

CITY OF FRANKLIN
COMMON COUNCIL MEETING*
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA**
TUESDAY, JULY 19, 2016 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B.
 - 1. Citizen Comment Period.
 - 2. Mayor Announcement:
A Proclamation In Honor of Shelley O'Malley On Behalf of the Community and of the People of the City of Franklin.
- C. Approval of Minutes:
Regular Common Council Meeting of June 28, 2016.
- D. Hearings.
- E. Organizational Business.
 - 1. Mayoral Appointments:
 - (a) Ann Adamski, 7825 S. Stonebrook Court, Aldermanic Dist. 3 – Civic Celebrations Commission (3-year term expiring 6/30/2019).
 - (b) Matt Cool, 4934 W. Forest Hill Avenue, Aldermanic Dist. 5 – Economic Development Commission (2-year term expiring 6/30/2018).
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. Donations:
 - (a) For the 2016 National Night Out Event to be held on August 1, 2016, from Bank Mutual in the amount of \$100; Chiropractic Care Center Franklin S.C. in the amount of \$100; Connect Cell, Inc. in the amount of \$100; FAPSU (Franklin Area Parents and Students United) in the amount of \$100; Faith Presbyterian Church in the amount of \$100; Johnson Bank in the amount of \$500; Krsko Chiropractic Clinic S.C. in the amount of \$100; M Squared, Inc. (Crossroads Pizza) in the amount of \$100; Masterlock in the amount of \$500; Parallel Employment Group in the amount of \$500; Popcare, LLC in the amount of \$100; Pyramax Bank in the amount of \$1,000; Northwestern Mutual in the amount of \$1,000; WE Energies in the amount of \$500; Waterstone Bank in the amount of \$2,000; Victory Creek Accounting LLC in the amount of \$100.
 - (b) For the 2017 Bike Rodeo from Ronald Toro in the amount of \$100 for bicycle bells.
 - 2. An Ordinance to Amend the Unified Development Ordinance Text at Table 15-3.0603 Standard Industrial Classification Title No. 8661 "Religious Organizations" to Allow for Such Use as a Permitted Use in the B-3 Community Business District (Root River Church, Inc., Applicant).

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3. A Resolution to Amend Resolution Nos. 2001-5145, 2001-5317, 2005-5865 and 2006-6091 Imposing Conditions and Restrictions for the Approval of a Special Use for a 44 Unit Residential Community Use Located at West Tuckaway Pines Circle to Allow for Constructions of Six Two-Unit Buildings (Buildings 0, 1, 2, 5, 10 and 11) Within the Tuckaway Pines Condominium Development to be Located at 7556, 7558, 7560 West Tuckaway Pines Circle (Building 0), 7530, 7532, 7534 West Tuckaway Pines Circle (Building 2), 7501, 7503, 7505 West Tuckaway Pines Circle (Building 5), 7543, 7545, 7547 West Tuckaway Pines Circle (Building 10) and 7542, 7544, 7546 West Tuckaway Pines Circle (Building 11)(Butler Creek Properties, LLC, Applicant).
4. R.A. Smith National Professional Services Contract for wetland determination/delineation in the vicinity of S. 36th Street and W. Madison Boulevard in the amount of \$2,500.
5. Franklin Senior Citizens Travel Program Semi-Annual Update for 2016.
6. Franklin Senior Citizens, Inc. Semi-Annual Update for 2016.
7. Regulation and enforcement of Fourth of July Parade space reservation and length of route (Alderman D. Mayer).
8. A Resolution Authorizing Certain Officials to Execute a Communications System Agreement with Motorola Solutions, Inc./Baycom, Inc. for Police Department Dispatch Consoles in Furtherance of the Intergovernmental Agreement with Milwaukee County for Access to the Milwaukee County 800 MHZ Project 25 Trunked Radio System.
9. Authorization for the Fire Chief and the Director of Administration to finalize and execute a Memorandum of Understanding with the International Association of Fire Fighters, Local 2760, for the creation of a duty assignment of Fire Inspector, and authorization to reduce the "Fire Marshal" staffing authorization by one and to increase the "Paramedic/Firefighter" staffing authorization by one.
10. A Resolution to Amend Resolution No. 2016-7212, A Resolution for Acceptance of Temporary and Permanent Storm Drainage Easements for Tuckaway Shores Condominiums, Tuckaway Shores Condominiums Addition #1 and Tuckaway Shores Condominiums Addition #3 located on S. Tuckaway Shores Drive.
11. Special assessments for installing street lights on S. 27th Street from W. Villa Drive to W. College Avenue.
12. Construction bids for bridge on W. St. Martins Road over Tess Corners Creek between S. North Cape Road and S. Scherrei Drive.
13. Amending the Position Classification Plan for Non-Represented Employees for the positions of Information Services Director and Economic Development Director resulting in a change for both positions from Grade 10 to Grade 11.
14. Resolution to Revise the Fund Balance Policy of the City of Franklin.
15. An Ordinance to Amend Ordinance No. 2015-2198, An Ordinance Adopting the 2016 Annual Budgets for the General Fund, Capital Outlay and Capital Improvement Funds for the City of Franklin for Fiscal Year 2016, to Reclassify Contingency Appropriations.
16. May 2016 Monthly Financial Report.

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H. Licenses and Permits

Miscellaneous Licenses from License Committee Meeting of July 19, 2016.

I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

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

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

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

REMINDERS:

July 21	Plan Commission Meeting	7:00 p.m.
August 1	National Night Out	6:00 p.m.-9:00 p.m.
August 2	Common Council Meeting	6:30 p.m.
August 4	Plan Commission Meeting	7:00 p.m.
August 9	Partisan Primary Election	7:00 a.m.-8:00 p.m.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

A PROCLAMATION IN HONOR OF SHELLEY O'MALLEY ON BEHALF OF THE
COMMUNITY AND OF THE PEOPLE OF THE CITY OF FRANKLIN

WHEREAS, Shelley O'Malley is a young, vibrant and positive thinking Individual and supporting and loving Wife and Mother residing in the City of Franklin, and part of a Family that for many, many years has promoted the Development of the Community of the City of Franklin; and

WHEREAS, Shelley was confronted earlier this year with the no known cause or reason in her very healthy existence diagnosis of an existing life threatening form of cancer; and

WHEREAS, Shelley has entered the arena of this fact of Life as a Human Model of Our Existence to us all; and

WHEREAS, Shelley has performed and exercised and continues to perform and exercise incredible Strength; Her Strength being not only physical, but also being of Heart, Soul and Character; and

WHEREAS, "Life is as good as you make it. You have to embrace it. You have to see the goal that you want." Shelley O'Malley, *Milwaukee Journal Sentinel*, July 11, 2016, <http://www.jsonline.com/blogs/sports/385274521.html>; and

WHEREAS, Shelley is The Person Leading us all on the Path to Live Life Well, and providing the incontrovertible evidence that Life is Mind Over Matter.

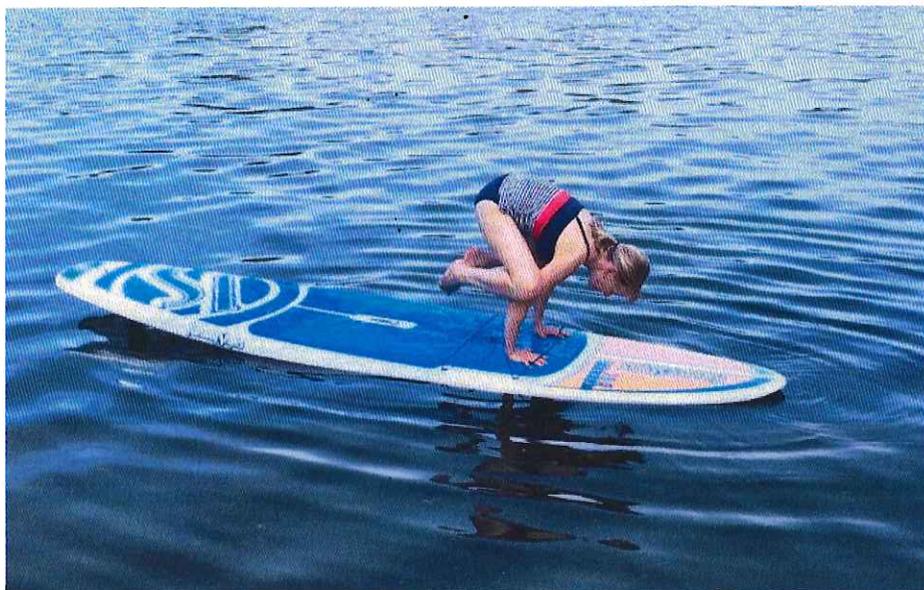
NOW, THEREFORE, BE IT PROCLAIMED, that I, Stephen R. Olson, Mayor of the City of Franklin, Wisconsin, on behalf of all of the Citizens of Franklin, hereby recognize and commend the Pinnacle of Human Courage and Perseverance, Shelley O'Malley.

Presented to the City of Franklin Common Council this 19th Day of July, 2016.

Stephen R. Olson, Mayor

SPORTS BLOGS

Battling lung cancer with yoga, positive attitude



Shelley O'Malley does a crow pose on paddleboard on Okauchee Lake. Yoga is part of her regimen to battle lung cancer. Credit: Courtesy of Shelley O'Malley

By *Lori Nickel* of the *Journal Sentinel*

July 11, 2016

Shelley O'Malley is forming a team and, frankly, this is a must-win situation.



That means doctors don't need to ask about "maintenance" and reporters don't need to look up the survival rates for stage 4 lung cancer and we don't need to worry whether her chemotherapy

and non-Western medicine treatments have cured her after just four months.

We just have to join her side and try to meet and match her strength because this 47-year-old Franklin mom is on a mission right now.

O'Malley will participate in the inaugural Free to Breathe Team Yoga Challenge in Madison on July 23 to raise money for lung cancer research and to raise our collective urgency over this gut-wrenching diagnosis.

And she expects to lead the charge because a year ago, she was perfectly fine.

O'Malley was a stay-at-home mom who saw her youngest child leave for college. After 20 years of serving as a parent volunteer at three schools, she wondered what her next purpose in life would be. A job? Volunteer work? Where was she needed? She even prayed about it.

"I kind of joke that I should have been more specific," O'Malley said.

A sore throat in August turned into a cough by October, which led to doctor appointments and various theories and treatments by November. But no chest X-ray.

By the time February rolled around, the cough drops and bottles of water had not soothed the intermittent cough. And now there was a specific pain in her right side with every sneeze. O'Malley insisted on a chest X-ray. She got the news Feb. 16. It was cancer.

"I've never smoked. I was in great health. It was a complete shock," said O'Malley, who has no history of lung cancer in the family; only a parent smoked.

The first person she contacted after she told her husband the whole story was her longtime yoga instructor, Jen Pulvermacher. "I need your help," her text message said.

O'Malley tried yoga 15 years ago and didn't stick with it, thinking if she wasn't drenched in sweat, she wasn't burning calories, so she must not be "working out."

But when she returned six years ago and took hatha and vinyasa classes, she found yoga gave her peace. She went one to three times a week.

Now fighting cancer, yoga is partly her treatment, her therapy, her supportive network and her armor.

"It has taken on a different role. It's a place for so much reinforcement. I will leave yoga feeling rejuvenated," she said. "I should be getting weaker, and instead I'm getting stronger."

After her diagnosis, O'Malley began by reading Kelly Turner's book, "Radical Remission," which highlights key factors believed to contribute to survivors of a terminal cancer diagnosis: diet, spirituality, exercise, support groups and letting go of negative emotions.

"This is my purpose. There is a reason for this diagnosis," said O'Malley. "We're going to be on this journey and figure out what the purpose is, and it's bigger than just me being diagnosed with stage 4 lung cancer — and that being the end of the story."

O'Malley's days are filled with seeking doctors and hunting down treatments from the Mayo Clinic in Minnesota to the Cancer Treatment Centers of America hospital in Illinois. She's taking a break this summer after three rounds of chemotherapy to try holistic treatments. She owns 15 books on cancer.

She's eliminated sugar, white flour, processed foods and started a whole foods diet. She started juicing. She's doing yoga four times a week. She's meditating. She's getting vitamin C IVs. She's getting treatment in a hyperbaric oxygen chamber to help regenerate red blood cells.

"This battle is going to be won in my mind," said O'Malley. "My mind had to get out of, 'You're stage 4,' and had to evolve into 'I can do this.'"

She chose not to work with doctors who asked her if she simply wanted to live out her last days the best she could. She chooses to pull herself out of the valleys of doubt by immersing herself in this fight.

"That just wasn't good enough for me. If you can't see this ending positively, then it won't — and I need everyone on my team to have the same goal," O'Malley said. "I'm making a team right now of different people with different strengths but all with the same goal. And that's me beating this.

"I could be angry at this doctor or angry at that. ... And that's not going to help me. Life is as good as you make it. You have to embrace it. You have to see the goal that you want.

"So much of it starts in your head and in your mind. Some people have said, 'Oh, do you think this is really going to work? Do you think it's just in your head?'

"Well, if it's in my head, that's a great place to be, because my head is attached to the rest of my body. I'm always talking in 'When I beat this. When I cure this.' Those words have to come from my brain first.

"I want to try for it. I just didn't want to not try. I'm 47, I'm healthy, I'm active, I'm determined.

"I'm a fighter."

In the Free To Breathe Team Yoga Challenge at Lake Farm Park in Madison, teams of eight will participate in yoga for up to eight hours. As of July 1, there were 150 participants on 32 preregistered teams. Fundraising minimums for teams are \$1,200 total and \$400 for individuals.

The eight hours of yoga will be divided into one-hour segments that vary in intensity and style. They will be led by experienced yoga instructors from local yoga studios. Styles will appeal to both beginner and advanced yogi alike.

Proceeds from the event fund the research and education programs of Free to Breathe. This includes research grants and a partnership with the Lung Cancer Mutation Consortium, which help patients get tumors tested for characteristics that can be targeted by the most effective therapies. Proceeds also go toward clinical trials and education materials for the community as well as patients.

Lombardi Walk/Run to Tackle Cancer, July 23 at Festa Italiana. Chaired by Santana Dotson with Jerry Kramer. This is a new venue for the **Lombardi Foundation.**

Free to Breathe Yogathon, July 23, Madison, 8 a.m. - 5:30 p.m. Teams of up to eight people will raise money that will fund lung cancer research. Fundraising minimums for teams: \$1,200 total; individuals: \$400. The eight hours of yoga will be divided into one-hour segments that vary in intensity and style. They will be lead by experienced yoga instructors from local yoga studios. Styles will appeal to both beginner and advanced yogi alike. There are also training sessions leading up to the event; check out the website for more info.

EAA AIRVENTURE OSHKOSH RUNWAY 5K, Saturday July 30. The 12th annual Runway 5K is 7 a.m. This year a new route goes through a tour of the AirVenture campus, past aircraft and aviation exhibits.

WARRIOR DASH, Aug. 13, wave times start at 8:30 a.m. and end at 3 p.m. An obstacle course mud run over 3 miles at The Rock Sports Complex in Franklin.

NORTH FACE ENDURANCE CHALLENGE: The North Face Endurance Challenge is back, **Sept. 16-17** on the Ice Age Trail in Kettle Moraine - and Chin Up readers have been offered a discounted rate. Go to this link - and enter for 15% discount code: D30LNWI15. The distances: 50 miles, 50K, marathon, marathon relay, kids run on Saturday; Half marathon, 10K, 5K, kid's run on Sunday. This is a beautiful trail run, but everything is well marked and staffed by volunteers.

CITY OF FRANKLIN
COMMON COUNCIL MEETING
JUNE 28, 2016
MINUTES

- ROLL CALL A. The regular meeting of the Common Council was held on June 28, 2016 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman D. Mayer (arrived at 6:33 p.m.), Alderwoman Kristen Wilhelm, Alderman Steve Taylor, and Alderman Mike Barber. Excused was Alderwoman Susanne Mayer. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberd, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

- CITIZEN COMMENT B.1. Citizen comment period was opened at 6:32 p.m. and closed at 6:35 p.m.

- MAYORAL ANNOUNCEMENT B.2. Fire Chief Remington presented a letter of recognition to Lieutenant Anthony Psichulis and Firefighter/Paramedic Chad Foeckler for their heroic actions on April 27, 2016, and a letter of appreciation to Lieutenant Andrew Piasecki for his dedication to fire education and prevention and his efforts in organizing Department's Annual Fire Safety Day.

- APPROVAL OF MINUTES C. Alderman Taylor moved to approve the minutes of the regular Common Council meeting of June 7, 2016 as presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried.

- PUBLIC HEARING D A public hearing was called to order at 6:44 p.m. regarding a proposed Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for the properties listed in the table below, from the current Land Use Designations to the proposed Land Use Designations (Milwaukee County, applicant):

Tax Key Nos.	Current Land Use Designation	Proposed Land Use Designation
7579979000	Residential	Recreational & Areas of Natural Resource Features
7579978000	Residential	Recreational & Areas of Natural Resource Features

7579983000	Residential	Recreational & Areas of Natural Resource Features
9479998000	Residential, Recreational & Areas of Natural Resource Features	Recreational & Areas of Natural Resource Features
7969997002	Residential & Areas of Natural Resource Features	Recreational & Areas of Natural Resource Features

The properties which are the subject of this application are more particularly described as follows:

Tax Key No. 757-9979-000: COM 671.32 FT S OF NW COR OF NE 10 5 21 & 45 FT E & 777.63 FT SELY ON CUR TO BEG TH SELY ON CUR 188.12 FT N 189.37 FT NWLY 12.12 FT NWLY 40.30 FT NWLY 151.69 FT TH S 176.88 FT TO BEG CONT 0.874 ACS;

Tax Key No. 757-9978-000: COM 661.32FT S OF NW COR NE 10 5 21 TH S 10 FT E 45 FT SE ON CURVES 777.63 FT NELY 176.88 FT NW ALG CEN ROOT RIVER TO N LI OF S HALF OF N HALF OF SE QUAR TH W 439.75 FT TO BEG CONT 1.330 ACS;

Tax Key No. 757-9983-000: COM IN S LI 578.75 FT E OF SW COR OF N HALF OF NE 10 5 21 TH N 261.75 FT W 161.75 FT N 295.46 FT SELY ON TWO CURVES 409.54 FT TH SWLY 314.50 FT TO BEG CONT 1.617 ACS;

Tax Key No. 947-9998-000: ALL OF NE 34 5 21 EXC S 363 FT OF E 360 FT THEREOF EXC PT DEEDED FOR S 60 ST CONT 156.733 ACS;

Tax Key No. 796-9997-002: CERTIFIED SURVEY MAP NO. 2120 SE 7 5 21 OUTLOT 1.

This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.1001(4)(d). The public hearing was closed at 6:44 p.m.

ORD. 2016-2221
 TO CHANGE 2025
 FUTURE LAND USE MAP
 (MILWAUKEE COUNTY,
 APPLICANT)

G.1. Alderman D. Mayer moved to adopt Ordinance No. 2016-2221, AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR THE PROPERTY BEARING TAX KEY NO. 947-9998-000 FROM RESIDENTIAL, RECREATIONAL AND AREAS OF NATURAL RESOURCE FEATURES USE TO RECREATIONAL AND AREAS OF NATURAL RESOURCE

FEATURES USE, THE PROPERTY BEARING TAX KEY NO. 796-9997-002 FROM RESIDENTIAL AND AREAS OF NATURAL RESOURCE FEATURES USE TO RECREATIONAL AND AREAS OF NATURAL RESOURCE FEATURES USE AND THE PROPERTIES BEARING TAX KEY NOS. 757-9979-000, 757-9978-000 AND 757-9983-000 FROM RESIDENTIAL USE TO RECREATIONAL AND AREAS OF NATURAL RESOURCE FEATURES USE (MILWAUKEE COUNTY, APPLICANT). Seconded by Alderman Taylor. On roll call, all voted Aye. Motion carried.

ORD. 2016-2222
AMEND UDO (ZONING
MAP) TO REZONE
CERTAIN PARCELS OF
LAND (MILW. CO.,
APPLICANT)

G.2. Alderman Taylor moved to adopt Ordinance No. 2016-2222, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE CERTAIN PARCELS OF LAND FROM R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT, R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT, R-5 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT, R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT, FW FLOODWAY DISTRICT, C-1 CONSERVANCY DISTRICT, FC FLOODPLAIN CONSERVANCY DISTRICT, PLANNED DEVELOPMENT DISTRICT NO. 38 (MILWAUKEE COUNTY FARM/HUNGER TASK FORCE) AND A-1 AGRICULTURAL DISTRICT TO P-1 PARK DISTRICT (ANY CURRENT FW FLOODWAY DISTRICT AND/OR FC FLOODPLAIN CONSERVANCY DISTRICT WILL RETAIN SAME ZONING ALONG WITH P-1 PARK DISTRICT ZONING) (MILWAUKEE COUNTY, APPLICANT). Seconded by Alderman D. Mayer. All voted Aye; motion carried.

MAYORAL
APPOINTMENTS

- E.1.(a) Alderman D. Mayer moved to confirm the Mayoral appointment of Patrick Leon, 7836 W. Winston Way, Ald. Dist. 2 to the Plan Commission to fill the unexpired 1-year term expiring 4/30/2017. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.
- E.1.(b) Alderman Barber moved to confirm the Mayoral appointment of Judith Williams-Killackey, 4901 W. Forest Hill Ave, Ald. Dist. 5, to the Library Board for a 3 year term expiring 6/30/2019. Seconded by Alderwoman Wilhelm. On roll call, all voted Aye. Motion carried.
- E.1.(c) Alderman Dandrea moved to confirm the Mayoral appointment of Karen Wesner, 8076 S. Meadowcreek Ct., Ald. Dist. 1, to the Library Board for a 3 year term expiring 6/30/2019. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.
- E.1.(d) Alderman D. Mayer moved to confirm the Mayoral appointment of Robert D. Donohoo, 8836 W. Whispering Oaks Ct., Ald. Dist. 2, to

the Library Board for a 3 year term expiring 6/30/2019. Seconded by Alderwoman Wilhelm. On roll call, all voted Aye. Motion carried.

- LETTER FROM PAT GAIN THANKING PAYNE & DOLAN F. Mayor Olson noted a thank you letter to Payne & Dolan from Pat Gain, Science Teacher at Franklin High School for giving their AP Environmental Science Students a tour of their facility.
- CIVIC CELEBRATION ACTIVITIES REPORT G.3. John Bergner and David Miller presented a report on Civic Celebrations activities on July 1, 2, 3 and 4, 2016.
- BALLPARK COMMONS PROJECT/MARKET ANALYSIS REVIEW G.4. Alderman Barber moved to direct staff to update the information on the City's website relating to the Ballpark Commons Project. Seconded by Alderman D. Mayer. All voted Aye; motion carried.
- Alderman Taylor moved to receive and place on file the Ballpark Commons Project Update and Independent Market Analysis Review. Seconded by Alderman D. Mayer. All voted Aye; motion carried.
- BALLPARK COMMONS DEV. PROPOSAL TID FEASIBILITY STUDY G.5. Following a presentation by representatives from Ehlers & Associates, LLC, Alderman Taylor moved to receive and place on file the Ballpark Commons Development Proposal Tax Incremental Financing Feasibility Study Report by Ehlers & Associates, LLC. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- EXTENSION OF CONTRACT WITH EHLERS & ASSOCIATES FOR TID SERVICES G.6. Alderman Taylor moved to authorize an extension of the contract with Ehlers & Associates for tax incremental financing services for the Ballpark Commons development proposal for a fee up to \$16,300. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- FRANKLIN HISTORICAL SOCIETY BARN MUSEUM PROJECT G.7. Alderman Barber moved to approve the Capital Projects Agreement between the City of Franklin and the Franklin Historical Society, Inc., for the Barn Museum Project and to authorize the Mayor and Clerk to authorize said agreement. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- ORD. 2016-2223 AMEND UDO FOR SPECIAL USE AT 6803, 6805 AND 6807 S. 27TH ST. G.8. Alderman Dandrea moved to adopt Ordinance No. 2016-2223, AN ORDINANCE TO AMEND §15-3.0418 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 13 (WAL-MART/SAM'S WHOLESALE CLUB), SECTION 2., TO ADD SELF-STORAGE AS AN ALLOWED SPECIAL USE WITHIN THE EXISTING BUILDING AT 6803, 6805 AND 6807 SOUTH 27TH STREET (ADAM HIRD, MANAGING PARTNER OF HIGHLAND DEVELOPMENT

VENTURES, LLC, APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2016-7208
APPROVAL OF A
SPECIAL USE AT 6805-
6807 S. 27TH ST.

G.9. Alderwoman Wilhelm moved to adopt Resolution No. 2016-7208, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A SELF-STORAGE FACILITY USE UPON PROPERTY LOCATED AT 6805-6807 SOUTH 27TH STREET (ADAM HIRD, MANAGING PARTNER OF HIGHLAND DEVELOPMENT VENTURES, LLC, APPLICANT), as amended and subject to technical corrections by the City Attorney. Seconded by Alderman Taylor. All voted Aye; motion carried.

ORD. 2016-2224
AMEND UDO
PERTAINING TO THE
NATURAL RESOURCE
FEATURES PROTECTION
STANDARDS

G.10. Alderman D. Mayer moved to adopt Ordinance No. 2016-2224, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT TO ADD A FOOTNOTE TO TABLE 15-4.0100 TO PROVIDE THAT ALL PUBLIC (FEDERAL, STATE, COUNTY, AND CITY OWNED) STREETS, SIDEWALKS AND TRAILS CONSTRUCTION SHALL CONDITIONALLY NOT BE SUBJECT TO THE NATURAL RESOURCE FEATURES PROTECTION STANDARDS FOLLOWING THE REVIEW AND APPROVAL OF AN APPLICATION THEREFORE BY THE COMMON COUNCIL (CITY OF FRANKLIN, APPLICANT). Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2016-7209
PEDESTRIAN ACCESS
AND BICYCLE PATH
EASEMENT FOR
ROBINWOOD TRAIL

G.11. Alderman D. Mayer moved to adopt Resolution No. 2016-7209, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A PEDESTRIAN ACCESS AND BICYCLE PATH EASEMENT FOR ROBINWOOD TRAIL LOCATED IN LANDS OWNED BY SOUTHBROOK CHURCH, 11010 W. ST. MARTINS ROAD. Seconded by Alderman Taylor. All voted Aye; motion carried.

CONSTRUCTION
MODIFICATION TO W.
ST. MARTINS RD.
RECONSTRUCTION

G.12. A letter from the Milwaukee County Department of Transportation regarding a contract modification and proposed course of action to the W. St. Martins Road Reconstruction Project was placed on file on a motion by Alderman Taylor. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2016-7210
W. ST. MARTINS
RD./TESS CORNERS
CREEK BRIDGE
REPLACEMENT

G.13. Alderman Taylor moved to adopt Resolution No. 2016-7210, A RESOLUTION AMENDING A PROFESSIONAL SERVICES AGREEMENT FOR DESIGN OF W. ST. MARTINS ROAD/TESS CORNERS CREEK BRIDGE REPLACEMENT. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

RES. 2016-7211
AMEND RES NO. 2014-
7001 SPECIAL
ASSESSMENT ON W.
EVERGREEN ST.

G.14. Alderwoman Wilhelm moved to adopt Resolution No. 2016-7211, A RESOLUTION AMENDING RESOLUTION NO. 2014-7001, A FINAL RESOLUTION DIRECTING INSTALLATION OF, PAYMENT AND LEVY OF SPECIAL ASSESSMENT FOR INSTALLATION OF SANITARY SEWER, WATER MAIN, SANITARY SEWER LATERALS, WATER MAIN LATERALS, THE EXTENSION OF A PUBLIC STREET INCLUDING CURB AND GUTTER ALONG WITH THE NECESSARY APPURTENANCES ON W. EVERGREEN STREET EXTENSION FROM A POINT 800 FEET EAST OF S. 51ST STREET TO A POINT 1,360 FEET EAST OF S. 51ST STREET. Seconded by Alderman Taylor. All voted Aye; motion carried.

CHANGE ORDER NO. 1
WITH REESMAN'S
EXCAVATING FOR

G.15. Alderman Taylor moved to authorize staff to approve Change Order No. 1 increasing the contract with Reesman's Excavating & Grading, Inc. in the amount of \$1,349.71 for the S. 76th Street sanitary sewer and water main extension project. Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderman Taylor moved to approve use of \$1,349.71 from the Capital Improvement Plan contingency appropriation to make final payment to Reesman's Excavating & Grading, Inc. in the amount of \$16,925.28 for sanitary sewer and water main extension on S. 76th Street. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

RES. 2016-7212
TEMPORARY &
PERMANENT STORM
DRAINAGE EASEMENT
FOR TUCKAWAY
SHORES
CONDOMINIUMS

G.16. Alderman Dandrea moved to adopt Resolution No. 2016-7212, A RESOLUTION FOR ACCEPTANCE OF TEMPORARY AND PERMANENT STORM DRAINAGE EASEMENTS FOR TUCKAWAY SHORES CONDOMINIUMS, TUCKAWAY SHORES CONDOMINIUMS ADDITION #1 AND TUCKAWAY SHORES CONDOMINIUMS ADDITION #3 LOCATED ON TUCKAWAY SHORES DRIVE. Seconded by Alderman Taylor. All voted Aye; motion carried.

2017 CDBG PROJECTS

G.17. Alderman Taylor moved to authorize the Director of Administration to submit Letters of Support for the Southwest Interfaith Elderly Home Support Services Program for \$5,000 and Oak Creek Salvation Army-Homelessness Program for \$3,000; to submit a project application for Senior Health-Related Educational Programming for \$5,000; and to submit a project application for a Franklin Home Repair Grant Program, that would be administered directly through Milwaukee County, for the remaining portion of annual allocation. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

- JOB DESCRIPTION,
WAGE AND EXTENDED-
TERM PART-TIME
POSITION FOR LIBRARY
CLERKS
- G.18. Alderman Taylor moved to approve the job description and wage scale for the position of Library Clerk as revised and recommended by the Personnel Committee, to designate the position as an "Extended-Term Part-Time Position with Benefits-Partial Benefits Designation", and to authorize the Director of Administration to amend the Employee Handbook and Civil Service System Personnel Administration Program to incorporate such information in a form and manner as he so shall determine. Seconded by Alderman D. Mayer. All voted Aye; motion carried.
- 2016-2018 SUCCESSOR
LABOR AGREEMENT
PROFESSIONAL POLICE
OFFICERS ASSOC.
- G.19. Alderman Taylor moved to approve the Tentative Agreements between the City of Franklin and the Franklin Professional Police Officers Association for a 2016-2018 successor labor agreement and authorize the Mayor, Director of Clerk Services, and Director of Administration to execute a labor agreement incorporating the provisions of the Tentative Agreement and to authorize the Director of Administration to incorporate any such language into the Employee Handbook as he determines is necessary. Seconded by Alderman D. Mayer. All voted Aye; motion carried.
- BIDS FOR 2016
PAVEMENT MARKING
PROGRAM
- G.20. Alderman Taylor moved to authorize staff to advertise and receive sealed bids for the City of Franklin Public Works Department 2016 Pavement Marking Program. Seconded by Alderman D. Mayer. All voted Aye; motion carried.
- ANNUAL MARKET
ADJUSTMENT/
ADJUSTMENT TO WAGE
AND SALARY RATES
FOR NON-
REPRESENTED
EMPLOYEES
- G.21. Alderman Taylor moved to approve an Annual Market Adjustment and Market Adjustment to Wage and Salary Rates for non-represented employees of 2% effective with the start of the pay period with a pay date of July 22, 2016; to authorize application of the Progress-to-Market-Rate Adjustments, as per the adopted Compensation Plan, effective simultaneously but not compounding; to authorize moving the 6 individuals that remained below the minimum of their range up to the minimum of their range concurrent with the start of the pay period with a pay date of July 22, 2016; and to authorize the Director of Administration to incorporate said changes into the Employee Handbook and the Civil Service Personnel Administration Program in a manner as he determines is appropriate. Seconded by Alderman Barber. All voted Aye; motion carried.
- ORD. 2016-2225
REPEAL MUNICIPAL
CODE GRANTING
CERTAIN RESERVE
CLASS B LIQUOR
LICENSES
- G.22. Alderman Taylor moved to adopt Ordinance No. 2016-2225, AN ORDINANCE TO REPEAL §169-3. OF THE MUNICIPAL CODE, GRANTS FOR CERTAIN RESERVE CLASS B LIQUOR LICENSES, IN COMPLIANCE WITH 2015 WISCONSIN ACT 286 WHICH NOW PROHIBITS SUCH GRANTS. Seconded by Alderman Dandrea. All voted Aye; motion carried.

LICENSES AND PERMITS H.1.

Alderman Taylor moved to approve the following:

Grant 2015-16 and 2016-17 Operator licenses to Jared Anderson, 2123 W. Hope Ln., Oak Creek; Lisa Hansen, 14000 60th St., Bristol; Aaron Kopydlowski, S69W13415 Hale Park Cr., Muskego; Grant 2016-17 Operator licenses to Janine Adamczyk, 3217 W. Verona Ct., Milwaukee; Stephanie Anderson, 6930 S. 20th St., #2309, Oak Creek; Adrianna-Cristina Bratel, 7305 W. Holt Ct., Milwaukee; Alyssa DiStefano, 4101 W. Mary Ann Dr., Franklin; Milan Djurina, 2326 W. Clayton Crest Ave., Milwaukee; Marcus Drewek, 2957 S. 51st St., Milwaukee; Lori Falkowski, 10227 Parklane Ct., Hales Corners; Nicole Gaus, 6247 S. Howell Ave., Milwaukee; Michelle Henning, 6427 S. 19th St., Milwaukee; Ivan Jakircevic, 3766 N. 77th St., Milwaukee; Ellen Jensen, 2415 W. Hilltop Ln., Oak Creek; Ashley Jungbauer, 637 Mohr Circle, Waterford; Krystal Klemme, 10415 W. Herda Place, Franklin; Boris Kuzmanovic, 2440 S. Kinnickinnic Ave., #508, Milwaukee; Brittney Levenhagen, 6516 S. 35th St., #206, Franklin; Jacob Malecki, 10219 W. 6 Mile Rd., Franksville; Michelle McDonald, 718 S. 112th St., West Allis; John Medrow, 2175 E. Hickory Dr., Oak Creek; Susan Mlynczak, 6921 Spring St., Mt Pleasant; Cole Passehl, 5715 3rd Mile Rd., Franksville; Suzanne Serrahn, 9438 W. Lapham St., West Allis; Elyzabeth Smith, 5389 Orchard Ln., Greendale; Amanda Snieg, 2133 S. 75th St., West Allis; Sandra Strucel-Dzioba, 6611 S. Whitnall Edge Rd., Franklin; Kali Tans, 655 E. Parkway Estates Dr., Oak Creek; Daniel Crivello, 1220 Ridge Rd., Waukesha; Teki Dilaveri, 4338 W. Victory Creek Dr., Franklin; Andrew Page, 4642 W. Crawford Ave., Greenfield; Billie Russ, S65W13964 Janesville Rd., Muskego; Rebecca Albert, 10125 W. St. Martins Rd., Franklin; Josip Jaksic, 413 S. 67th St., Milwaukee; Jon Mankowski, 3555 S. Sunnyslope Rd., New Berlin; Sarah Neumann, 6997 Wildwood Creek Ct., Franklin; Troy Petroske, 3555 S. Sunnyslope Rd., New Berlin; Margaret Pieper, 2925 S. Superior St., Milwaukee;

Grant 2016-17 Operator license pending correction to application, to Alyssa Blackburn, 9512 S. Ryan Green Ct., #5, Franklin;

Grant 2015-16 and 2016-17 Operator licenses pending correction to applications, to Jessica Wendorf, 6160 S. 6th St., #E23, Milwaukee;

Grant 2015-16 and 2016-17 Operator licenses with a letter of warning from the City Clerk, to Kimberley Singer, 9830 W. Elm Leaf Ln., Franklin; Nicole Price, 7699 Overlook Dr., Greendale;

Grant 2016-17 Operator licenses with a letter of warning from the City Clerk, to Andrew Dahlke, 2532 Posekany Ln., East Troy; Vito Siciliano, 26500 104th St., Trevor; Joel Clifford, 2155A S. Kinnickinnic Ave., Milwaukee; Bianca Boly, 2747 S. Herman St.,

Milwaukee;

Hold 2016-17 Operator license application for appearance from Bryttnie Tarczewski, 10804 S. Richard Rd., Oak Creek;

Deny 2015-16 and 2016-17 Operator licenses for falsifying application and as a habitual law offender to Scott Muehlenberg, 2930 S. 70th St., Milwaukee;

Grant 2016-17 Change of Agent for Walgreen #5459, Sara Mason;

Grant 2016-17 Class B Combination license, subject to payment of license fees and Department of Revenue hold, to Petates LLC;

Grant 2016-17 Class B Combination, Entertainment & Amusement licenses, subject to payment of license fees, to The Landmark of Franklin LLC;

Grant Temporary Entertainment & Amusement license to the City of Franklin Police Department for the National Night Out on August 1, 2016;

Deny the PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) Grant for the Federation of Croatian Societies, Inc. for their Class B Beer plus Reserve Class B Liquor, based on the purpose of the PUBLIC Grant.

Seconded by Alderman D Mayer. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

- I.1. Alderman D. Mayer moved to approve net general checking account City vouchers in the range of Nos. 161052 through 161202 in the amount of \$846,331.63 dated June 3, 2016 through June 16, 2016. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderman Dandrea moved to approve net general checking account City vouchers in the range of Nos. 161203 through 161271 in the amount of \$58,508.21 dated June 17, 2016 through June 23, 2016. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

Alderman D. Mayer moved to approve net payroll dated June 10, 2016 in the amount of \$365,234.94 and payments of the various payroll deductions in the amount of \$206,667.63 plus any City matching payments where required. Seconded by Alderman Barber. On roll call, all voted Aye; motion carried.

Alderman Dandrea moved to approve net payroll dated June 24, 2016 in the amount of →\$371,242.88 and payments of the various payroll deductions in the amount of \$368,414.31 plus any City matching payments where required. Seconded by Alderman D. Mayer. On roll call, all voted Aye; motion carried.

Alderman D. Mayer moved to approve net payroll dated July 8, 2016 estimated at \$360,000 and payments of the various payroll deductions estimated at \$209,000 plus any City matching payments where required. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderman D. Mayer moved to approve property tax refunds and settlements Nos. 16396 through Nos. 16404 in the amount of \$4,604,517.88 dated June 3, 2016 through June 16, 2016. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderman Dandrea moved to approve the release of Library voucher payments upon approval of the Library Board. Seconded by Alderwoman Wilhelm. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 8:24 p.m. Seconded by Alderman Dandrea. All voted Aye; motion carried.

<p>APPROVAL</p> <p><i>Slew</i></p>	<p>REQUEST FOR COMMON COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>7/19/2016</p>
<p>ORGANIZATIONAL BUSINESS</p>	<p>Board and Commission Appointments</p>	<p>ITEM NUMBER</p> <p><i>E.1.</i></p>

The following appointments have been submitted by the Mayor for Council confirmation:

- (a) Ann Adamski, 7825 S. Stonebrook Ct., Ald. Dist. 3 – Civic Celebrations Commission (3 year term expiring 6/30/19).
- (b) Matt Cool, 4934 W. Forest Hill Ave., Ald. Dist. 5 – Economic Development Commission (2 year term expiring 6/30/18).

COUNCIL ACTION REQUESTED

Motion to confirm Ann Adamski, 7825 S. Stonebrook Ct., Ald. Dist. 3 – Civic Celebrations Commission (3 year term expiring 6/30/19).

Motion to confirm Matt Cool, 4934 W. Forest Hill Ave., Ald. Dist. 5 – Economic Development Commission (2 year term expiring 6/30/18).

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 7/19/2016
REPORTS & RECOMMENDATIONS	2016 NATIONAL NIGHT OUT DONATIONS	ITEM NUMBER <i>G. l. a.</i>

The City of Franklin Police Department has received donations from the following businesses to be put toward the purchase of materials and supplies for the 2016 National Night Out Event to be held on August 1.

Bank Mutual	\$ 100.00
Chiropractic Care Center Franklin S.C.	\$ 100.00
Connect Cell, Inc.	\$ 100.00
FAPSU (Franklin Area Parents & Students United)	\$ 100.00
Faith Presbyterian Church	\$ 100.00
Johnson Bank	\$ 500.00
Krsko Chiropractic Clinic, S.C.	\$ 100.00
M Squared, Inc. (Crossroads Pizza)	\$ 100.00
Masterlock	\$ 500.00
Parallel Employment Group	\$ 500.00
Popcare, LLC	\$ 100.00
Pyramax Bank	\$1000.00
Northwestern Mutual	\$1000.00
WE Energies	\$ 500.00
Waterstone Bank	\$2000.00
Victory Creek Accounting, LLC	\$ 100.00
TOTAL	\$6,900.00

COUNCIL ACTION REQUESTED

Motion to accept donations as listed in the amount of \$6,900 for deposit into the Crime Prevention Donation Account to be used for the 2016 National Night Out Event.

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>July 19, 2016</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>\$100 Donation from Ronald Toro for bicycle bells - 2017 Bike Rodeo</p>	<p>ITEM NUMBER</p> <p><i>G.I.B.</i></p>

The Health Officer requests to accept the \$100 donation from Ronald Toro for the 2017 Bike Rodeo.

COUNCIL ACTION REQUESTED

A motion to accept the \$100.00 donation

<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;">07/19/16</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 8661 “RELIGIOUS ORGANIZATIONS” TO ALLOW FOR SUCH USE AS A PERMITTED USE IN THE B-3 COMMUNITY BUSINESS DISTRICT (ROOT RIVER CHURCH INC., APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.2.</i></p>

At its June 23, 2016 meeting the Plan Commission, following a properly noticed public hearing, tabled the subject application.

At their July 7, 2016 meeting, the Plan Commission recommended denial of an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 8661 “Religious Organizations” to allow for such use as a permitted use in the B-3 Community Business District, upon consideration of the regulatory criteria set forth in the Unified Development Ordinance and the Unified Development Ordinance provisions for the B-3 Community Business District, and as discussed and heard at the June 23, 2016 Plan Commission meeting and this meeting, and as set forth in the Department of City Development staff report for the Root River Church, Inc. Text Amendment Application and the memo and presentation on the subject matter from the City Attorney’s Office, as well as the facts presented, including, but not limited to the fact that religious organization use is currently allowed as a permitted use in five other zoning districts in the City, the fact that the stated intended church use property is within the Area A retail commercial redevelopment area which has been under review by the City for the past two plus years, and the history of a lack of any arguably similar uses existing in the B-3 District, which is intended for large groupings of retail sales and customer services establishments in a community serving shopping area for commercial uses and development to improve the tax base and quality of life in the City of Franklin, and to further recommend to the Common Council to direct staff to review and prepare an application to amend the Unified Development Ordinance text to remove some or all of the “Membership Organizations” as a permitted use in the B-3 District (Root River Church Inc., Applicant).

COUNCIL ACTION

A motion to deny Ordinance No. 2016-_____ to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 8661 “Religious Organizations” to allow for such use as a permitted use in the B-3 Community Business District (Root River Church Inc., Applicant).

ORDINANCE NO. 2016-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT
TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 8661
"RELIGIOUS ORGANIZATIONS" TO ALLOW FOR SUCH USE AS A PERMITTED USE
IN THE B-3 COMMUNITY BUSINESS DISTRICT
(ROOT RIVER CHURCH INC., APPLICANT)

WHEREAS, Table 15-3.0603 of the Unified Development Ordinance sets forth the permitted and special uses in the nonresidential zoning districts; and

WHEREAS, Root River Church Inc. having applied for a text amendment to Table 15-3.0603, Standard Industrial Classification Title No. 8661 "Religious organizations", to allow for such use as a Permitted Use in the B-3 Community Business District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to allow for Standard Industrial Classification Title No. 8661 "Religious organizations" as a Permitted Use in the B-3 Community Business District, and having held a public hearing on the proposal on the 23rd day of June, 2016 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: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to: Standard Industrial Classification Title No. 8661 "Religious organizations", is hereby amended as follows: insert "P" (Permitted Use) in the B-3 column.

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 _____, 2016, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

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

Meeting of June 23, 2016

Unified Development Ordinance Text Amendment

RECOMMENDATION: City Development Staff recommends denial of the proposed Unified Development Ordinance Text Amendment to Table 15-3.0603 to allow Standard Industrial Classification Title No. 8661 Religious Organizations as a permitted use in the B-3 Community Business District.

Project Name:	SIC Code No. 8661 to the B-3 District
Project Address:	N/A
Applicant:	Root River Church, Inc.
Owners (property):	N/A
Current Zoning:	N/A
2025 Comprehensive Master Plan:	N/A
Use of Surrounding Properties:	N/A
Applicant Action Requested:	Recommendation of approval for the proposed Unified Development Ordinance Text Amendment to add SIC Code No. 8661 as a permitted use in the B-3 District.

INTRODUCTION:

On May 17, 2016, Root River Church, Inc. submitted an application for a Unified Development Ordinance (UDO) Text Amendment to amend Table 15-3.0603 to allow Standard Industrial Classification Title No. 8661 Religious Organizations as a Permitted Use in the B-3 Community Business District.

If the UDO Text Amendment is approved, the applicant Root River Church, Inc., anticipates moving into the Orchard View shopping center at 7140-7240 South 76th Street.

PROJECT DESCRIPTION AND ANALYSIS:

Table 15-3.0603 of the Unified Development Ordinance sets forth those uses, which are permitted and special uses in all nonresidential zoning districts in the City of Franklin. Use designations are based on the Standard Industrial Classification (SIC) Manual (1987, or latest edition) published by the Executive Office of the President, Office of Management and Budget.

The SIC manual describes SIC Title No. 8661 Religious Organizations as:

“Establishments of religious organizations operated for worship, religious training or study, government or administration of an organized religion, or for promotion of religious activities. Other establishments maintained by religious organizations, such as

educational institutions, hospitals, publishing houses, reading rooms, social services, and secondhand stores, are classified according to their primary activity. Also included in this industry are religious groups which reach the public through radio or television media. Establishments of such religious groups which produce taped religious programming for television are classified in Industry 7812, and those which produce live religious programs are classified in Industry 7922. Establishments of such groups which operate radio or television stations are classified in Communications, Major Group 48.”

The following specific uses are associated with SIC Title No. 8661 and included in the description:

- Churches
- Convents
- Monasteries
- Religious instruction, provided by religious organizations
- Religious organizations
- Shrines, religious
- Temples

Review of the City’s Unified Development Ordinance indicates that SIC Code 8661 Religious Organizations is allowed (as a permitted use, see attached Table 15-3.0603) within five existing zoning districts:

- the I-1 Institutional District (which is specifically intended for public and quasi-public uses including religious organizations);
- the CC Civic Center District (which is specifically intended to promote mixed uses including institutional uses); and
- those zoning districts which are intended primarily for office/mixed uses (B-6 Professional Office District, B-7 South 27th Street Mixed Use Office District, and the OL-1 Office Overlay District).

Staff can also note that vacant land and/or vacant tenant spaces often and currently exist within some of the lands zoned I-1, CC, B-6, B-7 and OL-1.

Furthermore, staff finds that the proposed use is not complementary to the B-3 District Intent, which is set forth below for review. The B-3 District envisions retail sales and customer service establishments that are compatible in function. Staff believes that complementary uses would include those that provide a synergy with, and generates more vehicular and pedestrian traffic for, existing businesses. Religious organizations would generally generate little traffic throughout the week and during normal business hours, except for the typical weekend church services. Furthermore, there is little synergy between religious organizations and other retail business uses. The proposed use would likely not help attract additional retailers to B-3 zoned shopping centers.

Section 15-3.0303 B-3 Community Business District

A. **District Intent.** The B-3 Community Business District is intended to:

1. Accommodate the needs of a much larger consumer population than served by the B-1 Neighborhood Shopping District.
2. Provide for relatively large groupings of retail sales and customer service establishments in a community-serving shopping area.
3. Accommodate the clustering of buildings on parcels of land under individual or multiple ownership.
4. Provide for an arrangement of retail trade establishments that are compatible in function and operation.
5. Provide on-site parking for customer automobiles combined with a pedestrian-oriented shopping environment.

Staff would further note its concern that the proposed text amendment would allow religious organizations, irrespective of size and impact upon adjacent businesses and the surrounding neighborhood, as a permitted use in all B-3 zoned districts (see attached map of B-3 properties in Franklin), not solely at Orchard View Shopping Center.

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.”*

Wisconsin State Statute 66.1001 also requires that “...if a local governmental unit enacts or amends any of the following ordinances, the ordinance shall be consistent with that local governmental unit’s comprehensive plan:...City of village zoning ordinances enacted or amended under s. 62.23(7)...”

Staff would note that from land use, planning, and zoning standpoints, many religious organizations: would not complement existing businesses with increased vehicular or pedestrian traffic during normal business hours; nor attract other retail business uses; would occupy tenant space or land primarily intended for more compatible commercial uses; and may be tax exempt.

Therefore, addition of religious organizations to the B-3 zoning district would not be consistent with certain elements of the City’s Comprehensive Master Plan including but not limited to:

- The Economic Development Principle, which includes “stabilize and expand a diverse tax base.”
- The following Economic Development goals, objectives and policies:
 - “that it remain the goal of the Common Council to obtain the 70/30 ratio of residential to commercial assessed valuation.”
 - “to allow for various types of development, as long as the value provides a high increment to the City, thereby helping to decrease the tax burden.”
- The Land Use Principle, which includes “To enhance the quality of life for present and future generations by providing economic growth through the highest quality of residential, recreational, and business development in Southeastern Wisconsin.”
- The following Land Use goals and objectives:
 - “Encourage high quality commercial, retail, and office development in appropriate locations.”

- “Direct retail centers and other high-intensity and community and regional scale commercial development, other than those specifically identified in the Land Use Plan, to major traffic arterials.”

STAFF RECOMMENDATION:

Department of City Development staff recommends denial of the proposed Unified Development Ordinance Text Amendment to Table 15-3.0603 to allow Standard Industrial Classification Title No. 8661 Religious Organizations as a permitted use in the B-3 Community Business District.

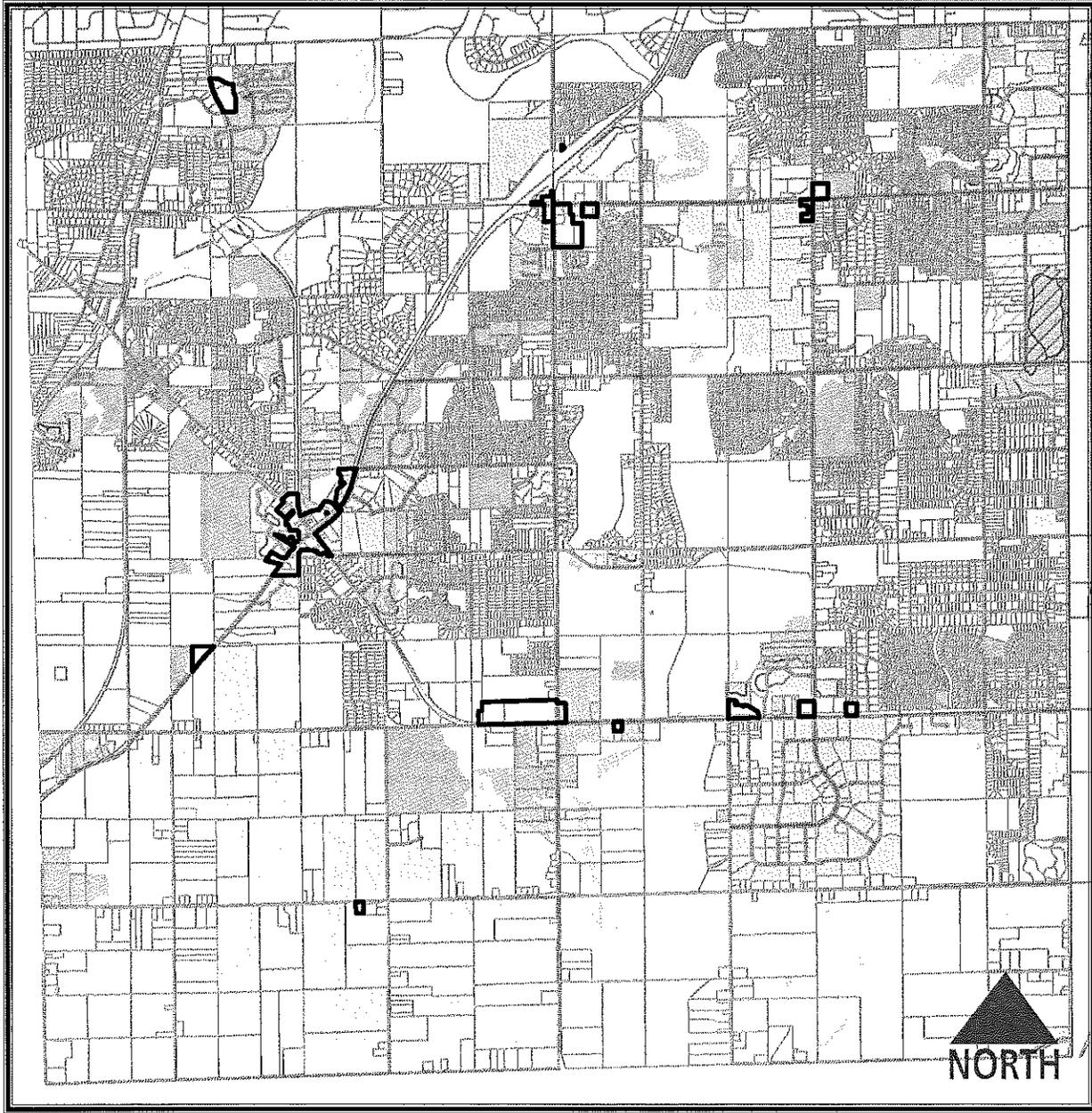
Table 15-3.0603 (continued)

SIC	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
806	Hospitals																					
8062	General medical & surgical hospitals							S			P				P	S						
8063	Psychiatric hospitals							P			P				P	S						
8069	Specialty hospitals except psychiatric							P			P				P	S						
807	Medical and Dental Laboratories																					
8071	Medical laboratories		P	P				P	S					P	P	P	P	S				
8072	Dental laboratories		P					P		S				P	P	P	P	S				
808	Home Health Care Services																					
8082	Home health care services		P	P	P	P		P	S								P	S				P
809	Health and Allied Services, not elsewhere classified																					
8092	Kidney dialysis centers		S				P	P	S		P				P	P	S					P
8093	Specialty outpatient clinics, not elsewhere classified		S				P	P	S		P				P	P	S					P
8099	Health and allied services, not elsewhere classified		S		S		P	P	S		P				P	P	S					P
81	LEGAL SERVICES																					
811	Legal Services																					
8111	Legal Services		P	P	P	P		P	P	P	P				P	P	P					P
82	EDUCATIONAL SERVICES																					
821	Elementary and Secondary Schools																					
8211	Elementary and secondary schools										P											
822	Colleges and Universities																					
8221	Colleges and universities										P											
8222	Junior colleges										P											
823	Libraries																					
8231	Libraries										P											
824	Vocational Schools										P											
8243	Data processing schools										P				P	A	P					
8244	Business and secretarial schools		P		P			S/A			P		S		S	A	P					
8249	Vocational schools, not elsewhere classified		P		P			S/A			P		S	S		A	P					
829	Schools & Educational Services, not elsewhere classified																					
8299	Schools & educational services, not elsewhere classified				P			S			S		S	S								
83	SOCIAL SERVICES																					
832	Individual and Family Services																					
8322	Individual and family services		P	P			S		P				P		S		P					S
833	Job Training and Related Services																					
8331	Job training and related services		P		P		P	S/A	P				P	P		A	P					P
835	Child Day Care Services																					
8351	Child day care services		S	S	P		S	S/A	S				S		S	A	S					S
836	Residential Care																					
8361	Residential care																					
839	Social Services, not elsewhere classified																					
8399	Social services, not elsewhere classified		P	P					P								S					S
84	MUSEUMS, BOTANICAL, ZOOLOGICAL GARDENS																					
841	Museums and Art Galleries																					
8412	Museums and art galleries		P	P					P	S	P				P		P					
842	Botanical and Zoological Gardens																					
8422	Botanical and zoological gardens										P											
86	MEMBERSHIP ORGANIZATIONS																					
861	Business Associations																					
8611	Business associations		P	P			P	P	P						P	P	P					P
862	Professional Organizations																					
8621	Professional organizations		P	P			P	P	P						P	P	P					P
863	Labor Organizations																					
8631	Labor organizations		P	P			P	P	P						P	P	P					
864	Civic and Social Associations																					
8641	Civic and social associations		P	P	P		P	P	P						P	P	P					
865	Political Organizations																					
8651	Political organizations		P	P			P	P	P						P	P	P					
866	Religious Organizations																					
8661	Religious organizations			P			P	P	P		P					P						
869	Membership Organizations, not elsewhere classified																					
8699	Membership organizations, not elsewhere classified		P	P			S	S	P						S	S	P					P
87	ENGINEERING & MANAGEMENT SERVICES																					
871	Engineering & Architectural Services																					
8711	Engineering services		P		P		P	P	S	P					P	P	S					
8712	Architectural services		P		P		P	P	P	P					P	P	P					
8713	Surveying services		P		P		P	P	S	P					P	P	S					
872	Accounting, Auditing, & Bookkeeping																					
8721	Accounting, auditing, & bookkeeping		P		P		P	P	P	P					P	P	P					
873	Research and Testing Services																					
8731	Commercial physical research			S			S	S	S						S	S	S					
8732	Commercial nonphysical research			S			S	S	S						S	S	S					
8733	Noncommercial research organizations			S			S	S	S						S	S	S					
8734	Testing laboratories													P	P							
874	Management and Public Relations																					
8741	Management services		P		P		P	P	P	S					P	P	P					
8742	Management consulting services		P		P		P	P	P						P	P	P					

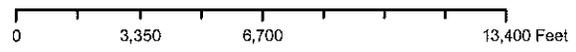
(Permitted Use = P, Special Use = S, Not Permitted = Blank)



City of Franklin B-3 Community Business District Zoning



Planning Department
(414) 425-4024



2013 Aerial Photo

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



Franklin

JUN 13 2016

City Development

June 7, 2016

Greetings from Root River Church,

This letter accompanies our application for Unified Development Ordinance Text Amendment to outline our desire to rent Unit 14 in the southeast corner of Orchard View Shopping Center for the purpose of the worship of the Almighty God.

We at Root River Church, in seeking a location to plant our new fellowship of the Assemblies of God, felt compelled to establish a place of worship in the City of Franklin. After spending quite some time studying the demographics of Franklin and surrounding municipalities, we found the ideal location for our fellowship to be at the intersection of 76th and Rawson Ave. Our MissionInsite study, based on a 5 mile radius reach, found that the area of influence of Root River Church would be the entirety of the communities of Franklin, Greendale, Greenfield, and Hales Corners. It further found that portions of Oak Creek, New Berlin, and Muskego also fall into that 5 mile area of influence. The total estimated population from which Root River Church may reasonably expect to draw is 155,254. Church locations are destinations within a community. This means that people from the surrounding communities who are drawn to Root River Church's services are willing to pass multiple churches to attend the one that best fits their expression of worship. This will result in increased revenue for the City of Franklin by capturing money which would otherwise be spent in their local communities.

IMPACT

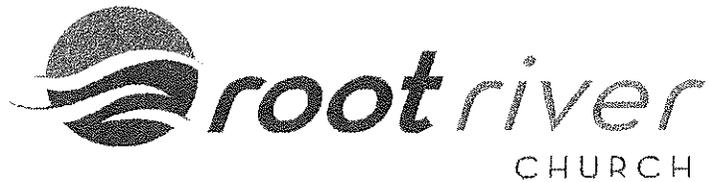
The positive impacts churches have on any given community are well documented.

- According to Ram Cnaan, Professor of Social Policy at Penn State, an average sized church congregation can bring between \$5,00-\$10,000 per adherent per year of additional business into a city. Root River Church expects to have an average weekly attendance of approximately 125 people by the end of 2016 and approximately 200 by the end of 2017. When adding up the revenues generated by the attendance of our adherents to several church sponsored weekly events to revenue generated by weddings, funerals, conferences, and other events the impact will be quite significant. Based on Cnaan's findings, gas stations, restaurants, drug stores and other service industries in the area may reasonably expect to see a minimum of \$625,000 of new revenue generated by the presence of Root River Church in 2017 and significantly more the following year.
- The average small church invests around \$115,009 a year into its community providing services such as elderly care, addiction recovery programs, after school mentoring and many other programs. In addition, most churches give at least 10% of their budgets back to missions and outreach efforts within their own community (Boddie, et al. 2001).
- Churches are statistically proven to decrease crime rates, particularly decreasing levels of assault, burglary, larceny (Bainbridge 1989), and drug use (Fagan 2006).

P.O. Box 321113
Franklin, WI 53132

Scott Harms, Lead Pastor
414.940.2917

scott@rootriverchurch.com
www.rootriverchurch.com



Operations Pastor Josh Blackson of Elevation Church in Charlotte, NC conducted a survey of local businesses that shared a shopping center location with the church to determine how the merchants were impacted by the church's presence. The survey found the following:

- 87% of respondents indicated that they had experienced an increase in customer traffic.
- 90% reported an increase in sales.
- 85% claimed they had seen an increase in repeat customers.
- None of the respondents indicated any negative impact on their business.

There is no reason to believe that the impact on the Orchard View Shopping Center and surrounding merchants would be any less favorable. Because of the surrounding infrastructure, neither the current shopping center tenants nor those travelling on Rawson Ave or 76th Street should expect that the presence of the church will pose any inconvenience. At any given time, in excess of 65% of the parking spaces of the Orchard View Shopping Center are vacant so parking should not be problematic.

Consistency with Comprehensive Master Plan

On page 1-6 of the introduction of the City of Franklin's Comprehensive Master Plan, it is wisely noted that "It is necessary to look beyond only the physical attributes of growth in order to obtain the successful implementation of the Comprehensive Master Plan. Healthy communities grow in all three areas [social, economic, and physical], and a balance should be achieved to provide a quality environment for residents." Unfortunately, in the more than 400 pages that comprise the City's Master Plan, the only references to churches are purely historical. Churches are a perfect fit for the fulfillment of the social aspect of the Master Plan. This is especially true of Root River Church. We are committed to serving the City of Franklin not only by providing spiritual instruction and growth, but practically through providing services to all age groups and by community involvement. In fact, Root River Church has been in attendance at meetings of the Civic Celebration Commission and plans to volunteer throughout the event. We plan to have a robust teen program run by a group of leaders with great experience and leadership qualities. We intend to have trained and qualified counselors, available by appointment, to offer counselling free of charge to those who are in need. Clearly, there is significant social value in adding churches in the City of Franklin.

In addressing the Land Use Design Policies, chapter 5 of the Comprehensive Master Plan under the section titled *Commercial Policy*, describes the Activities and Uses of Commercial Property on page 5-71 Paragraph D stating that the City of Franklin will "Encourage mixed uses. Mixed uses within individual buildings, within individual developments, and between adjacent developments shall be allowed." It goes on to declare that "While a mix of commercial uses is envisioned to be the most common example of mixed use within the City, a mix of compatible residential, commercial and/or business uses may often be appropriate as well." In order to maintain the integrity of the social aspect of the strategy and compliance with the Religious Land Use and Institutionalized Persons Act of 2000, the placement of Root River Church in the Orchard View Shopping Center seems to be remarkably consistent



with the City's Master Plan. This speaks loudly of the City's desire to "encourage mixed uses" and to "look beyond the physical attributes of growth" to communicate to the citizens of this community that the leadership is serious about its social development as well.

INTENT

Root River Church will conduct weekly services on Sundays commencing September 11, 2016 at 10:00 am. Services may be expected to last for approximately 70 minutes. As previously stated, we expect weekly attendance to average 125 people by the end of 2016. With a vigorous outreach plan and community service, we expect that number to increase to 200 people by the end of 2017. For this reason, we intend to negotiate a lease term of 2-3 years to occupy Unit 14 of the Orchard View Shopping Center at 7140 S. 76th St. with O'Malley Investments. It is our intent to divide the space allowing for 2 to 3 classrooms for the care of children from birth through 5th grade during church services. There will also be separate services for students from 6th through 12th grades on a separate night of the week. This will likely take place either Wednesday or Friday evenings. It should be expected that there will also be other group gatherings and activities, such as men's, women's, and seniors' groups taking place throughout the week. We expect to conduct some sort of group gathering at least 4 times per week. As other needs arise within the community additional efforts will be taken to accommodate those needs to the extent that it is consistent with the theology, vision, and mission of Root River Church to do so.

According to the City's Principle Planner, the proposed use is classified under SIC 8661 Religious Organizations. Table 15-3.063 of the Unified Development Ordinance lists the permitted uses under the B-3 Commercial column for SIC 86 Membership Organizations on page 3-94. Included in these permitted uses are: Business Associations, Professional Organizations, Labor Organizations, Civic and Social Associations, Political Organizations, and "Membership organizations not elsewhere classified." The only organization type listed as Not Permitted under this section of the table is Religious Organizations, SIC 8661.

Based on the information outlined in this project narrative and to the benefit of the City of Franklin, it is the intent of Root River Church through this Application for Text Amendment to the Unified Development Ordinance to respectfully ask that Standard Industrial Classification No. 8661: Religious Organizations be allowed as a Permitted Use under Table 15-3.0603 of the City of Franklin's Unified Development Ordinance.

Sincerely,

A handwritten signature in black ink that reads "Scott Harms". The signature is written in a cursive style with a large, prominent "S" at the beginning.

Scott Harms

Table 15-3.0603 (continued)

SIC	NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	CC	VB	I-1	P-1	M-1	M-2	BP	A-1	A-2	M-3	L-1	PDS
	808	Hospitals																		
	8082	General medical & surgical hospitals									P									
	8083	Psychiatric hospitals									P									
	8089	Specialty hospitals except psychiatric									P									
	807	Medical and Dental Laboratories																		
	8071	Medical laboratories		P	P								P	P	P					
	8072	Dental laboratories		P						S			P	P	P					
	809	Home Health Care Services																		
	8092	Home health care services		P	P	P	P													P
	809	Health and Allied Services, not elsewhere classified																		
	8092	Kidney dialysis centers		S				P			P				P					P
	8093	Specialty outpatient clinics, not elsewhere classified		S				P			P				P					P
	8099	Health and allied services, not elsewhere classified		S				P			P				P					P
	81	LEGAL SERVICES																		
	811	Legal Services																		
	8111	Legal Services	P	P	P	P		P	P	P						P				P
	82	EDUCATIONAL SERVICES																		
	821	Elementary and Secondary Schools																		
	8211	Elementary and secondary schools									P									
	822	Colleges and Universities																		
	8221	Colleges and universities									P									
	8222	Junior colleges									P									
	823	Libraries																		
	8231	Libraries									P									
	824	Vocational Schools									P									
	8243	Data processing schools									P				P					
	8244	Business and secretarial schools		P							P		S		S					
	8249	Vocational schools, not elsewhere classified		P							P		S	S						
	829	Schools & Educational Services, not elsewhere classified																		
	8299	Schools & educational services, not elsewhere classified									S		S	S						
	83	SOCIAL SERVICES																		
	832	Individual and Family Services																		
	8322	Individual and family services		P	P			S							S					S
	833	Job Training and Related Services																		
	8331	Job training and related services		P				P				P	P							P
	835	Child Day Care Services																		
	8351	Child day care services		S	S			S					S		S					S
	836	Residential Care																		
	8361	Residential care			P															S
	839	Social Services, not elsewhere classified																		
	8399	Social services, not elsewhere classified		P	P															S
	84	MUSEUMS, BOTANICAL, ZOOLOGICAL GARDENS																		
	841	Museums and Art Galleries																		
	8412	Museums and art galleries		P	P					S	P				P					
	842	Botanical and Zoological Gardens																		
	8422	Botanical and zoological gardens									P									
	86	MEMBERSHIP ORGANIZATIONS																		
	861	Business Associations																		
	8611	Business associations		P	P			P							P					P
	862	Professional Organizations																		
	8621	Professional organizations		P	P			P							P					P
	863	Labor Organizations																		
	8631	Labor organizations		P	P			P							P					
	864	Civic and Social Associations																		
	8641	Civic and social associations		P	P			P							P					
	865	Political Organizations																		
	8651	Political organizations		P	P			P							P					
	868	Religious Organizations																		
	8681	Religious organizations						P			P									
	869	Membership Organizations, not elsewhere classified																		
	8699	Membership organizations, not elsewhere classified		P	P			S							S					P
	87	ENGINEERING & MANAGEMENT SERVICES																		
	871	Engineering & Architectural Services																		
	8711	Engineering services		P				P	S	P					P					
	8712	Architectural services		P				P	S	P					P					
	8713	Surveying services		P				P	S	P					P					
	872	Accounting, Auditing, & Bookkeeping																		
	8721	Accounting, auditing, & bookkeeping		P				P	P	P					P					
	873	Research and Testing Services																		
	8731	Commercial physical research				S		S							S					
	8732	Commercial nonphysical research				S		S							S					
	8733	Noncommercial research organizations				S		S							S					
	8734	Testing laboratories											P	P						
	874	Management and Public Relations																		
	8741	Management services		P				P	S	S					P					
	8742	Management consulting services		P				P	S						P					

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

<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;">07/19/16</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION TO AMEND RESOLUTION NOS. 2001-5145, 2001-5317, 2005-5865 AND 2006-6091 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A 44 UNIT RESIDENTIAL COMMUNITY USE LOCATED AT WEST TUCKAWAY PINES CIRCLE TO ALLOW FOR CONSTRUCTION OF SIX TWO-UNIT BUILDINGS (BUILDINGS 0, 1, 2, 5, 10 AND 11) WITHIN THE TUCKAWAY PINES CONDOMINIUM DEVELOPMENT TO BE LOCATED AT 7556, 7558, 7560 WEST TUCKAWAY PINES CIRCLE (BUILDING 0), 7550, 7552, 7554 WEST TUCKAWAY PINES CIRCLE (BUILDING 1), 7530, 7532, 7534 WEST TUCKAWAY PINES CIRCLE (BUILDING 2), 7501, 7503, 7505 WEST TUCKAWAY PINES CIRCLE (BUILDING 5), 7543, 7545, 7547 WEST TUCKAWAY PINES CIRCLE (BUILDING 10) AND 7542, 7544, 7546 WEST TUCKAWAY PINES CIRCLE (BUILDING 11) (BUTLER CREEK PROPERTIES, LLC, APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G. 3.</i></p>
<p>At its June 23, 2016 meeting the Plan Commission, following a properly noticed public hearing, tabled the subject application.</p> <p>At their July 7, 2016 meeting, the Plan Commission recommended approval of a resolution to amend Resolution Nos. 2001-5145, 2001-5317, 2005-5865 and 2006-6091 imposing conditions and restrictions for the approval of a special use for a 44 unit residential community use located at West Tuckaway Pines Circle to allow for construction of six two-unit buildings (Buildings 0, 1, 2, 5, 10 and 11) within the Tuckaway Pines Condominium development to be located at 7556, 7558, 7560 West Tuckaway Pines Circle (Building 0), 7550, 7552, 7554 West Tuckaway Pines Circle (Building 1), 7530, 7532, 7534 West Tuckaway Pines Circle (Building 2), 7501, 7503, 7505 West Tuckaway Pines Circle (Building 5), 7543, 7545, 7547 West Tuckaway Pines Circle (Building 10) and 7542, 7544, 7546 Tuckaway Pines Circle (Building 11), with the inclusion of the two documents distributed at the meeting and subject to the removal of Condition No. 7.f. (Butler Creek Properties, LLC, Applicant).</p> <p>The two documents distributed at the Plan Commission meeting included a list of requirements drafted by and requested from the Tuckaway Condominium Association Board of Directors and a rendering of Building No. 5's location and appearance</p>		

between the two adjacent buildings. Those documents have been included as part of Exhibit A. Condition No. 7.f. required that "Decks shall be covered and include brick clad deck posts."

Based upon discussions with the applicant and Alderman Dandrea, staff also recommends the removal of Condition No. 7.a. related to the addition of a quoin feature for Building No. 5. Staff recommends that that condition be replaced with the condition below.

- a. Soldier coursing shall be provided at the base of the building to match existing buildings and at top of brick.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2016-_____, a resolution to amend Resolution Nos. 2001-5145, 2001-5317, 2005-5865 and 2006-6091 imposing conditions and restrictions for the approval of a special use for a 44 unit residential community use located at West Tuckaway Pines Circle to allow for construction of six two-unit buildings (Buildings 0, 1, 2, 5, 10 and 11) within the Tuckaway Pines Condominium development to be located at 7556, 7558, 7560 West Tuckaway Pines Circle (Building 0), 7550, 7552, 7554 West Tuckaway Pines Circle (Building 1), 7530, 7532, 7534 West Tuckaway Pines Circle (Building 2), 7501, 7503, 7505 West Tuckaway Pines Circle (Building 5), 7543, 7545, 7547 West Tuckaway Pines Circle (Building 10) and 7542, 7544, 7546 Tuckaway Pines Circle (Building 11), with the inclusion of the two documents distributed at the meeting and subject to the removal of Condition No. 7.f. (Butler Creek Properties, LLC, Applicant).

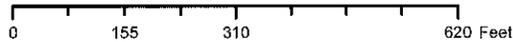


Tuckaway Pines Circle

TKN: 804 0087 000; 804 0066 000; 804 9999 005; 804 0075 000



Planning Department
(414) 425-4024



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



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of June 23, 2016

Special Use Amendment

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

Project Name:	Tuckaway Pines Condominiums Special Use Amendment
Project Address:	7556, 7558, 7560 West Tuckaway Pines Circle (Building 0), 7550, 7552, 7554 West Tuckaway Pines Circle (Building 1), 7530, 7532, 7534 West Tuckaway Pines Circle (Building 2), 7501, 7503, 7505 West Tuckaway Pines Circle (Building 5), 7543, 7545, 7547 West Tuckaway Pines Circle (Buildings 10) and 7542, 7544, 7546 West Tuckaway Pines Circle (Building 11)
Applicant:	Wayne Foster, Butler Creek LLC
Property Owner:	North Shore Bank FSB
Current Zoning:	R-8 Multiple-Family Residence District
2025 Comprehensive Plan	Residential – Multi-Family
Use of Surrounding Properties:	Recreational and Residential
Applicant Action Requested:	Approval of the Special Use Amendment Application for the proposed building additions

Introduction

Please note:

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

On May 20, 2016, the applicant submitted a Special Use Amendment Application to amend the Special Use for the Tuckaway Pines Condominium development. The applicant is proposing to complete the project by constructing Buildings 0, 1, 2, 5, 10 and 11 as two-unit buildings. Previously, these buildings were approved as three-unit buildings. In addition, the applicant is proposing to eliminate Building 12, which was also a three-unit building.

The applicant intends to file a Condominium Plat Application for these proposed changes following approval of the Special Use Amendment Application. As part of the approval of this Special Use, staff recommends that a Condominium Plat be approved by the City of Franklin per Division 15-7.0600 of the Unified Development Ordinance and recorded with the Milwaukee County Register of Deeds, prior to issuance of a Building Permit.

The original condominium plat was approved by Resolution No. 2001-5145 and amended by Resolution 2001-5317, Resolution 2005-5865 and 2006-6091. The original plat that was approved had 12 buildings (two 6-unit buildings and ten 4-unit buildings) for a total of 52 units. The density was reduced to 47-units in 2005 via Resolution No. 2005-5865. The most recent approval of Tuckaway Pines Condominiums, Resolution No. 206-6091, was for a 44 unit residential community. 23 units have been constructed and the applicant is proposing 12 additional units for a total of 35, a reduction of 9 units.

The applicant provided a letter dated November 30, 2015 from the Condominium Association indicating general support of the changes and completion of the condominium development.

Staff met with three members of the Condominium Association regarding the project on June 16, 2016. As the letter states, there is general support for the project changes; however, these particular board members did discuss concerns regarding the storm water pond, the size of Building No. 5 (they would prefer a three-unit, opposed to a two-unit building) and a lack of some architectural features.

Further in this report, staff has made recommendations related to storm water management and architecture that may in part address and satisfy these concerns. Staff has no objections to changing Building No. 5 to a three or even four-unit building; however, staff only notes this as a suggestion the Plan Commission and Common Council may want to consider.

Project Description/Analysis

Site Plan:

The Tuckaway Pines Condominium development consists of several parcels. The parcels that are part of this application include:

- Taxkey No. 804-0087-000, 2.20 acres
 - 7556, 7558, 7560 W. Tuckaway Pines Circle (Building 0)
 - 7550, 7552, 7554 W. Tuckaway Pines Circle (Building 1)
 - 7530, 7532, 7534 W. Tuckaway Pines Circle (Building 2)
- Taxkey No. 804-0066-000, 1.52 acres
 - 7501, 7503, 7505 W. Tuckaway Pines Circle (Building 5)
 - Also contains existing Building No. 6, 7511, 7513, 7515, 7517 W. Tuckaway Pines Circle
- Taxkey No. 804-0075-000, 1.97 acres
 - 7543, 7545, 7547 W. Tuckaway Pines Circle (Building 10)
- Taxkey No. 804-9999-005, 1.25 acres
 - 7542, 7544, 7546 W. Tuckaway Pines Circle (Buildings 11)
 - Also contains the location for the previously proposed Building No. 12 at 7522, 7524, 7526 W. Tuckaway Pines Circle

The buildings will be placed in generally the same location as previously illustrated in 2006; however, the footprint of the buildings will change from three-unit buildings to two-unit

buildings. Minor grading changes, curb cut locations and utility modifications will also occur. The most significant site plan change is the elimination of Building No. 12, which was the easternmost building within the middle of Tuckaway Pines Circle. The applicant has indicated that their preference is to not try to fit a third building in this small area.

The applicant's engineer, in the attached letter, requested that additional engineering plans (e.g. grading and erosion control) not be required at this time as the applicant is only constructing the remainder of the buildings. The applicant noted that they would provide necessary engineering plans at the time of Building Permit. Staff recommends that the applicant shall submit a grading, erosion control and utility plan for review and approval by the Engineering Department, prior to issuance of a Building Permit.

In review of the site plan, Engineering Staff discovered an outstanding issue stemming from approval of a right-of-way vacation in 2005 where the necessary utility easements were not put in place. The right-of-way that was vacated was located at the entrance from South 76th Street, extending about 15-feet into the greenspace of Tuckaway Pines Circle. The area is shown on the site plan and notes it as "Former W. Tuckaway Pines Circle." As the utilities within the private roadway are not within an easement, staff recommends the area that was previously right-of-way, vacated in 2005 via Resolution No. 2005-5973, be recorded as a utility easement to connect to the existing utility easements along West Tuckaway Pines Circle. Furthermore, the applicant shall show this area as a utility easement on the future Condominium Plat and record a separate written easement document with the Milwaukee County Register of Deeds prior to issuance of a Building Permit.

Architecture:

The applicant has provided an architectural elevation of the front and a side of the proposed two-unit buildings. Color renderings were also included in the Plan Commission packets. The applicant has indicated their intent is to closely match and resemble the architectural detail, colors and materials of the existing buildings. To better accomplish this goal, staff recommends the following architectural improvements:

1. Soldier coursing shall be provided at the base of the building to match existing buildings and at top of brick.
2. Brick shall extend half way up the building on the rear elevation to match existing buildings.
3. Window treatments shall be added to match the existing buildings.
4. All siding other than those portions in brick or stone shall be a fiber cement siding product to match the existing buildings.
5. Elevations shall be revised to add decorative louvers similar to the existing buildings
6. Decks shall be covered and include brick clad deck posts.
7. The garage doors shall match that of the existing buildings.

As stated, the applicant only provided renderings of the buildings and two architectural elevations. Staff also recommends that architectural elevations be provided for all building

elevations to be reviewed and approved by Department of City Development staff, prior to issuance of a Building Permit.

Parking:

Each unit consists of a two-car attached garage. As originally approved, there are eight visitor parking spaces along West Tuckaway Pines Circle.

Landscaping:

A landscape plan was not provided by the applicant at this time. Staff recommends that the applicant submit a Landscape Plan for review and approval by the Plan Commission, prior to issuance of a Building Permit.

Lighting:

The applicant is adding two light poles as shown on the attached Lighting Plan, which matches the original approval. Building lighting will also be included to match that of existing building.

Natural Resource Protection Plan:

Wetlands were delineated in October of 2000 by Graef, Anhalt, Schloemer & Associates (now Graef). Two Conservation Easements exist to protect wetlands onsite. Those easements were recorded with the Milwaukee County Register of Deeds on December 22, 2003 and are shown on the attached Site Plan. These wetlands and easement areas are not located immediately adjacent to any of the proposed buildings.

Staff finds evidence of a wetland in the northwest corner of the development, between South 76th Street and Building 0. There is also a navigable stream adjacent to the development and the 75-foot buffer likely extends onto the property. The applicant's engineer, who was also the original engineer of the project, has provided a letter (attached) indicating that the wetland area was part of the original storm water management plan and is exempt from natural resource protection standards, thus a delineation should not be required.

Staff recommends that the applicant submit an updated Natural Resource Protection Plan to verify that all protected natural resource features, including but not limited to wetlands, continue to be entirely located within the existing Conservation Easements. Furthermore, staff recommends that the northwest corner of the site be delineated and placed within a Conservation Easement or a letter be provided from the Wisconsin Department of Natural Resources stating that the wetland is exempt from natural resource protection requirements.

Signage:

No signage is proposed.

Storm water management:

The Tuckaway Pines Condominium development was originally developed with two storm water retention ponds. A pond is located within Tuckaway Pines Circle and the other pond is adjacent to S. 76th Street, south of Building No. 9.

The amount of impervious surface is being reduced as the proposed buildings are smaller than originally approved. To ensure that the storm water facilities were properly constructed and functioning, staff recommends that the applicant and/or Condominium Association provide the Engineering Department with revised storm water calculations and that the existing storm water ponds be certified and surveyed for approval by the Engineering Department, prior to issuance of a Building Permit.

The applicant has indicated that they would like to add a water feature to the retention pond within the greenspace of Tuckaway Pines Circle. That may or may not be allowed dependent upon the depth of the pond. Staff recommends that the water feature be subject to review and approval by the Engineering Department.

Staff Recommendation

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

RESOLUTION NO. 2016-_____

A RESOLUTION TO AMEND RESOLUTION NOS. 2001-5145, 2001-5317, 2005-5865 AND 2006-6091 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A 44 UNIT RESIDENTIAL COMMUNITY USE LOCATED AT WEST TUCKAWAY PINES CIRCLE TO ALLOW FOR CONSTRUCTION OF SIX TWO-UNIT BUILDINGS (BUILDINGS 0, 1, 2, 5, 10 AND 11) WITHIN THE TUCKAWAY PINES CONDOMINIUM DEVELOPMENT TO BE LOCATED AT 7556, 7558, 7560 WEST TUCKAWAY PINES CIRCLE (BUILDING 0), 7550, 7552, 7554 WEST TUCKAWAY PINES CIRCLE (BUILDING 1), 7530, 7532, 7534 WEST TUCKAWAY PINES CIRCLE (BUILDING 2), 7501, 7503, 7505 WEST TUCKAWAY PINES CIRCLE (BUILDING 5), 7543, 7545, 7547 WEST TUCKAWAY PINES CIRCLE (BUILDING 10) AND 7542, 7544, 7546 WEST TUCKAWAY PINES CIRCLE (BUILDING 11)
(BUTLER CREEK PROPERTIES, LLC, APPLICANT)

WHEREAS, Butler Creek Properties, LLC having petitioned the City of Franklin for the approval of an amendment to Resolution Nos. 2001-5145, 2001-5317, 2005-5865 and 2006-6091, conditionally approving a Special Use to allow for a 44 unit residential community use, upon property located at West Tuckaway Pines Circle, such property being zoned R-8 Multiple-Family Residence District, more particularly described as follows:

Buildings 0, 1, 2, 5, 10 and 11 of the Third Addendum to Tuckaway Pines Condominium Plat, Parcel 1 of Certified Survey Map No. 7110, recorded as Document No. 8309116, Milwaukee County Register of Deeds, being all that part of the Northwest Quarter (NW 1/4) and the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 15, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, being more particularly described as follows: Commencing at the northwest corner of said Northwest Quarter (NW 1/4); thence South 00°29'52" East along the west line of said Northwest Quarter (NW 1/4) 897.375 (RECORDED AS 897.310) feet; thence North 89°26'25" East 60.000 feet to the east right-of-way line of South 76th Street and the place of beginning of the lands hereinafter described; thence continuing North 89°26'25" East 805.561 feet; thence South 03°19'57" West 324.763 feet; thence South 33°43'05" West 364.331 feet to the north line of COUNTRY CLUB ESTATES, being a subdivision of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of said Section 15; thence South 89°26'55" West along said north line 579.000 feet to said east right-of-way line; thence North 00°29'52" West along said east line 624.984 feet to the place of beginning; and

BUTLER CREEK PROPERTIES, LLC – AMENDMENT TO SPECIAL USE
RESOLUTION NO. 2016-_____

Page 2

WHEREAS, such proposed amendment being for the purpose of constructing 6 two-unit buildings within the Tuckaway Pines Condominium development (Buildings 0, 1, 2, 5, 10 and 11) (Initial Special Use approval was granted for 44 units, with 23 units having been constructed. Applicant is proposing construction of 12 additional units for a total of 35 units, a reduction of 9 units.), addresses and Tax Key Nos. as follows: 7556, 7558, 7560 West Tuckaway Pines Circle (Building 0), 7550, 7552, 7554 West Tuckaway Pines Circle (Building 1), 7530, 7532, 7534 West Tuckaway Pines Circle (Building 2), 7501, 7503, 7505 West Tuckaway Pines Circle (Building 5), 7543, 7545, 7547 West Tuckaway Pines Circle (Building 10) and 7542, 7544, 7546 West Tuckaway Pines Circle (Building 11); 804-0087-000, 804-0066-000, 804-9999-005 and 804-0075-000; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 23rd day of June, 2016, and the Plan Commission thereafter having determined to recommend that the proposed amendment to Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed amendment to Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

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

1. That this amendment to Special Use is approved only for the use of the subject property by Butler Creek Properties, LLC, successors and assigns, for the Tuckaway Pines Condominium development building construction, which shall be developed in substantial compliance with and constructed, operated and maintained by Butler

BUTLER CREEK PROPERTIES, LLC – AMENDMENT TO SPECIAL USE
RESOLUTION NO. 2016-_____

Page 3

Creek Properties, LLC, pursuant to those plans City file-stamped June 15, 2016 and June 30, 2016 and annexed hereto and incorporated herein as Exhibit A.

2. Butler Creek Properties, LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consultants to the City of Franklin, for the Tuckaway Pines Condominium development building construction project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon Butler Creek Properties, LLC and the Tuckaway Pines Condominium development building construction project for the properties located at 7556, 7558, 7560 West Tuckaway Pines Circle (Building 0), 7550, 7552, 7554 West Tuckaway Pines Circle (Building 1), 7530, 7532, 7534 West Tuckaway Pines Circle (Building 2), 7501, 7503, 7505 West Tuckaway Pines Circle (Building 5), 7543, 7545, 7547 West Tuckaway Pines Circle (Building 10) and 7542, 7544, 7546 West Tuckaway Pines Circle (Building 11): (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. A Condominium Plat shall be approved by the City of Franklin per Division 15-7.0600 of the Unified Development Ordinance and recorded with the Milwaukee County Register of Deeds, prior to the issuance of a Building Permit.
5. The applicant shall submit a grading, erosion control and utility plan for review and approval by the Engineering Department, prior to the issuance of a Building Permit.
6. The area that was previously right-of-way, vacated in 2005 via Resolution No. 2005-5973, shall be recorded as a utility easement to connect to the existing utility easements along West Tuckaway Pines Circle. Furthermore, the applicant shall show this area as a utility easement on the future Condominium Plat and record a separate written easement document with the Milwaukee County Register of Deeds prior to the issuance of a Building Permit.
7. The applicant shall submit revised elevations for review and approval by Department of City Development staff that incorporates the following architectural enhancements:
 - a. A quoin feature shall be provided upon Building No. 5 as illustrated in the renderings bearing City of Franklin date-stamp June 30, 2016.

BUTLER CREEK PROPERTIES, LLC – AMENDMENT TO SPECIAL USE
RESOLUTION NO. 2016-_____

Page 4

- b. Brick shall extend half way up the building on the rear elevation to match existing buildings.
 - c. Window treatments shall be added to match the existing buildings.
 - d. All siding other than those portions in brick or stone shall be a fiber cement siding product to match the existing buildings.
 - e. Elevations shall be revised to add decorative louvers similar to the existing buildings.
 - f. The garage doors shall match that of the existing buildings.
8. Architectural elevations shall be provided for all building elevations to be reviewed and approved by Department of City Development staff, prior to the issuance of a Building Permit.
 9. The applicant shall submit a Landscape Plan for review and approval by the Plan Commission, prior to the issuance of a Building Permit.
 10. The applicant shall submit an updated Natural Resource Protection Plan to verify that all protected natural resource features, including but not limited to wetlands, continue to be entirely located within the existing Conservation Easements. Furthermore, the northwest corner of the site shall be delineated and placed within a Conservation Easement or a letter be provided from the Wisconsin Department of Natural Resources stating that the wetland is exempt from natural resource protection requirements.
 11. The applicant and/or Condominium Association shall provide the Engineering Department with revised storm water calculations and the existing storm water ponds shall be certified and surveyed for approval by the Engineering Department, prior to the issuance of a Building Permit.
 12. Water features within retention ponds shall be subject to review and approval by the Engineering Department.
 13. The applicant shall submit a revised Site Plan illustrating the footprint change to Building No. 5.
 14. Mailboxes shall match the existing mailboxes and be uniform in appearance throughout the development.

BE IT FURTHER RESOLVED, that in the event Butler Creek Properties, LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this amendment to Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common

BUTLER CREEK PROPERTIES, LLC – AMENDMENT TO SPECIAL USE
RESOLUTION NO. 2016-_____

Page 5

Council, upon notice and hearing, may revoke the additional Special Use permission granted under this Resolution.

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

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be an amendment to such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance, and that all of the terms and conditions of Resolution Nos. 2001-5145, 2001-5317, 2005-5865 and 2006-6091, not specifically and expressly amended by or in direct conflict with this Resolution, shall remain in full force and effect.

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016.

APPROVED:

Stephen R. Olson, Mayor

BUTLER CREEK PROPERTIES, LLC – AMENDMENT TO SPECIAL USE
RESOLUTION NO. 2016-_____

Page 6

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Exhibit A

May 13, 2016

Tuckaway Pines Condominiums Project Summary Special Use Amendment

It is our desire to complete Tuckaway Pines Condominiums with the support of all owners. We propose to amend the original plan from three to two family buildings as follows:

1. Building (6) two family building for a total of 12 units per the proposed revised site plan (buildings 0, 1, 2, 5, 10, 11).
2. Amend the Condominium documents as follows:
 - a) Reduce the total number of units from 38 to 35.
 - b) All units will contribute equally (new and existing) to maintain the administrative costs and common area which includes common roadways, parking, entrance, and grounds.
 - c) Establish a separate capital reserve account to maintain the new units.

It will be necessary to obtain the approval of all owners and lenders and file an amended condominium plat.

These units would closely resemble the existing units by ~~matching architectural detail,~~ colors and materials. They would be ranch units approximately 1,900 sq. ft on the main level with walkout/exposed lower levels. We would offer the option to complete the lower level. The anticipated price range is \$450,000 to \$550,000.

DIVISION 15-3.0700

SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701

GENERAL STANDARDS FOR SPECIAL USES

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

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

Response:

This is an amendment previously established.

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

Response:

Previously approved.

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

Response:

This will complete and enhance neighboring property

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

Response:

Already provided

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

Response:

Previously Addressed

Franklin

JUN 15 2016

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

Response:

No destruction or loss

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

Response:

Project to be completed to standards which exist and be compatible to existing buildings.

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

Response:

Previously approved

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

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

Response:

This is a completion of Tuckaway Pines Condominiums and will add value to existing units.

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

Response:

N/A

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

through building design, site design, landscaping, and screening.

Response:

N/A

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

Response:

N/A

June 15, 2016

Kalvin K. Klimeck, P.E., R.L.S
Pioneer Engineering & Surveying
3902 C.T.H. "B"
Johnson Creek, Wisconsin 53038
(920) 699-3330
fax 699-3332

Mr. Nick Suchs
City of Franklin
9229 W. Loomis Road
Franklin, Wisconsin 53132
(414) 425-4024

Dear Nick,

As briefly discuss on the phone on the 13th of June, I was the original design engineer for the Tuckaway Pines development which was originally designed for Icon Development. Furthermore I continue as the engineer and surveyor for the needs of Mr. Foster for the conclusion of said development.

It is my understanding that the City of Franklin is requiring a full Environmental Resources Plan.

In 2000 when we developed the original plans for the conversion of the school into a condominium development, we performed a wetland delineation of the entire site. The delineator was Graef, Anhalt & Schloemer. Two wetlands were located and mapped on all documents. At that time, there were no young or mature woodlands to contend with, nor were there any steep slopes present on the site.

The site was designed and the initial submittal of plans were on May 1, 2001 and the latest revision number 5 was on March 25, 2002. The site was constructed per the approved plans. Construction included all grading operations, installation of sewer and water, and the construction of curb & gutter and pavement. As part of the engineering plans and specifications, there was also a storm water management report. Upon review and confirmation of the storm water management report by your engineering staff, you will see that in the northwest corner of the property there was constructed a small storm water detention pond to manage the drainage of from the roofs of some of the buildings. I have attached a portion of the grading plan with this memo. The grading plan shows the detention pond, the inlet pipe, the outlet pipe and the emergency overflow. Upon your engineers review, you will determine that this area was designed as a function of storm water management and should be exempted from any environmental protection areas due to its storm water management value.

In conclusion to the above, I am requesting that the City of Franklin dismiss the requirement of a full Environmental Resource Plan because the majority of the site has been developed and buildings were constructed, together with the appropriate exemption from including the northwest corner of the site from any kind of environmental protection because this area should be exempted.

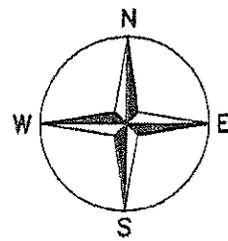
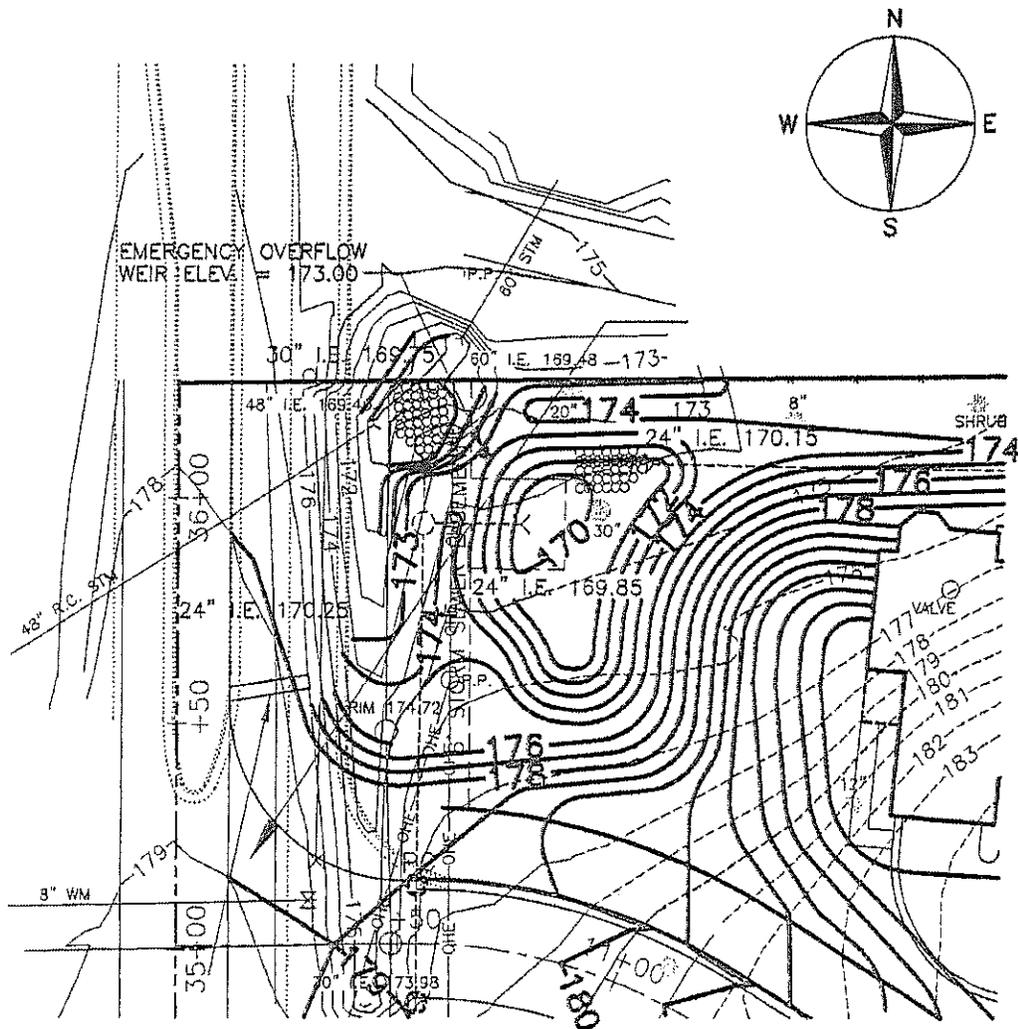
The next issue that I would like to discuss is any requirements for additional engineering plans for the conclusion of the development. Upon construction of the development, Icon constructed the majority of the buildings. Mr. Foster is only desiring the ability to construct the remainder of the buildings with a building that he feels is marketable today. Therefore, I am requesting that the City of Franklin's Planning and Engineering departments allows Mr. Foster to apply for building permits for his buildings. Appropriate erosion control such as silt fencing and inlet protection would be shown on the Plat of Survey for each building. He has the right to disturb less than 1 acre of land at any given time without a DNR permit. I think the only items which is of need of additional engineering are the plumbing plans for downspout locations and sizing for each building (storm sewer), possible sanitary sewer and water lateral modifications as necessary together with adjusted driveway curb cuts and modifications to the parking area east of Building 11. All of these modifications would be submitted to your engineering department for review, comment and approval prior to any commencement of construction activity.

This concludes my list of questions and/or concerns. Please respond.

Respectfully submitted.
PIONEER ENGINEERING & SURVEYING, LLC.

KALVIN K. KLIMECK, P.E.
c:\ws\1500\1502\1502cfl

GRADING EXHIBIT FROM THE APPROVED PLANS ILLUSTRATING DETENTION POND IN THE NORTHWEST CORNER OF THE SITE



DATED: JUNE 15, 2016



**PIONEER ENGINEERING
AND SURVEYING, L.L.C.**
CONSULTANTS IN SUBMISSIONS
AND COMMERCIAL DEVELOPMENTS
3902 C.T.H. "B"
JOHNSON CREEK, WI. 53038
(414) 651-0480 E-MAIL: kaipioneereng@tda.net



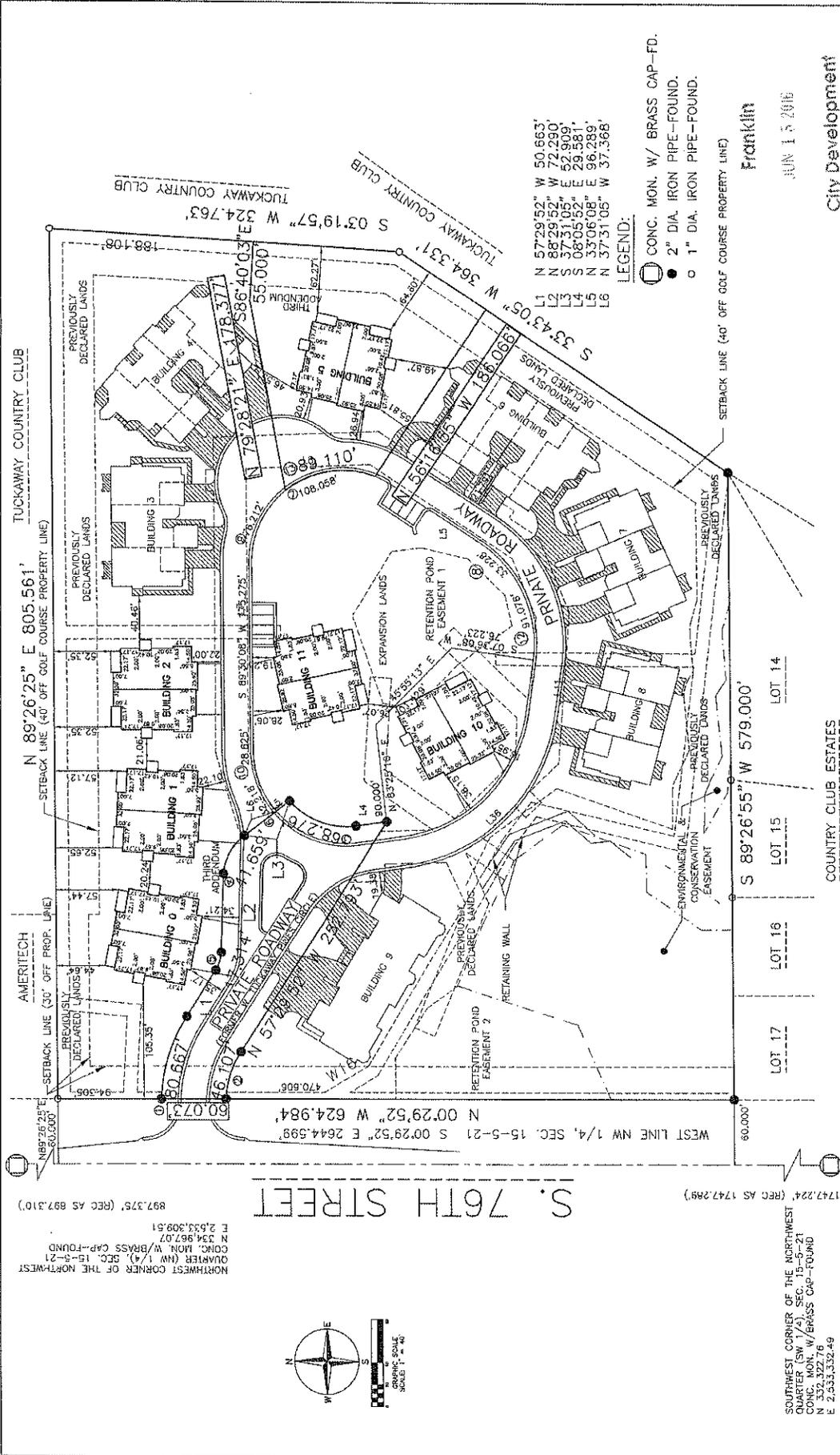
November 30, 2015

We support the proposed redevelopment and completion of Tuckaway Pines Condominiums by O'Malley Investments. The proposed completion reduces the number of units to 13 units consisting of five (2) family and one (3) family building utilizing compatible building materials as feasible for a uniform project.

Specifically we support:

- Site plan with two buildings in the center area, building 5, and buildings 0, 1, and 2 as presented.
- Changing the ownership proportionately consisting of the 23 existing units and proposed 13 to be constructed. Total of 36 units.
- Establishing a capital account for building maintenance for the units to be constructed separate from existing capital account. It is understood the capital account would be for building maintenance and all common area maintenance would be shared equally with all units.

This is a motion in support with the understanding the special use permit for Tuckaway Pines Association would have to be amended and approved by the City of Franklin and an addendum to the Tuckaway Condominium Association Articles approved by all current residents.



LEGEND:
 ○ CONC. MON. W/ BRASS CAP-FD.
 ● 2" DIA. IRON PIPE-FOUND.
 ○ 1" DIA. IRON PIPE-FOUND.

FRANKLIN
 JUN 13 2016

City Development

MUNIC. PROJ. NO.	PIONEER PROJ. NO.
CITY OF FRANKLIN	00-13
APPROVED BY:	PIONEER SHT. NO.
	PAGE 1 OF 1
	PIONEER FILE NO.
	00-13

TUCKAWAY PINES
 ANTICIPATED REVISIONS BY
 WAYNE FOSTER



PIONEER ENGINEERING
 AND SURVEYING, LLC.
 CONSULTING ENGINEERS
 AND SURVEYORS
 JOHNSON COUNTY, MO. 64505
 CELL 417-851-0180 E-MAIL info@pioneereng.com



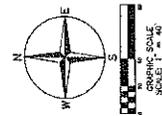
DESIGNED BY:
 K. K. KLUMBECK
 DRAWN BY:
 K. K. KLUMBECK
 CHECKED BY:
 K. K. KLUMBECK

SCALE:
 1" = 40' HORIZ.
 DATE:
 NOV. 17, 2016

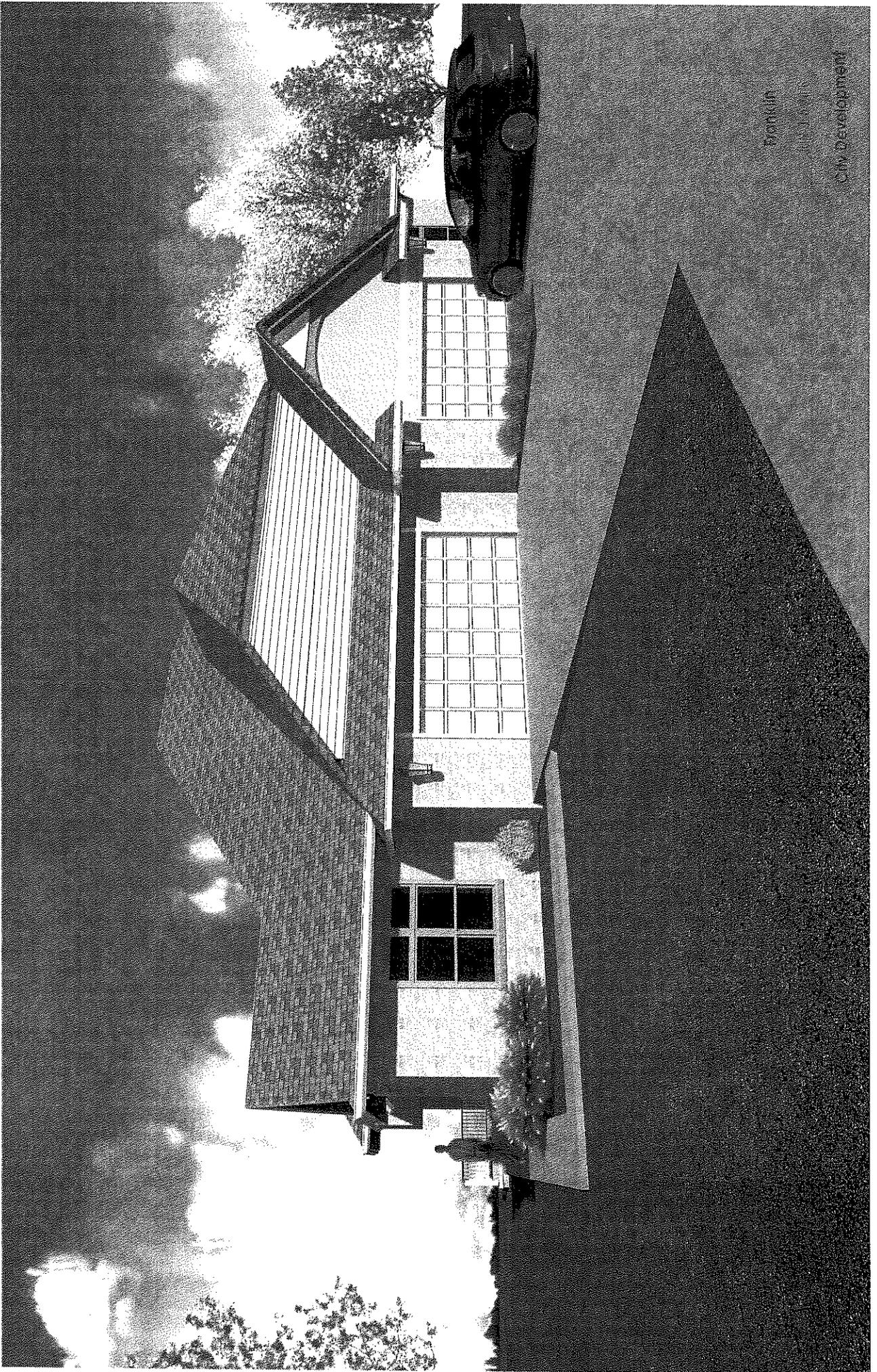
NO.	DATE	DESCRIPTION
1	11/17/16	DESIGNED BY: K. K. KLUMBECK
2	11/17/16	DRAWN BY: K. K. KLUMBECK
3	11/17/16	CHECKED BY: K. K. KLUMBECK

NORTHWEST CORNER OF THE NORTHWEST
 QUARTER (NW 1/4), SEC. 15-5-21
 CONC. MON. W/ BRASS CAP-FOUND
 N 334.9673' E 2.533,309.51'
 897.375' (REC AS 897.310')

S. 76TH STREET
 1747.224' (REC AS 1747.289')

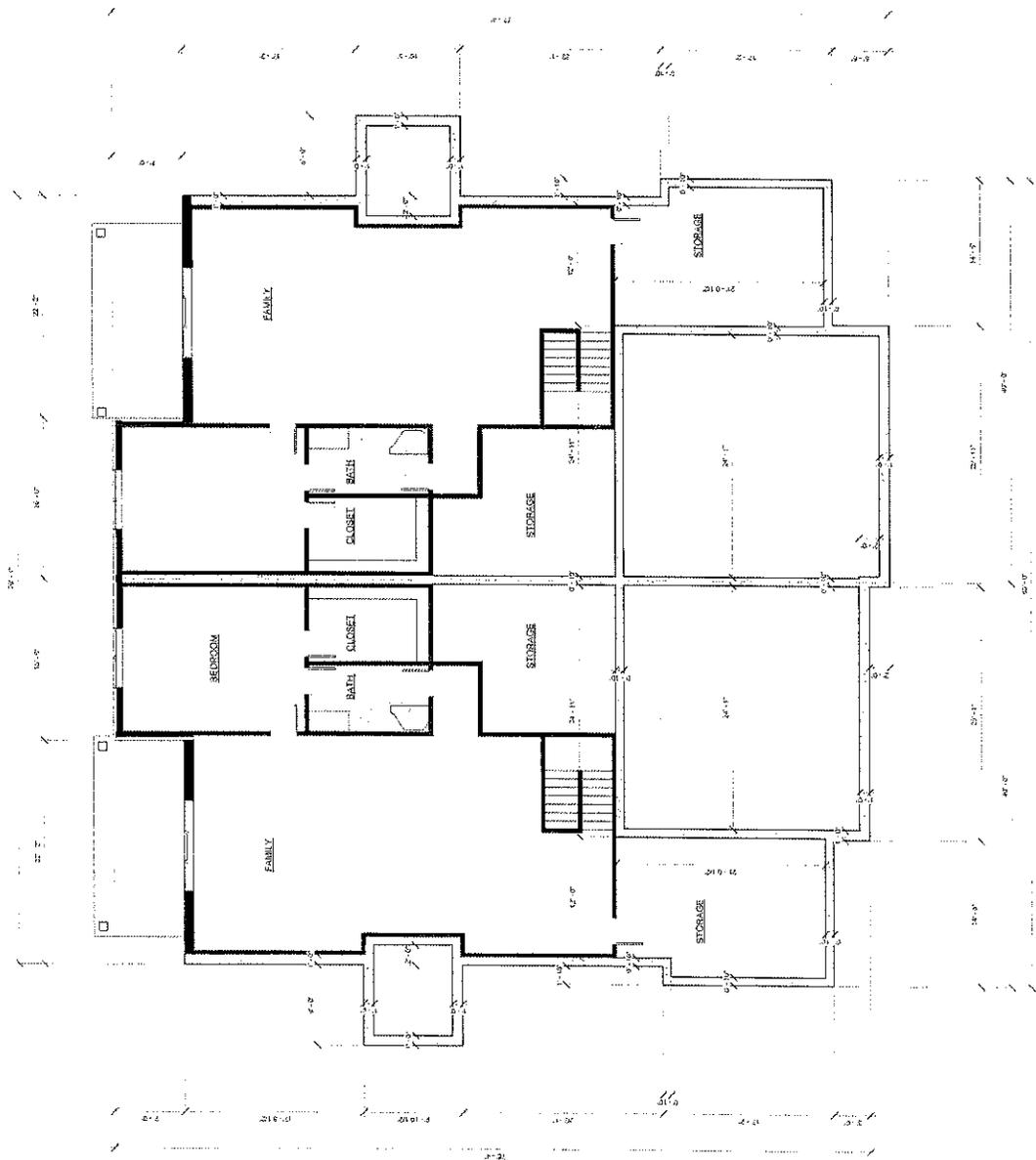


SOUTHWEST CORNER OF THE NORTHWEST
 QUARTER (SW 1/4), SEC. 15-5-21
 CONC. MON. W/ BRASS CAP-FOUND
 N 332.322.76' E 2.533,332.49'

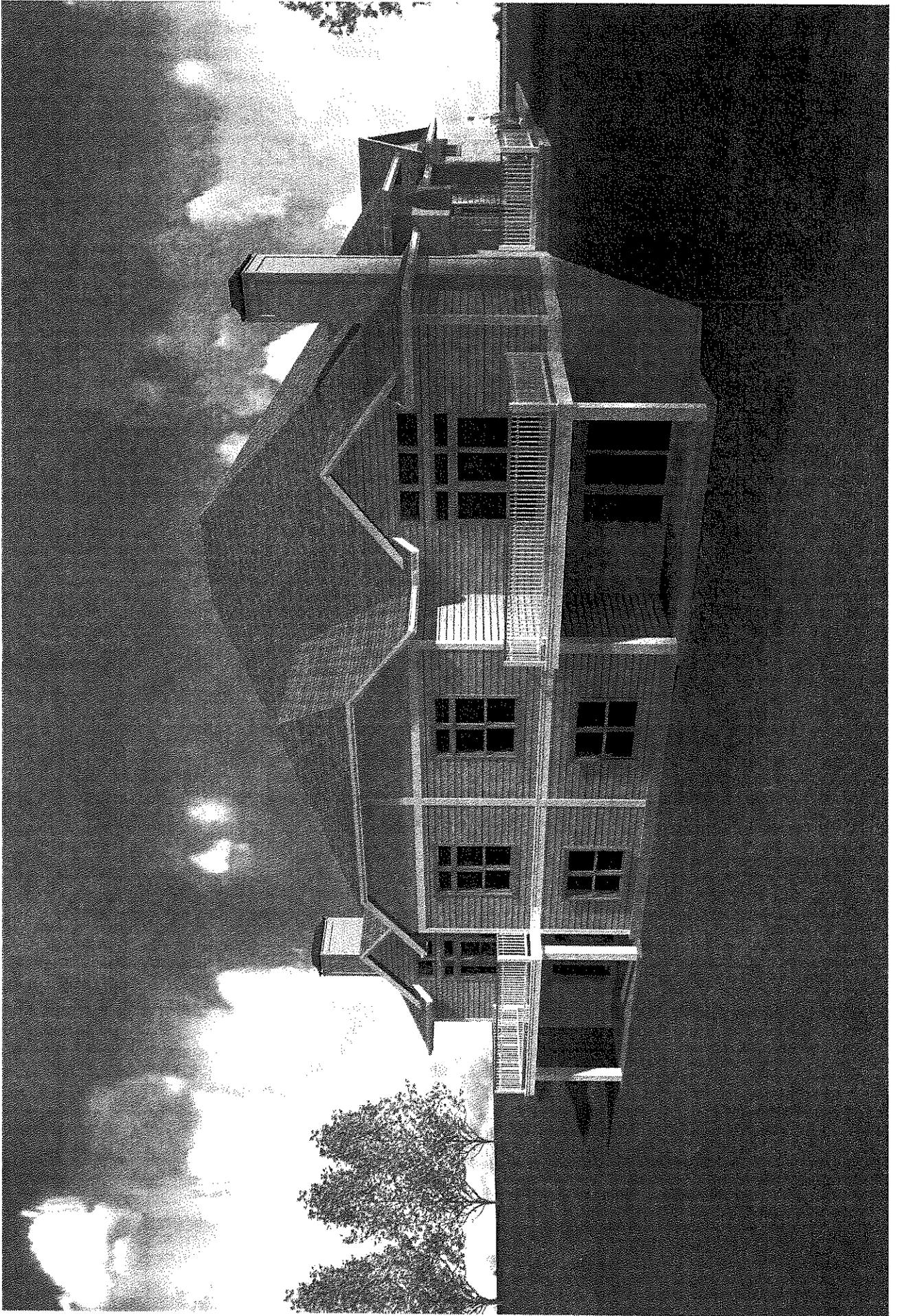


Franklin

City Development







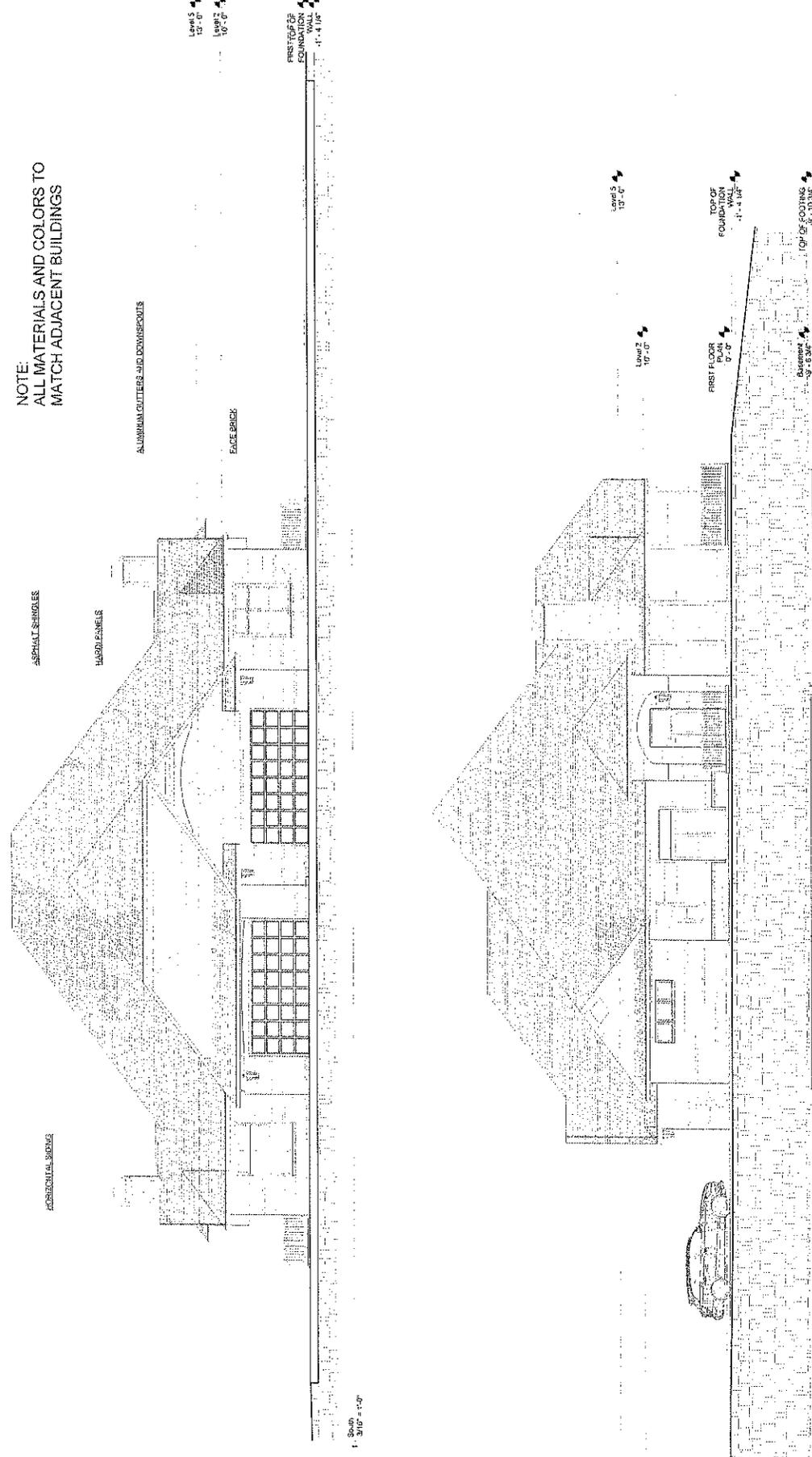
TUCKAWAY ARCHITECTS
 1000 N. W. 10th St.
 Fort Lauderdale, FL 33304
 TEL: (954) 561-1111
 FAX: (954) 561-1112
 TUCKAWAY ARCHITECTS
 1000 N. W. 10th St.
 Fort Lauderdale, FL 33304
 TEL: (954) 561-1111
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 Fort Lauderdale, FL 33304
 TEL: (954) 561-1111
 FAX: (954) 561-1112

TUCKAWAY
 2 FAMILY CONDOMINIUM

REVISIONS
 10
 11

DATE: 6/1/2018
 DRAWN: ASB/BJD
 CHECKED: JES
 DESIGNED: JES
 PROJECT: 201508
 SHEET: A300



NOTE:
 ALL MATERIALS AND COLORS TO
 MATCH ADJACENT BUILDINGS

1. South
 1" = 3/16" = 1/8"

2. East
 3/16" = 1/8"

Franklin

JUL 07 2016

City Development



The Tuckaway Pines Board of Directors requests that the City of Franklin requires the following as part of the city's approval:

All buildings to include Irrigation (Lawn Sprinkler) systems

Entry doors, windows and associated exterior trim work, exterior paint colors, and type/color of brick to match existing buildings.

All railings to be aluminum

All deck boards to be composite

All walks to be concrete

All driveways to be asphalt

Outdoor lighting (front and sides of units) to be "similar" to existing buildings, or approved by Board

Roofing shingles to match existing buildings and include the use of ice and water shields

All units to include outdoor electric outlets, and hose bibbs in garages.

Developer to provide:

Parking plan, with additional parking area(s)

Landscape plan for review by Board

Agreement to repair road damage caused during construction (if not already required by the city)

Acknowledgement of required monthly fee, but modified to adjust for reduced number of units. *

i.e., Monthly Fee = (Owner's Fee)(15.625%)(Number of unbuilt units)

Current Fee = (\$290)(15.625%)(12) = \$543.75

* Based on original agreement with North Shore Bank, and which Wayne Foster has already verbally agreed to.

Franklin

JUL 07 2018

City Development