, and shall assist the Board Chair in the preparation and distribution of Board minutes, reports, agendas, and other materials.

ARTICLE XII. Non-member Participation

Section 1. Letters, documents and other records relevant to matters before the Board or within Board duties are welcome at any time by submission to the Chair, subject to timing requirements established elsewhere herein. Submissions related to a specific matter before the Board will be considered when the specific matter is considered. Submissions related to other matters within the Board duties will be considered in the Business section of the agenda or as otherwise deemed applicable by the Board.

Section 2. Except for properly noticed and scheduled public hearings, non-member testimony during Board meetings shall be limited to 1) applicants with matters before the Board, 2) persons with knowledge or expertise relevant to matters before the Board or within Board duties and 3) the mayor and aldermen of the City of Franklin. Such non-member testimony shall be permitted during the Public Input period or at the discretion of and upon recognition by the Chair or on consensus of the Commission members present, and upon statement of name, address and basis for testimony.

Section 3. At a properly noticed and scheduled public hearing of the Board, any person may speak on the specified subject of the hearing upon recognition by the Chair and statement of name and primary residence address.



ARTICLE XIII.

Amendments

Revisions or amendments to these Administrative Rules and Procedures (except items established in the statutes and regulations of the State of Wisconsin or the Municipal Code of the City of Franklin, Wisconsin, which shall be as adopted by the applicable authoritative body), shall require approval of a majority of the Board membership.



APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE
Reports & Recommendations	SUBJECT: Change Order No. 3 for Contract (CO2006-C03) for D.F. Tomasini, Inc., relative to the Ryan Creek Interceptor for additional work tunneling under Ryan Creek on S. 92 nd Street between W. Ryan Road and W. Oakwood Road	7/24/12 ITEM NO. 5.7.

BACKGROUND

Pursuant to the construction of the Ryan Creek Interceptor sanitary sewer serving the southwestern portion of the City, the contractor for Contract No. 3, D.F. Tomasini, encountered an old bridge structure crossing S. 92nd Street which was located approximately 20 feet south of the present river crossing and had to remove a portion of the bridge head walls to complete the tunneling under the river.

ANALYSIS

No records were available indicating the abandoned bridge crossing and while a boring was taken at the existing river crossing, no indication was available indicating this old bridge crossing. The contractor had to pull the auger and hand mine the concrete head walls of the abandoned bridge. The change order is an increase in cost of \$11,980.76, increasing the contract from \$5,490,042.00 to \$5,502,022.76.

OPTIONS

Authorize staff to sign Change Order No. 3 for Contract CO2006-C03.

or

Table

FISCAL NOTE

Except for the initial change order relative to tunneling all wetlands, change orders for the RCI have been held to a minimum. This change order costs will be a part of the RCI Project to be taken from the project account. Both DNR and MMSD will have to approve this change order for it to be effective.

RECOMMENDATION

Motion to authorize staff to sign Change Order No. 3 in the amount of an increase in the contract cost of \$11,980.76 for Contract CO2006-C03 for the Ryan Creek Interceptor with D.F. Tomasini which will increase the cost from \$5,490,042.00 to \$5,502,022.76.

JMB/sg
Encl.

JUL 16 2012

City of Franklin
Engineering Department

July 13, 2012

Mr. John M. Bennett, P. E.
City Engineer/Director of Public Works
City of Franklin
9229 West Loomis Road
Franklin, WI 53132

RE: Ryan Creek Interceptor
Contract C02006 C03
Change Order No. 3

Dear Mr. Bennett:

Enclosed for the City's review and approval are 3 copies of Change Order No. 3 for the above referenced Contract.

Change Order No. 3 covers the extra costs due to the discovery of an unforeseen condition during the installation of the sanitary sewer in 92nd Street. The Contract Documents required the Contractor to install the sanitary sewer under Ryan Creek by jacking a steel casing under the creek. While performing this Work, the Contractor encountered a concrete obstruction in two locations approximately 18 feet apart which prevented the casing from being advanced. It is believed that these obstructions maybe the remnants of a former bridge or box culvert which carried Ryan Creek under 92nd Street. There are no City records of this structure and, since this is a gravity sewer, it was not possible to lower the sewer to go under it.

The presence of these obstructions necessitated the Contractor to twice stop the Work, remove the augers from the inside of the 60-inch steel casing, enter the casing, manually remove the concrete and then replace the augers and resume augering.

We monitored and documented the Contractor's time during these delays and this Change Order accurately represents the additional costs involved. The final amount complies with the terms of the Contract Documents.

We have preliminarily reviewed these changes with both MMSD and DNR and they concur.



Ruekert·Mielke

engineering solutions for a working world

Mr. John M. Bennett, P. E.
City of Franklin
July 13, 2012
Page 2

If the City agrees with these changes, please sign all 3 copies of the 3 change Orders and return to me for further processing. A fully executed copy will be returned to you for your files when complete.

Very truly yours,

RUEKERT/MIELKE

Joseph W. Eberle, P.E.
Principal/Senior Project Manager

JWE:sjs
Enclosure(s)

cc: Ronald J. Romeis, P. E., City of Franklin
Francis Fuja, P. E., Wisconsin Department of Natural Resources
Larry E. Ellis, P. E., Milwaukee Metropolitan Sewerage District
Gerald E. Powell, P.E., Ruekert/Mielke
File

Jack Bennett

From: Eberle, Joseph [JEberle@ruekert-mielke.com]
Sent: Tuesday, July 17, 2012 8:03 AM
To: Jack Bennett
Cc: Powell, Gerry
Subject: Ryan Creek Interceptor - Concrete Obstructions on 92nd Street

Importance: High

Jack -

This is further information we have on the concrete obstructions the boring subcontractor hit on 92nd Street in 2 locations:

1. The liner runs from STA 162+40 to STA 163+00 to get under Ryan Creek.
2. The 2 locations that they hit concrete are approximately STA 162+55 & STA 162+73.
3. The elevations of the top of the liner that the Contractor installed at this location are about 711.75 and 712.03 .
4. The elevations of the bottom of the concrete obstructions at the 2 locations were about 711.08 and 711.36 (about 8 inches below the top of the liner and the steering mechanism on top of the liner).
5. The elevation of the liner (and the associated sewer inside) could not be lowered because it is a gravity sewer that has fixed elevations on each end of the span.
6. There were no soil borings taken in the immediate area but the Contractor did drill through the bottom of the existing pipe that carries Ryan Creek across 92nd Street before they began the boring for the new sewer and detected nothing underneath it.
7. It appears that the concrete obstructions may be the remnants of a previous structure of some type that may have carried Ryan Creek across 92nd Street – there are no records of any such structure that we are aware of. If that is the case then Ryan Creek was moved north when the existing pipe carrying Ryan Creek across 92nd Street was installed.

Joseph W. Eberle, P.E.

Principal / Senior Project Manager

Ruekert • Mielke
W233 N2080 Ridgeview Parkway
Waukesha, WI 53188
(262) 542-5733
(262) 542-5631 Fax
jeberle@ruekert-mielke.com

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Joseph W. Eberle, P.E.

Principal / Senior Project Manager

Ruekert • Mielke

W233 N2080 Ridgeview Parkway

Waukesha, WI 53188

(262) 542-5733

(262) 542-5631 Fax

jeberle@ruekert-mielke.com

JUL 16 2012

City of Franklin
Engineering Department

July 13, 2012

Mr. John M. Bennett, P. E.
City Engineer/Director of Public Works
City of Franklin
9229 West Loomis Road
Franklin, WI 53132

RE: Ryan Creek Interceptor
Contract C02006 C03
Change Order No. 3

Dear Mr. Bennett:

Enclosed for the City's review and approval are 3 copies of Change Order No. 3 for the above referenced Contract.

Change Order No. 3 covers the extra costs due to the discovery of an unforeseen condition during the installation of the sanitary sewer in 92nd Street. The Contract Documents required the Contractor to install the sanitary sewer under Ryan Creek by jacking a steel casing under the creek. While performing this Work, the Contractor encountered a concrete obstruction in two locations approximately 18 feet apart which prevented the casing from being advanced. It is believed that these obstructions maybe the remnants of a former bridge or box culvert which carried Ryan Creek under 92nd Street. There are no City records of this structure and, since this is a gravity sewer, it was not possible to lower the sewer to go under it.

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We monitored and documented the Contractor's time during these delays and this Change Order accurately represents the additional costs involved. The final amount complies with the terms of the Contract Documents.

We have preliminarily reviewed these changes with both MMSD and DNR and they concur.



Ruekert·Mielke

engineering solutions for a working world

Mr. John M. Bennett, P. E.
City of Franklin
July 13, 2012
Page 2

If the City agrees with these changes, please sign all 3 copies of the 3 change Orders and return to me for further processing. A fully executed copy will be returned to you for your files when complete.

Very truly yours,

RUEKERT/MIELKE

Joseph W. Eberle, P.E.
Principal/Senior Project Manager

JWE:sjs
Enclosure(s)

cc: Ronald J. Romeis, P. E., City of Franklin
Francis Fuja, P. E., Wisconsin Department of Natural Resources
Larry E. Ellis, P. E., Milwaukee Metropolitan Sewerage District
Gerald E. Powell, P.E., Ruekert/Mielke
File

CHANGE ORDER

No. Three (3)

Date of Issuance: July 16, 2012

Effective Date: July 16, 2012

Project: Ryan Creek Sanitary Sewer Interceptor 92nd St, To 112th St., City of Franklin

Contract: C02006-C03

Owner: City of Franklin

Effective Date of Agreement: November 14, 2011

Contractor: D.F. Tomasini, Inc.

Engineer: Ruekert/Mielke

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Extra Work due to unforeseen conditions while auger boring under Ryan Creek.

Reason for Change Order: Contractor encountered 2 concrete obstructions in path of boring.

Attachments: D.F. Tomasini letter dated July 11, 2012.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price \$ <u>5,374,692.00</u>	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Increase from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : \$ <u>115,350.00</u>	● Increase ● ● Decrease ● from previously approved Change Orders No. _____ to No. _____: Substantial Completion: _____ Ready for Final Payment: _____ days
Contract Price prior to this Change Order: \$ <u>5,490,042.00</u>	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Increase of this Change Order: \$ <u>11,980.76</u>	● Increase ● ● Decrease ● of this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Contract Price incorporating this Change Order: \$ <u>5,502,022.76</u>	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____ days or dates

RECOMMENDED:
By: *Joseph W. Eberle*
Engineer (Authorized Signature)

Joseph W. Eberle, P.E.
Ruekert / Mielke

Date: 7/13/12

APPROVED:

By: _____
MMSD (Authorized Signature)

Date: _____

ACCEPTED:

By: _____
Owner (Authorized Signature)

City of Franklin

Date: _____

APPROVED:

By: _____
DNR (Authorized Signature)

Date: _____

ACCEPTED:

By: _____
Contractor (Authorized Signature)

D. F. Tomasini

Date: _____



N70 W25176 INDIAN GRASS LANE, SUSSEX, WI 53089
FAX 262 / 820-8400
dft@dftomasini.com

July 11, 2012
City of Franklin
c/o Ruekert/Mielke

Attn: Joseph Eberle
Re: Ryan Creek
Hand Break Concrete
Franklin, WI
DFT Job #1828

The following is our billing to hand break concrete in top of casing on the above referenced project.

SUBCONTRACTORS

1 LS	Bull's-Eye(See Attached)	\$11,410.25	<u>\$11,410.25</u>
	Subtotal		<u>\$11,410.25</u>
	Markup (5%)		<u>570.51</u>
	Total Subcontractors		<u>\$11,980.76</u>
	TOTAL AMOUNT DUE		\$11,980.76

Please let me know if you have any questions regarding the information provided above.

Sincerely,
D.F. TOMASINI CONTRACTORS INC.

Larry Schluter
Larry Schluter,
President

LS/bjh

BULL'S EYE BORING
BREAKDOWN

Re: Ryan Creek
Hand Break Concrete
Franklin, WI

LABOR	\$7,354.31
EQUIPMENT	4,055.94
MATERIALS	0.00

\$11,410.25

3220 21st Street
Zion, IL 60099



Phone (847) 263-7100
FAX (847) 263-7199
PAGE 1

YOUR HOLE IS OUR GOAL

Downtime Hand Break Concrete in top of casing

					Total Hours S.T. O.T.	Rate	Insurance Amount	Payroll Amount	Earnings To Date	Payroll Amount Eligible for Unemployment Tax		
	6/18	6/19	6/20	6/21						F.U.T.	S.U.T.	
Foreman/Crane Operator												
James Touhy	1	8	2.5	8	19.5	\$52.89	\$1,031.36	\$1,031.36	\$25,367.20	\$0.00	\$0.00	
Operator - Bore Machine												
Manuel Santana	1	8	2.5	8	19.5	\$48.40	\$943.80	\$943.80	\$28,751.42	\$0.00	\$0.00	
Laborers												
Tony Cruz	1	8	2.5	8	19.5	\$36.20	\$705.90	\$705.90	\$13,540.80	\$0.00	\$0.00	
Felix Perez	1	8	2.5	8	19.5	\$36.20	\$705.90	\$705.90	\$23,958.50	\$0.00	\$0.00	
Subtotals, Labor					78	0		\$3,386.96	\$3,386.96		\$0.00	\$0.00
Labor Pension & Welfare -							39 @	\$22.38	\$872.82			
Operating Engineer Pension & Welfare -							39 @	\$26.95	\$1,051.05			
Subtotals, Labor								\$5,310.83				
					Plus 15% of	\$5,310.83		\$796.62				
					Total				\$6,107.45			
Js Workman's Comp Insurance					19.65 % of		\$3,386.96	\$665.54				
Public Liability & Prop. Damage Insur.					4.7119 % of		\$3,386.96	\$159.59				
Federal Unemployment Tax					0.80 % of	\$0.00		\$0.00				
State Unemployment Tax					8.90 % of	\$0.00		\$0.00				
Federal Social Security Tax					7.65 % of		\$3,386.96	\$259.10				
					Total Payroll Additives			\$1,084.23				
					Plus 15% of	\$1,084.23		\$162.63				
					Subtotal				\$1,246.86			
TOTAL LABOR									\$7,354.31			

I hereby certify that the above statement is a copy of that portion of payroll which applies to the above stated work and that the rates shown for taxes and insurance are actual costs.

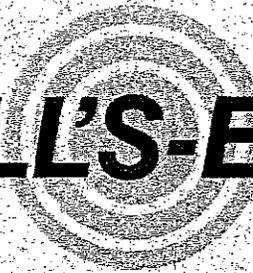
BULL'S-EYE BORING, INC.

By: 
Manuel Ballesterro - Executive Vice President



3220 21st Street
Zion, IL 60099

BULL'S-EYE



BORING
INC.

Phone (847) 263-7100
FAX (847) 263-7199

Equipment Expense

YOUR HOLE IS OUR GOAL ^{total}

	818	819	820	821	Hours	Rate	Amount
American Augers Bore Machine (1 M lbs thrust)	1	8	2.5	8	19.5	\$83.28	\$1,623.96
Grove TMS550E Crane	1	8	2.5	8	12	\$124.69	\$1,496.28
International 4300 Crew Truck w/Tools	1	8	2.5	8	19.5	\$25.24	\$492.18
Semi Truck	0	0	0	0	0	\$80.85	\$0.00
Semi Trailer	0	0	0	0	0	\$11.69	\$0.00
3 KW Miller Welder/Generator (2 each onsite)	2	16	5	16	39	\$3.09	\$120.51
3/4 T Pickup Truck w/tools	0	0	0	0	0	\$16.40	\$0.00
Air Compressor	0	8	2.5	8	18.5	\$16.60	\$307.10
Breaker/Clay Spade	0	8	2.5	8	18.5	\$0.86	\$15.91

TOTAL EQUIPMENT EXPENSE \$4,055.94

Material Used

Units QTY U.P. Amount

15% Markup on	\$0.00			\$0.00
			TOTAL MATERIALS	\$0.00

BULL'S-EYE BORING, INC.

By:

Manuel Ballesterro - Executive Vice President

TOTAL LABOR	\$7,354.31
TOTAL EQUIPMENT EXPENSE	\$4,055.94
TOTAL MATERIALS	\$0.00

TOTAL BILL FOR 2012 \$11,410.25

RESIDENT



BULL'S-EYE BORING, INC.

3220 21st Street
Zion, Illinois 60099

Extra Work Daily Report

Project: Contract C02006C03
Franklin, IL
Contractor: DF Tomasini
Report No. _____
Location of Work: 92nd Street to 112th Street
Description of Work: Hit existing box culvert - remove augers

Bull's-Eye Job No.: 3827

Report Date: June 18, 2012 (Monday)

LABOR			
Worker Name	Classification	Hours Worked	Total Hours
James Touhy	Foreman		1
Manuel Santana	Operator		1
Felix Perez	Laborer		1
Tony Cruz	Laborer		1

EQUIPMENT USED		MATERIAL USED	
Description: List Date, Manufacturer, Model, Capacity	No. of Hours	Description	Quantity
60" Bore Machine	1		
Grove Crane - TMS 550E	1		
International Crew Truck with Tools	1		
Miller Weider/Generator (2 each)	2		

Approved: [Signature] Date: 6/20/12
Representative (Signed)
JAMES ZALEWSKI - MASD
Representative (Printed)

[Signature] Date: 6/20/12
Bull's-Eye Boring Representative (Signed)
James Touhy
Bull's-Eye Boring Representative (Printed)

BULL'S-EYE BORING, INC.5220 21st Street
Zion, Illinois 60099**Extra Work Daily Report**

Project: Contract C02006C03
Franklin, IL
 Contractor: DF Tomasini
 Report No. _____
 Location of Work: 92nd Street to 112th Street
 Description of Work: Hand Excavated and break existing box culvert

Bull's-Eye Job No.: 3827Report Date: June 19, 2012 (Tuesday)

LABOR			
Worker Name	Classification	Hours Worked	Total Hours
James Touhy	Foreman		8
Manuel Santana	Operator		8
Felix Perez	Laborer		8
Tony Cruz	Laborer		8

EQUIPMENT USED		MATERIAL USED	
Description: List Date, Manufacturer, Model, Capacity	No. of Hours	Description	Quantity
60" Bore Machine	8		
Grove Crane - TMS 550E	8		
International Crew Truck with Tools	8		
Miller Welder/Generator (2 each)	16		
Air Compressor	8		
Breaker/Clay Spade	8		

Approved: James Zarowski Date: 6/20/12

Representative (Signed)

JAMES ZAROWSKI - MMSD

Representative (Printed)

James Touhy Date: 6/20/12
 Bull's-Eye Boring Representative (Signed)
 James Touhy
 Bull's-Eye Boring Representative (Printed)

BULL'S-EYE BORING, INC.

3220 21st Street
Zion, Illinois 60099

Extra work Daily Report

Project: Contract C02006C03
Franklin, IL
Contractor: DF Tomasini
Report No. _____
Location of Work: 92nd Street to 112th Street
Description of Work: Hand Excavated and break existing box culvert

Bull's-Eye Job No.: 3827

Report Date: June 20, 2012 (Wednesday)

bored 18ft then hit other side

LABOR			
Worker Name	Classification	Hours Worked	Total Hours
James Touhy	Foreman		2.5
Manuel Santana	Operator		2.5
Felix Perez	Laborer		2.5
Tony Cruz	Laborer		2.5

EQUIPMENT USED		MATERIAL USED	
Description: List Date, Manufacturer, Model, Capacity	No. of Hours	Description	Quantity
60" Bore Machine	2.5		
Grove Crane - TMS 550E	2.5		
International Crew Truck with Tools	2.5		
Miller Welder/Generator (2 each)	5		
Air Compressor	2.5		
Breaker/Clay Spade	2.5		

Approved: *James Znowski* Date: 6/20/12
Representative (Signed)
James Znowski - HNSD
Representative (Printed)

[Signature] Date: 6/20/12
Bull's-Eye Boring Representative (Signed)
James Touhy
Bull's-Eye Boring Representative (Printed)

BULL'S-EYE BORING, INC.

3220 21st Street
Zion, Illinois 60099

Extra Work Daily Report

Project: Contract C02006C03
Franklin, IL
Contractor: DF Tomasini
Report No. _____
Location of Work: 92nd Street to 112th Street
Description of Work: Hand Excavated and break existing box culvert

Bull's-Eye Job No.: 3827

Report Date: June 21, 2012 (Thursday)

LABOR			
Worker Name	Classification	Hours Worked	Total Hours
James Touhy	Foreman		8
Manuel Santana	Operator		8
Felix Perez	Laborer		8
Tony Cruz	Laborer		8

EQUIPMENT USED		MATERIAL USED	
Description: List Date, Manufacturer, Model, Capacity	No. of Hours	Description	Quantity
60" Bore Machine	8		
Grove Crane - TMS 550E	8		
International Crew Truck with Tools	8		
Miller Welder/Generator (2 each)	16		
Air Compressor	8		
Breaker/Clay Spade	8		

Approved:  Date: 6/22/12
Representative (Signed)
JAMES ZAWSKI - MASD
Representative (Printed)

 Date: 6/21/12
Bull's-Eye Boring Representative (Signed)
James Touhy
Bull's-Eye Boring Representative (Printed)

APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE
Reports & Recommendations	SUBJECT: Ordinance prohibiting parking on the north side of W. Forest Hill Avenue from S. 79 th Street to S. Forest Meadows Drive	7/24/12 ITEM NO. 6.8.

BACKGROUND

The Board of Public Works at their June 12, 2012 and July 17, 2012 meetings heard concern for on-street parking along W. Forest Hill Avenue between S. 79th Street to S. Forest Meadows Drive. Parking is as a result of soccer and flag foot ball participation on school district fields on the south side of W. Forest Hill Avenue. City Engineering and Police staffs recommend posting no parking on north side of W. Forest Hill Avenue.

ANALYSIS

By prohibiting parking on the north side, residents in six (6) residential units on the north side of W. Forest Hill Avenue will more safely be able to enter and exit their properties. In addition, this prohibiting will widen the through way for traffic. The Board, after discussion, recommended this prohibiting.

OPTIONS

Approve or deny recommendation.

FISCAL NOTE

The cost of signing to be taken from DPW operational budget.

RECOMMENDATION

Motion to adopt Ordinance No. 2012 - _____ an ordinance prohibiting parking on the north side of W. Forest Hill Avenue from S. 79th Street to S. Forest Meadows Drive.

RJR/sg
Encl.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2012-_____

ORDINANCE TO PROHIBIT PARKING ON THE NORTH SIDE OF
W. FOREST HILL AVENUE FROM S. 79TH STREET TO
S. FOREST MEADOWS DRIVE

WHEREAS, the Board of Public Works has recommended establishing "No Parking on the north side of W. Forest Hill Avenue from S. 79th Street to S. Forest Meadows Drive."

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:

ADD "north side of W. Forest Hill Avenue from S. 79th Street to S. Forest Meadows Drive."

INTRODUCED at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2012.

APPROVED:

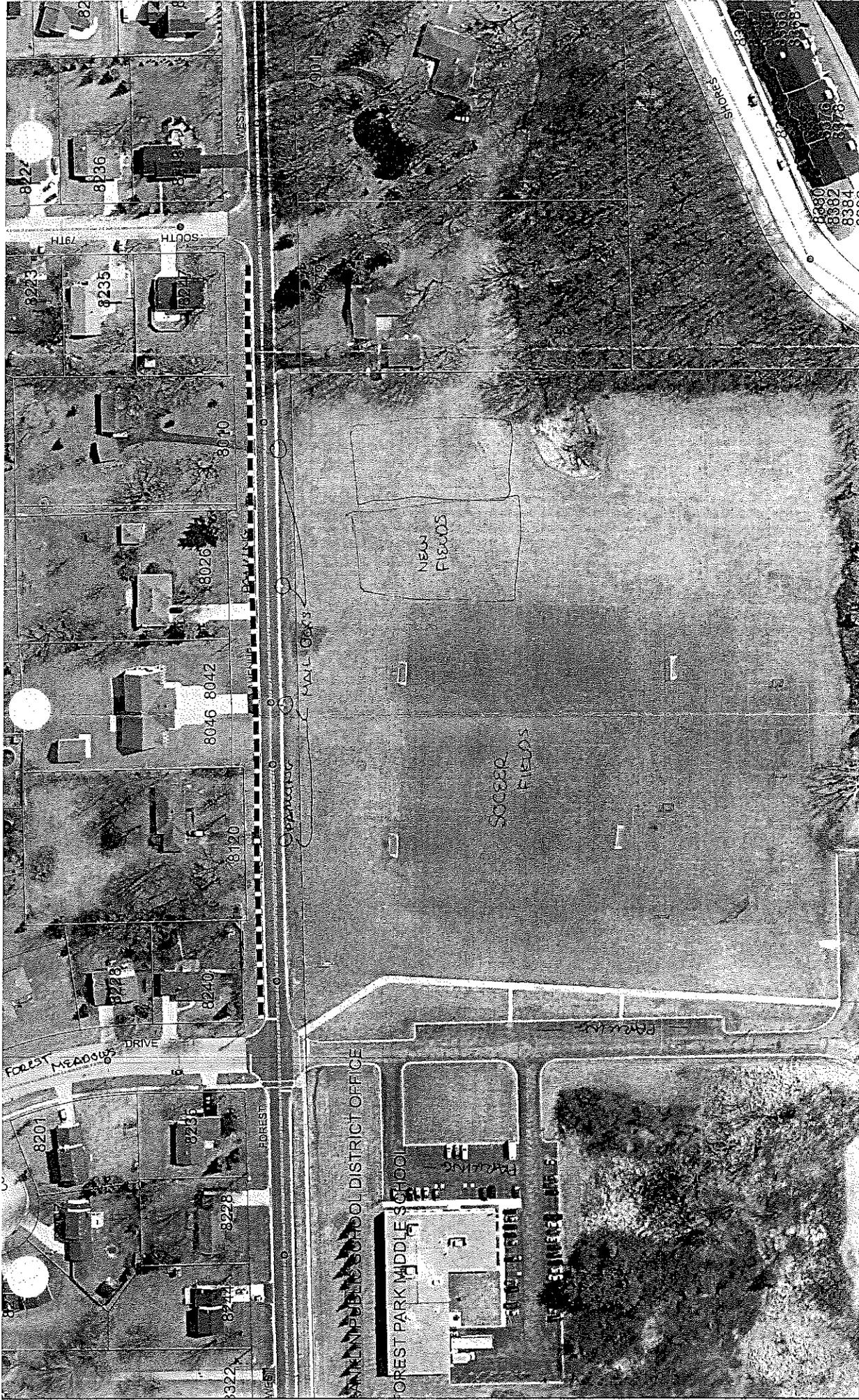
Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ____ NOES ____ ABSENT ____

RJR/sg



1" = 100'

W .FOREST HILL AVENUE

CITY OF FRANKLIN



MEMORANDUM: FROM ENGINEERING

DATE: May 15, 2012

TO: Board of Public Works

FROM: Assistant City Engineer Romeis 

RE: POLICE REQUEST
No Parking on W. Forest Hill Avenue
(7900 to 8200 Block)

Attached please find an email from the Police Department. The email's author is Patrolman Horn who has witnessed vehicles parked along Forest Hill Avenue from S. 79th Street to Forest Meadows Drive.

This occurs on Saturday mornings to early afternoon during soccer activities on field's on the south side. It is believed parents primarily attending soccer to the most easterly fields, park on Forest Hill Avenue to reduce their walk.

The parking on Forest Hill Avenue results in difficulty for residents on the north side to exit their drives. Forest Hill Avenue serves as a major collector. In addition parking on the south side can block mail delivery to five (5) mail boxes.

In that the spring soccer season will end at or before the Board's next meeting, you are asked to review Forest Hill Avenue on an upcoming Saturday for the effect of parking. Action could then be taken, in June, and sent to the Common Council for ordinance and posting for the fall soccer season in early September.

RJR/db



MEMORANDUM: FROM ENGINEERING

DATE: July 16, 2012

TO: Board of Public Works

FROM: Assistant City Engineer Romeis, P.E., *AR*

SUBJECT: NO PARKING ON W. FOREST HILL AVENUE
(7900 TO 8200 BLOCK)

The Board directed staff to gather information regarding field usage. The recreational department stated the following:

Spring/Fall

- Recreational League – Saturday morning
- SW Kickers (Milwaukee Co. area)
Large organization – unpermitted – Saturday afternoon, Thursday p.m.

Fall

- Flag football – Saturday

The School District position:

- We have adequate parking (up to 200 stalls)
- If we added parking, no telling if parents, others would use.
- Not really our problem that participants park on the street.
- Forest Park Middle School will be considered (referendum) for additions and changes.

Other Considerations:

- Posting No Parking on north side would allow residents best access.
 - Parking only on one side would improve through traffic.
- Parking on south best user access.
 - Potential conflict for Saturday mail delivery.
 - Enough for overflow from residents during special events.

RJR/sg