

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>03/04/14</p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A TRUCK REPAIR AND TOWING BUSINESS USE UPON PROPERTY LOCATED AT 11113 WEST FOREST HOME AVENUE (OMS PROPERTIES LLC, APPLICANT)</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.7.</i></p>

The subject item was tabled at the February 18, 2014 Common Council meeting.

The Plan Commission held a public hearing at their January 23, 2014 meeting for the Special Use Application by OMS Properties, LLC for a truck repair and towing business use for property located at 11113 West Forest Home Avenue. Following Plan Commission discussion, the item was tabled to allow staff to work with the applicant and Fire Department to clarify Fire Code requirements.

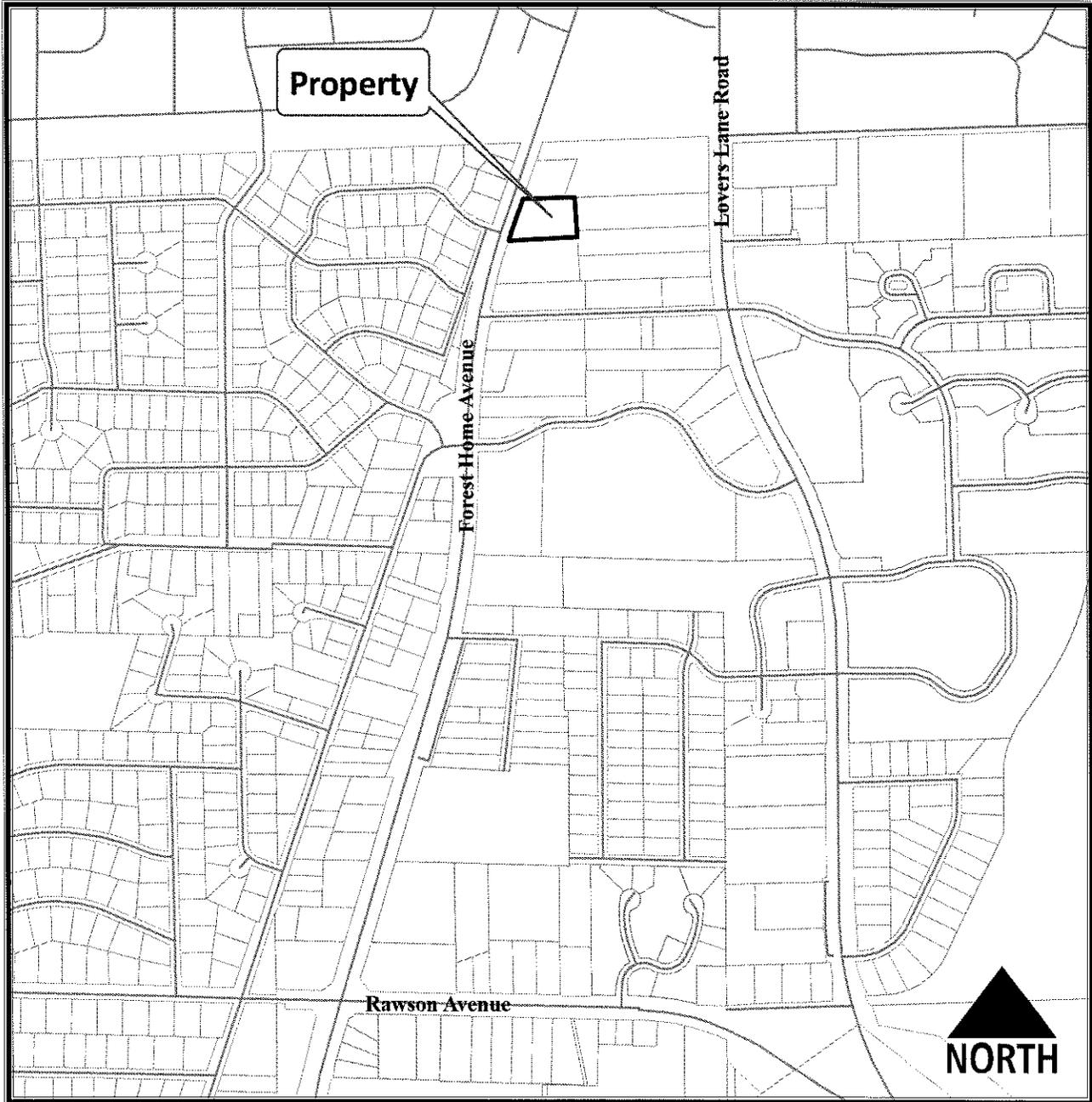
At their February 6, 2014 meeting, the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a special use for a truck repair and towing business use upon property located at 11113 West Forest Home Avenue (OMS Properties LLC, Applicant). The motion carried with a 5-1 vote.

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2014-\_\_\_\_\_, a resolution imposing conditions and restrictions for the approval of a special use for a truck repair and towing business use upon property located at 11113 West Forest Home Avenue (OMS Properties LLC, Applicant).



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



Planning Department  
(414) 425-4024

00.00.04 0.08 0.12  
Miles

2013 Aerial Photo

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

## RESOLUTION NO. 2014-\_\_\_\_\_

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

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

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

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 23rd day of January, 2014, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

OMS PROPERTIES LLC – SPECIAL USE  
RESOLUTION NO. 2014-\_\_\_\_\_

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

1. That this Special Use is approved only for the use of the subject property by OMS Properties LLC, successors and assigns, as a truck repair and towing business use, which shall be developed in substantial compliance with, and operated and maintained by OMS Properties LLC/Piller's Auto Repair Inc. and All-City Towing LLC, pursuant to those plans City file-stamped January 14, 2014 and January 28, 2014 and annexed hereto and incorporated herein as Exhibit A. The truck repair and towing business uses are approved hereunder as a single principal use, which shall be operated and continued upon the property only as such combined uses and not singularly in the absence of the other use.
2. OMS Properties LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the OMS Properties LLC/Piller's Auto Repair Inc. and All-City Towing LLC truck repair and towing business, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon OMS Properties LLC/Piller's Auto Repair Inc. and All-City Towing LLC truck repair and towing business use for the property located at 11113 West Forest Home Avenue: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. Vehicles shall not be stored, parked or repaired within the existing building unless a sprinkler system and fire alarm system is installed in compliance with NFPA Codes and City of Franklin Municipal Code, Chapter 133 - Fire Prevention, Protection, and Control Code, and inspected and approved by the Fire Department.
5. Written permission from the owner of the 120-foot wide utility easement located on the subject property indicating approval of any current or future site modifications by the Applicant shall be submitted to Department of City Development Staff, prior to the commencement of work.

OMS PROPERTIES LLC – SPECIAL USE  
RESOLUTION NO. 2014-\_\_\_\_\_

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

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

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than

OMS PROPERTIES LLC – SPECIAL USE  
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Page 4

\$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

APPROVED:

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

ATTEST:

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

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

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

JAN 14 2014

**City Development**

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

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

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

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

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

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

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

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

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

## Special Use Standards and Regulations Answers

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

### C- Considerations

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

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

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

## ATLAS SURVEY

2828 ST. ANDREWS CT.  
WAUKESHA, WI 53194  
(262) 901-5256  
INFO@ATLASSURVEY.COM  
WWW.ATLASSURVEY.COM

SURVEYOR:  
BRYCE D. KACZOR, P.E.S. 3-2202  
SURVEY FOR:  
PARKER CREATION  
PROPERTY:  
1113 W. FOREST HOME AVE.  
FRANKLIN, WI

### LEGEND

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

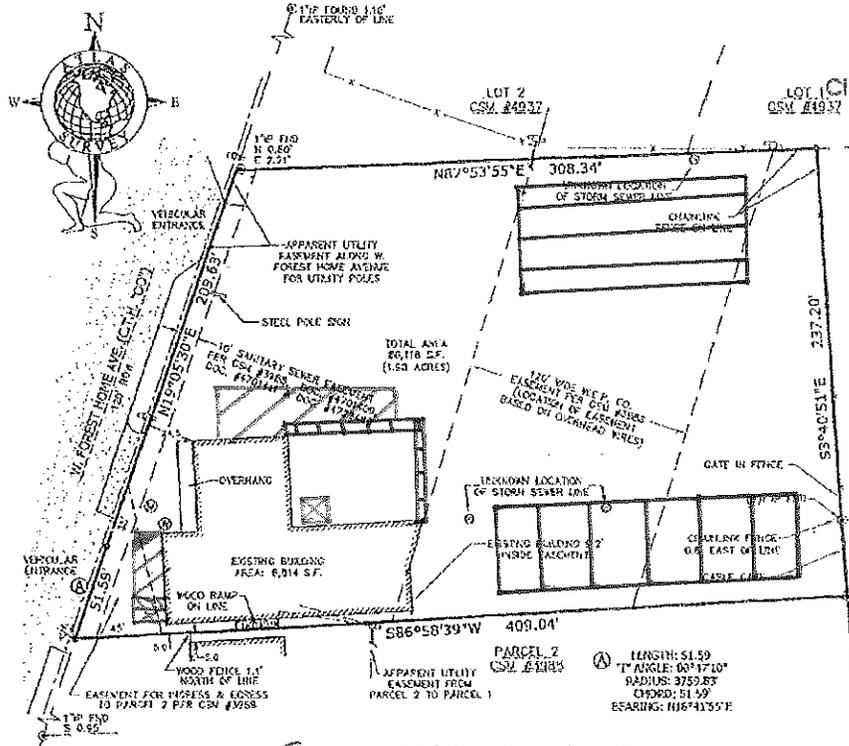
SCALE: 1" = 50'

BEARINGS ARE REFERENCED TO NAD83,  
WISCONSIN STATE PLANE, SOUTH ZONE,  
GRID NORTH ON THE NORTH LINE OF THE  
NE 1/4 OF SECTION 6-5-21 AS  
1876514'E.

Franklin

JAN 14 2014

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



**SETBACKS**

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

EXISTING M-1 ZONED

### NOTES:

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

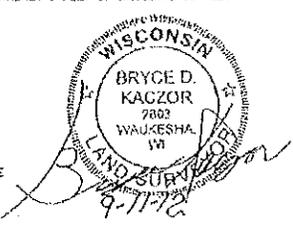
EASEMENTS PER TITLE COMMITMENT POLICY #1275624 BY CHICAGO TITLE INSURANCE COMPANY DATED AUGUST 2, 2012.

10. UTILITY EASEMENT PER DOC. #2424997, 2592050, 3393485, 3442208 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
12. EASEMENT PER DOC. #1730718 & 1570416 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
13. UTILITY EASEMENT PER DOC. #1317333 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
14. UTILITY EASEMENT PER DOC. #2030233 NOT SHOWN, VAGUE & UNRELIABLE. "ALONG EAST SIDE OF HILL ROAD" "POSSIBLY APPARENT UTILITY EASEMENT FOR UTILITY POLES ALONG EAST SIDE OF W. FOREST HOME AVENUE."
16. UTILITY EASEMENT PER DOC. #2712904 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
17. UTILITY EASEMENT PER DOC. #3620204 NOT SHOWN, DOCUMENT IS NOT READABLE. "DRAINAGE DITCH NORTHERLY 6 FEET OF EASTERLY 80 FEET"
18. UTILITY EASEMENT PER DOC. #3994358 NOT SHOWN, DOCUMENT PROVIDED IS NOT READABLE.
19. UTILITY EASEMENT PER DOC. #1602040 NOT SHOWN, DOCUMENT PROVIDED IS NOT READABLE.
24. AFFIDAVIT PER DOC. #5481241 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.

### SURVEYOR'S CERTIFICATE:

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

RO.ECT # 12076



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

SUBMIT DATE: JANUARY 14TH, 2014

NON-TITLE #1

# PILLERS TRUCK KEEPER AND ALL CITY TOWING PLAT OF SURVEY

PARCEL 1 OF CSM #3986 LOCATED IN THE NE 1/4 OF THE NE 1/4 OF SECTION 6,  
T.5N., R.21E., CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

## ATLAS SURVEY

2826 ST. ANDREWS CT.  
WILKESHA, WI 53183  
(262) 901-8226  
INFO@ATLASSURVEY.WI.COM  
WWW.ATLASSURVEY.WI.COM

SURVEYOR:  
BRYCE KAGZOR, RES 5-2802  
SURVEY FOR:  
PATRICK C. LEACH  
PROPERTY:  
1113 W. FOREST HOME AVE.  
FRANKLIN, WI

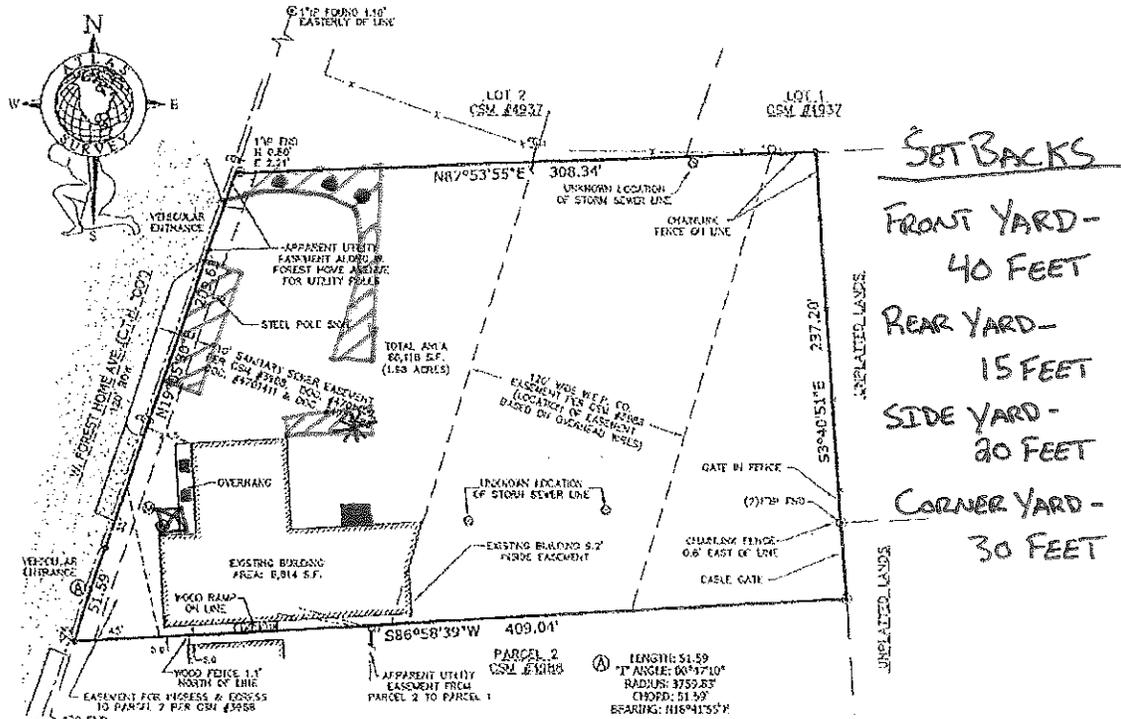
### LEGEND

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

SCALE: 1" = 50'

BEARINGS ARE REFERENCED TO NAD83,  
WISCONSIN STATE PLANE, SOUTH ZONE,  
6940 NORTH ON THE NORTH LINE OF THE  
NE 1/4 OF SECTION 6-5-21 AS  
N87°55'14"E.

OWNERS: JEFF PRUE - 262-894-1056 - 1633 ALDORO DRIVE, WILKESHA, WI 53188  
 STEVE BULLER - 262-704-3830 - 5300 RAYNOR AVE, FRANKSVILLE, WI 53126



**SETBACKS**

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

EXISTING M-1 ZONED

### NOTES:

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

EASEMENTS PER TITLE COMMITMENT POLICY #1278664 BY CHICAGO TITLE INSURANCE COMPANY DATED AUGUST 2, 2012.

10. UTILITY EASEMENT PER DOC. #2424997, 2593050, 3393485, 3442208 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
12. EASEMENT PER DOC. #1740718 & 1570418 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
13. UTILITY EASEMENT PER DOC. #1217333 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.
14. UTILITY EASEMENT PER DOC. #2030233 NOT SHOWN, VAGUE & UNENFORCEABLE. "ALONG EAST SIDE OF MILL ROAD" "POSSIBLY APPARENT UTILITY EASEMENT FOR UTILITY POLES ALONG EAST SIDE OF W. FOREST HOME AVENUE."
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18. UTILITY EASEMENT PER DOC. #3894358 NOT SHOWN, DOCUMENT PROVIDED IS NOT READABLE.
19. UTILITY EASEMENT PER DOC. #4002548 NOT SHOWN, DOCUMENT PROVIDED IS NOT READABLE.
24. AFFIDAVIT PER DOC. #3491241 NOT SHOWN, ENCOMPASSES ENTIRE PARCEL.

### SURVEYOR'S CERTIFICATE:

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

60.ECT # 12076



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

DRAWING #2

SUBMIT DATE - JANUARY 10TH 2010



**From:** [Steve Piller](#)  
**To:** [Nick Fuchs](#)  
**Subject:** Re: All City Proposed Fence  
**Date:** Tuesday, January 28, 2014 11:34:41 AM

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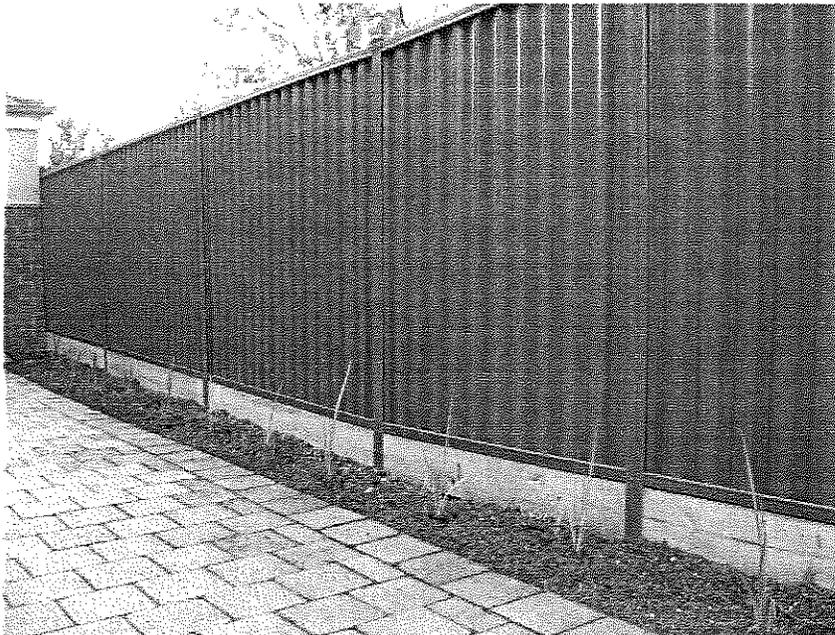
Yes it will be 8ft tall, and the first photo is exactly how I would build it. Same color, and also with the wood bottom to prevent corrosion from the mulch that will be layed at the bottom.

Jeff Piller

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

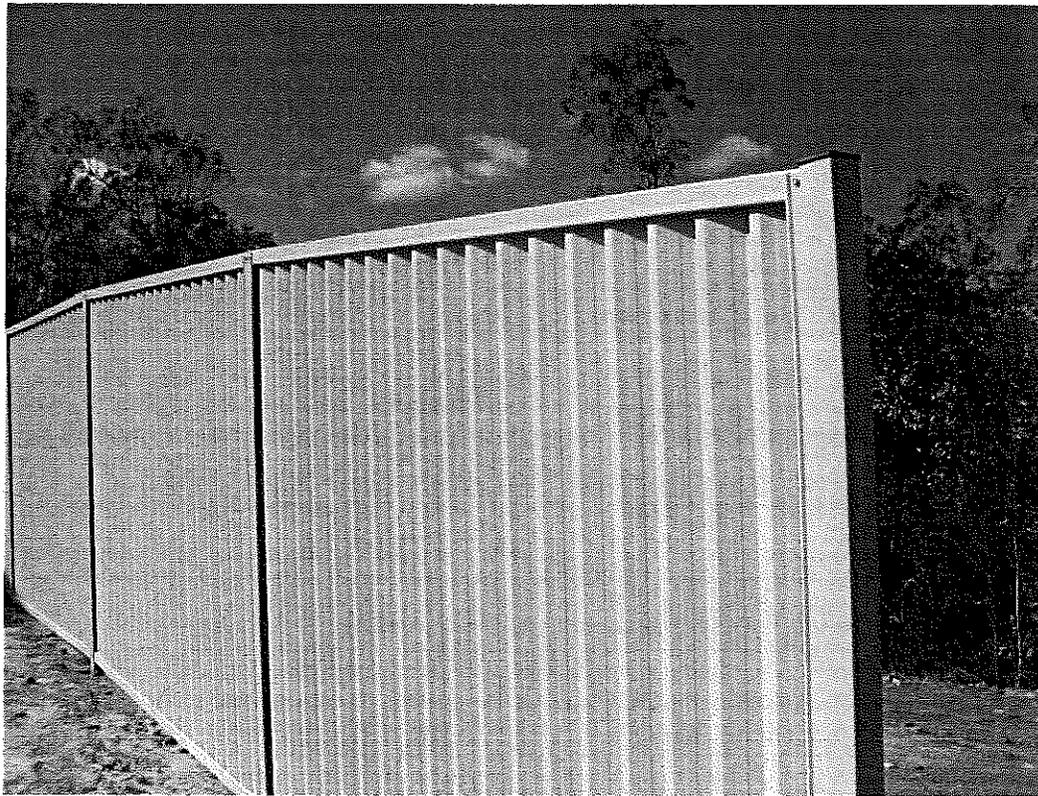
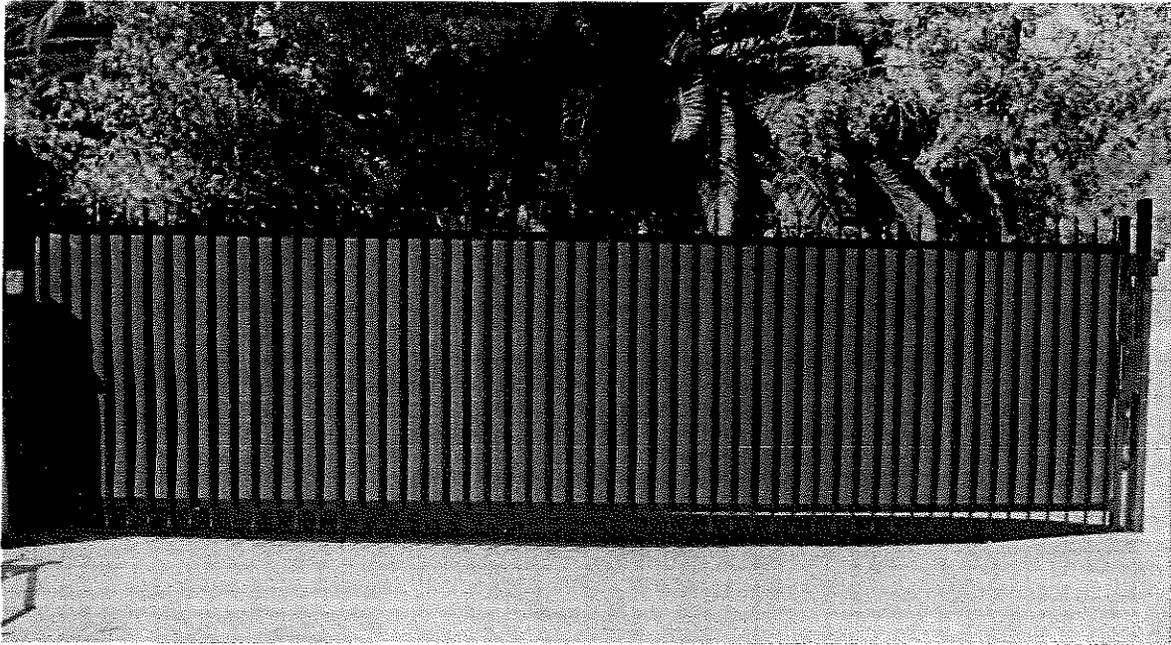
I just want to make sure we can give the Plan Commission an accurate description and representation of your proposed fence. I don't think that is a metal fence and materials/aesthetics will matter to the Plan Commission. Perhaps one of the metal fences below better represents the fence you plan to install.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



Franklin

JAN 28 2014

City Development



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

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

**Subject:** Re: All City Proposed Fence

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

Jeff Piller

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

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

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

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

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

Jeff Piller

[https://maps.google.com/maps?hl=en&ll=43.068347,-88.277496&spn=0.000016,0.009645&t=h&z=17&layer=c&cbll=43.068348,-88.277627&panoid=38yvsQMTQ\\_JlvvmCH1jGwA&cbp=12,8,43,,0,2,1](https://maps.google.com/maps?hl=en&ll=43.068347,-88.277496&spn=0.000016,0.009645&t=h&z=17&layer=c&cbll=43.068348,-88.277627&panoid=38yvsQMTQ_JlvvmCH1jGwA&cbp=12,8,43,,0,2,1)

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

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

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

1/28/2014

Prospect Avenue - Google Maps

Google

Address **Prospect Avenue**

*Address is approximate*



## Nick Fuchs

---

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

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

Jeff Piller

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

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

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

Thanks.

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

January 21, 2014

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

Faxed to: 414-427-7691

Dear Plan Commission:

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

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

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

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

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

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

Sincerely,



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

Franklin

JAN 21 2014

City Development

January 21, 2014

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

Franklin

JAN 22 2014

City Development

Dear Plan Commission:

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

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

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

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

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

Sincerely,



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



REPORT TO THE PLAN COMMISSION

Meeting of January 23, 2014

Special Use

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

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

Introduction

Please note:

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

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

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

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

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

### **Project Description/Analysis**

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

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

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

#### **Site Plan:**

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

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

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

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

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

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

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

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

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

Parking:

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

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

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

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

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

Landscaping:

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

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

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

#### Stormwater Management:

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

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

#### Lighting:

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

#### Architecture:

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

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

Signage:

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

Natural Resource Protection Plan and Conservation Easement:

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

Comprehensive Master Plan Consistency:

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

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

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

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

**Staff Recommendation**

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



REPORT TO THE PLAN COMMISSION

Meeting of February 6, 2014

Special Use

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

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

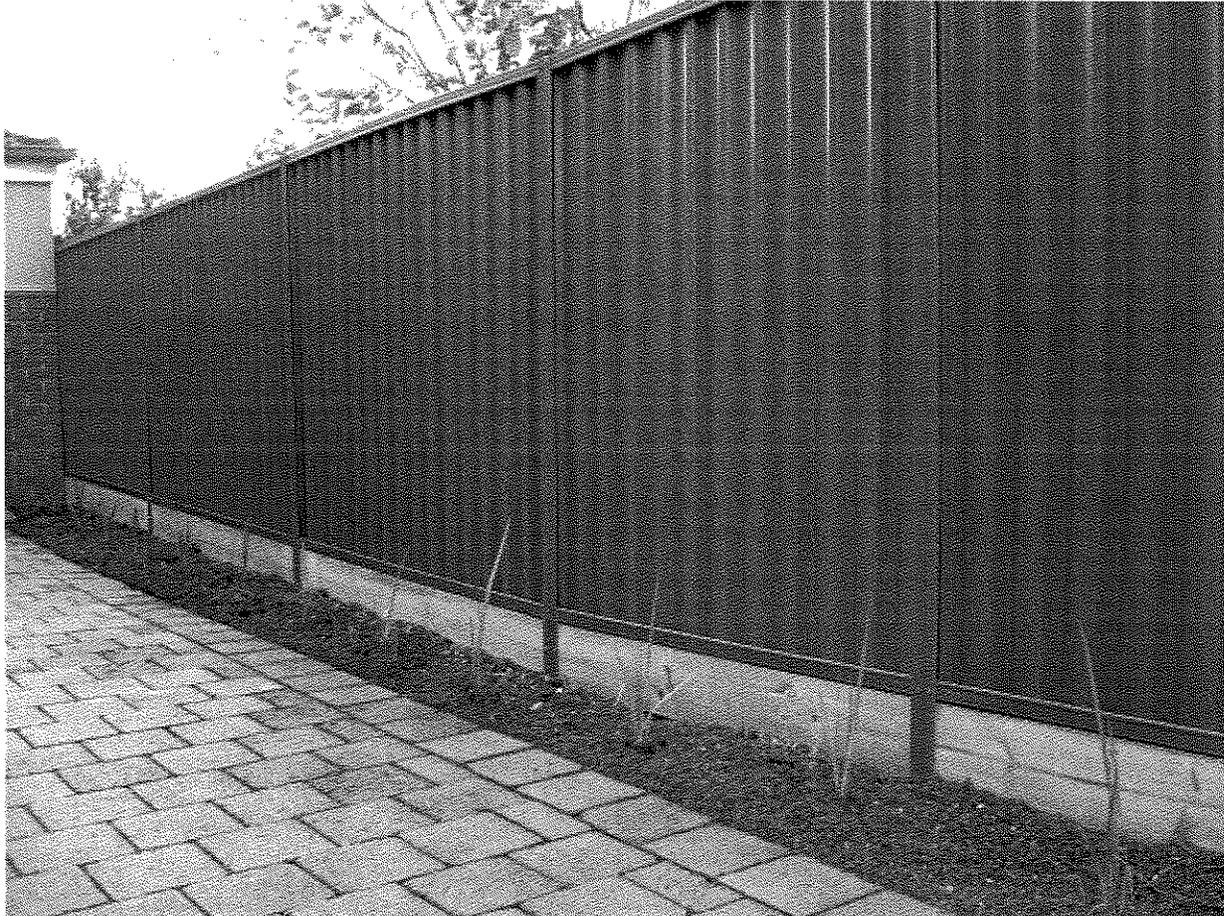
Introduction

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

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

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

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



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

### **Staff Recommendation**

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

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">03/04/14</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>ADDENDUM TO SELF STORAGE FACILITY USE SPECIAL USE PERMIT TO ALLOW FOR PARKING VEHICLES EXCEEDING 8,000 POUNDS MANUFACTURED GROSS VEHICLE WEIGHT (6951 SOUTH LOVERS LANE ROAD) (STORAGE MASTER, LLC, APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G. 8,</i></p>

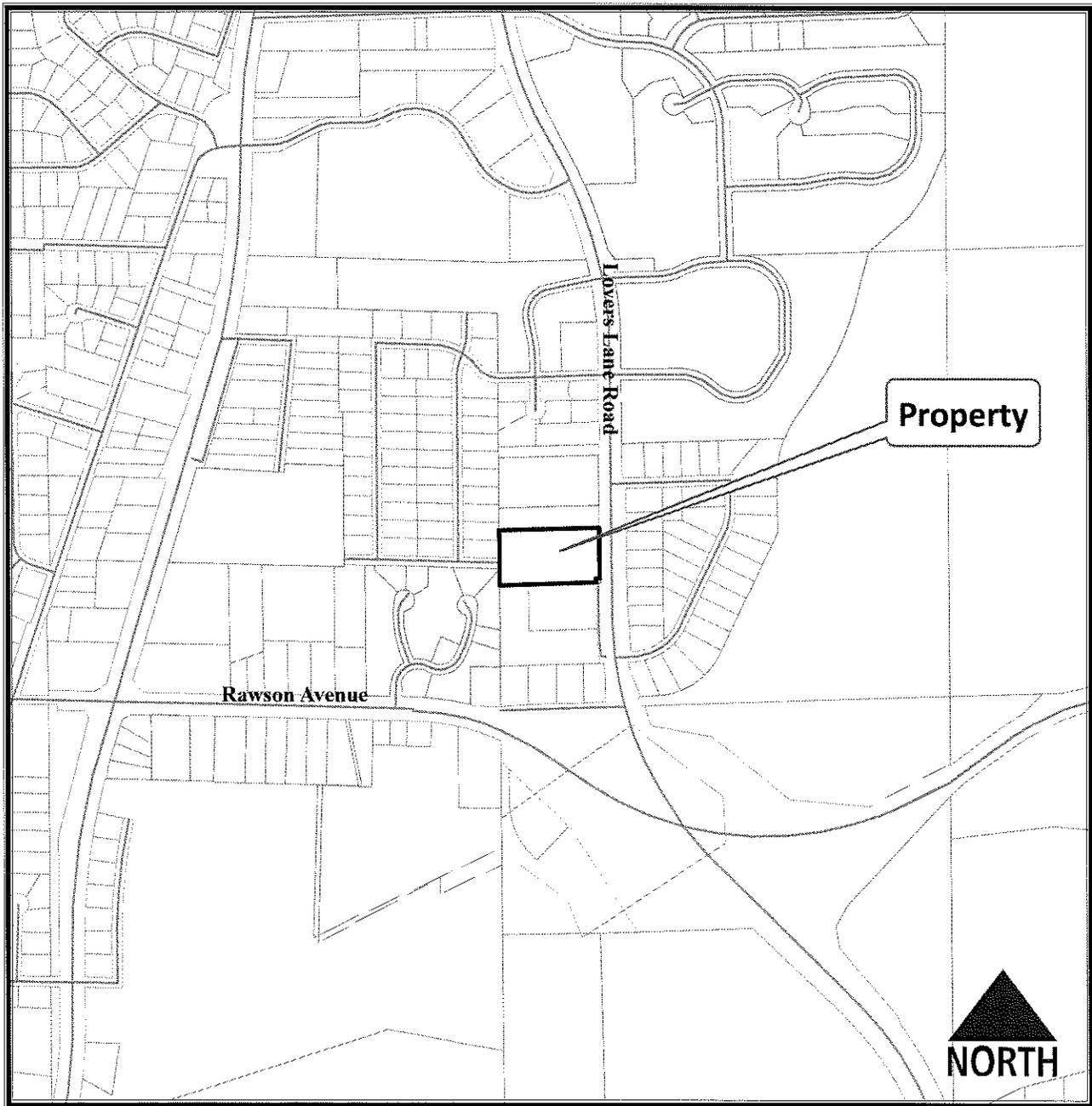
At their February 20, 2014 meeting, the Plan Commission recommended approval of an addendum to self storage facility use Special Use permit to allow for parking not more than three vehicles, not exceeding 13,000 pounds Manufactured Gross Vehicle Weight (6951 South Lovers Lane Road) (Storage Master, LLC, Applicant).

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2014-\_\_\_\_\_, an addendum to self storage facility use Special Use permit to allow for parking not more than three vehicles, not exceeding 13,000 pounds Manufactured Gross Vehicle Weight (6951 South Lovers Lane Road) (Storage Master, LLC, Applicant).



### 6951 S. Lovers Lane Road



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

00.00.04 0.08 0.12  
Miles

2013 Aerial Photo

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

## RESOLUTION NO. 2014-6957

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR  
THE APPROVAL OF A SPECIAL USE FOR A SELF STORAGE FACILITY USE UPON  
PROPERTY LOCATED AT 6951 SOUTH LOVERS LANE ROAD  
(STORAGE MASTER, LLC, APPLICANT)

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WHEREAS, Storage Master, LLC having petitioned the City of Franklin for the approval of a Special Use within a B-5 Highway Business District under Standard Industrial Classification Title No. 4225 "General warehousing and storage", to allow for a self storage facility use upon property located at 6951 South Lovers Lane Road, bearing Tax Key No. 747-9992-001, more particularly described as follows:

Being Parcel One (1) of Certified Survey map No.5403. recorded on April 18, 1990, Reel 2439, Images 869 to 872 inclusive, as Document No. 6371353, being part of the Southwest One-quarter (1/4) of the Southwest One-quarter (1/4) of Section Five (5), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin more completely described as follows:

Beginning at the most Northeasterly corner of said Parcel One (1); thence with the East line of said Certified Survey Map No. 5403 S00°24'00"E, 300.00' to a found iron pipe; thence with the South line of said CSM S88°06'31"W, 20.00' to a found iron pipe; thence S00°24'55"E, 24.91' to a found PK Nail; thence with the South line of said Parcel 1 S88°22'31"W, 573.07' to a found iron pipe; thence with the West Line of said Parcel 1 N00°24'10"W, 325.03' to a found iron pipe; thence with the North line of said Parcel 1, N88°22'40"E, 593.08' to a found iron rod being the point of beginning. Said Parcel 1 contains 4.14 acres more or less; 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 9th day of January, 2014, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to

STORAGE MASTER, LLC – SPECIAL USE  
RESOLUTION NO. 2014-6957

Page 2

nature, history or the like; and

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

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

1. That this Special Use is approved only for the use of the subject property by Storage Master, LLC, successors and assigns, as a retail self storage primarily climate controlled (with related accessory ambient temperature) structural units facility use, which shall be developed in substantial compliance with, and operated and maintained by Storage Master, LLC, pursuant to those plans City file-stamped December 30, 2013 and annexed hereto and incorporated herein as Exhibit A.
2. Storage Master, LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Storage Master, LLC self storage facility development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon Storage Master, LLC, and the self storage facility use for the property located at 6951 South Lovers Lane Road: (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. The use of parking vehicles exceeding 8,000 pounds manufactured Gross Vehicle Weight as part of this approval shall be subject to the further review and approval process as set forth under the Addendum hereto, and shall be then allowed and evidenced by and upon the attested approval thereof.
5. A cross-access agreement for access to the property to the south shall be submitted for the review and approval of the Department of City Development, prior to the issuance of an Occupancy Permit.

STORAGE MASTER, LLC – SPECIAL USE  
RESOLUTION NO. 2014-6957

Page 3

6. Applicant shall obtain final approval of the stormwater management plan from the City Engineer, prior to the issuance of a Building Permit.
7. A separate written Conservation Easement agreement shall be submitted for Common Council review and approval and recording with Milwaukee County Register of Deeds, prior to the issuance of a Building Permit.
8. Applicant shall obtain approval from the Wisconsin Department of Transportation of the proposed development, prior to issuance of a Building Permit.

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

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

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this 21st day of January, 2014.

STORAGE MASTER, LLC – SPECIAL USE  
RESOLUTION NO. 2014-6957  
Page 4

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 21st day of January, 2014.

APPROVED:

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

ATTEST:

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

AYES 5 NOES 0 ABSENT 1 (Ald. Skowronski)

Addendum to self storage facility use Special Use Permit to allow for parking not more than three vehicles, not exceeding 13,000 pounds manufactured Gross Vehicle Weight

Public Hearing was held before the Plan Commission on the \_\_\_\_ day of \_\_\_\_\_, 2014.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_ day of \_\_\_\_\_, 2014.

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

APPROVED:

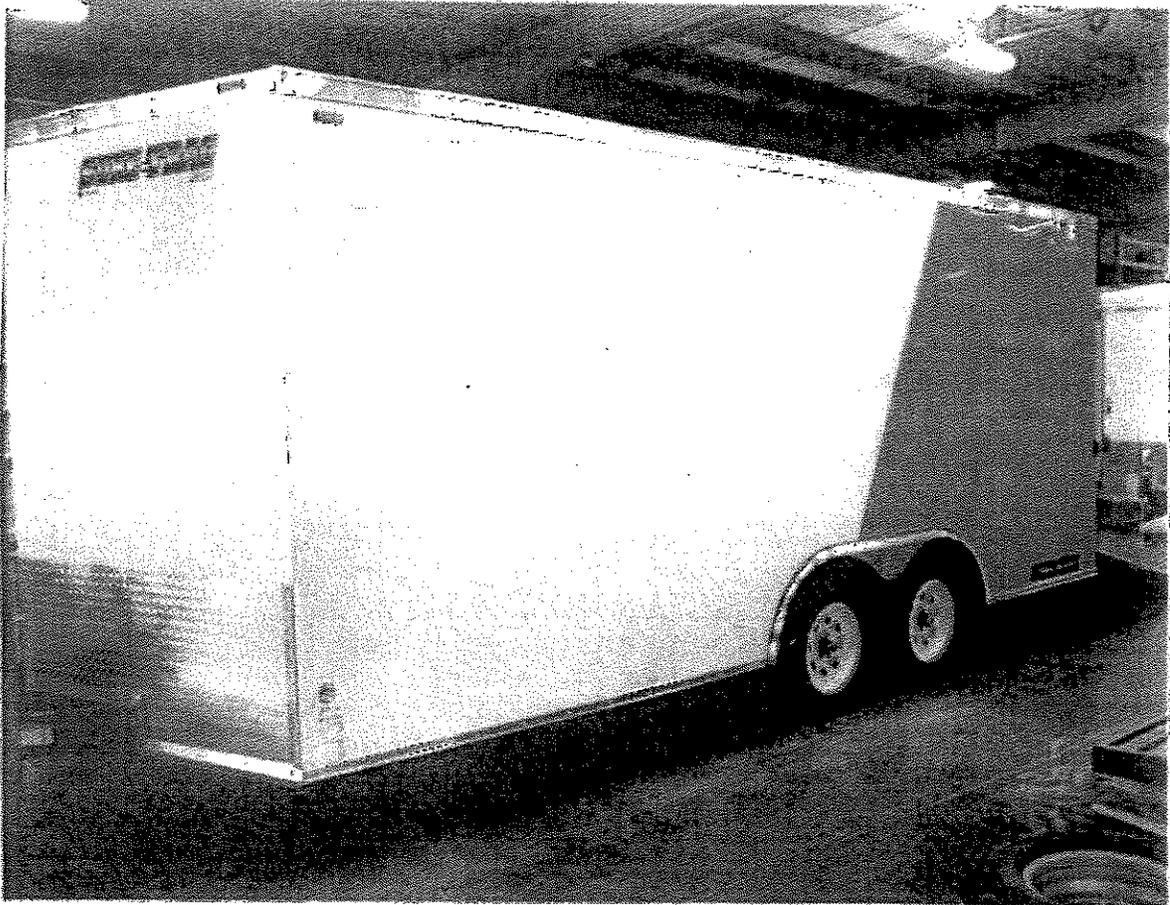
\_\_\_\_\_  
Thomas M. Taylor, Mayor

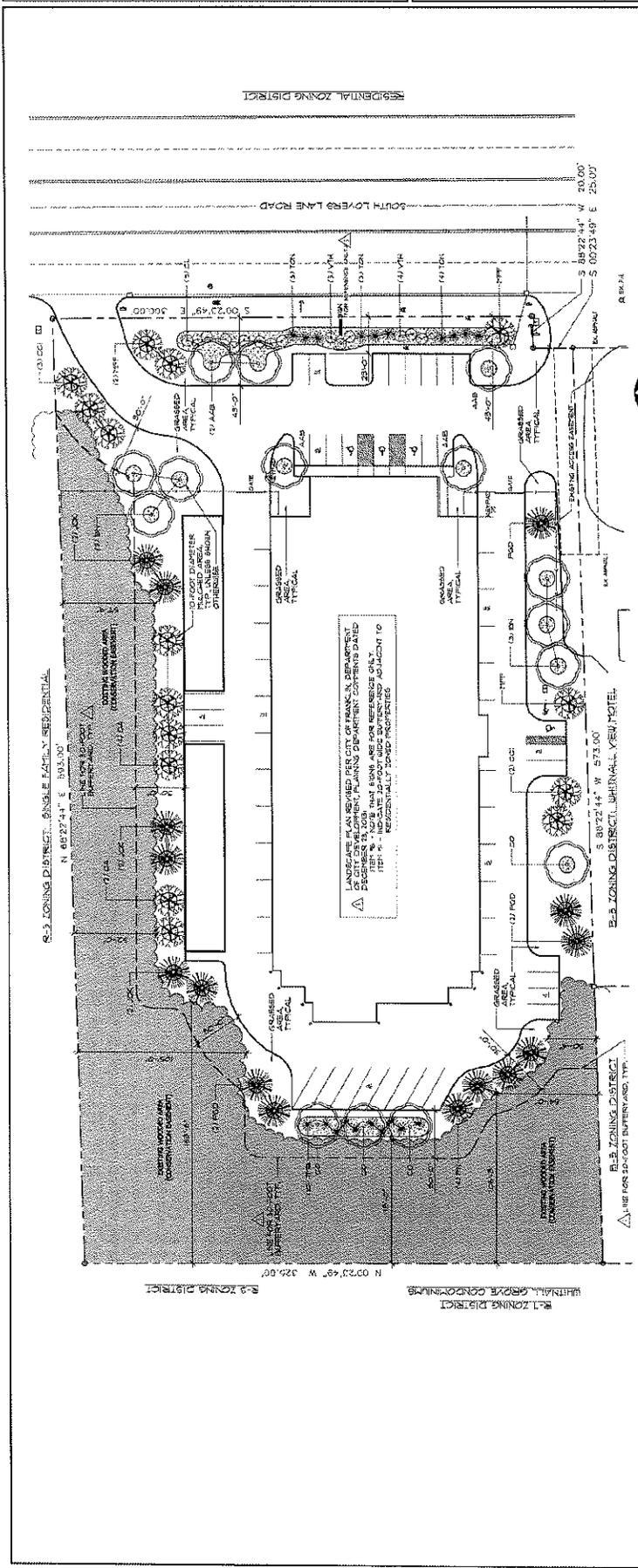
ATTEST:

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

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

Moving Van & Truck Attachment to Response Letter, 12-30-13 Items 10 & 11





LANDSCAPE PLAN  
 SCALE: 1" = 30'-0"

PLANTING SCHEDULE

QTY	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	ROOTS	MATURE SIZE	COMMENTS
1	1	AMERICAN HAWK	AMERICAN HAWK	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	2	WATER BERRY	WATER BERRY	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	3	COFFEE BERRY	COFFEE BERRY	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	4	MOULDER JARVIS	MOULDER JARVIS	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	5	BLACK-GLASS PINE	BLACK-GLASS PINE	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	6	AMERICAN DOG	AMERICAN DOG	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	7	DOUBLE LEAF AMERICAN	DOUBLE LEAF AMERICAN	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	8	MAHOGANY	MAHOGANY	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	9	FRANKLIN DOGWOOD	FRANKLIN DOGWOOD	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	10	FRANKLIN DOGWOOD	FRANKLIN DOGWOOD	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	11	FRANKLIN DOGWOOD	FRANKLIN DOGWOOD	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	12	FRANKLIN DOGWOOD	FRANKLIN DOGWOOD	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	13	FRANKLIN DOGWOOD	FRANKLIN DOGWOOD	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	14	FRANKLIN DOGWOOD	FRANKLIN DOGWOOD	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	15	FRANKLIN DOGWOOD	FRANKLIN DOGWOOD	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	16	FRANKLIN DOGWOOD	FRANKLIN DOGWOOD	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	17	FRANKLIN DOGWOOD	FRANKLIN DOGWOOD	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	18	FRANKLIN DOGWOOD	FRANKLIN DOGWOOD	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	19	FRANKLIN DOGWOOD	FRANKLIN DOGWOOD	18" CAL. PER	18" CAL. PER	18" CAL. PER	
1	20	FRANKLIN DOGWOOD	FRANKLIN DOGWOOD	18" CAL. PER	18" CAL. PER	18" CAL. PER	

PLANTING NOTES

1. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE SPECIFICATIONS AND NOTES ON THIS PLAN. PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE SPECIFICATIONS AND NOTES ON THIS PLAN. PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE SPECIFICATIONS AND NOTES ON THIS PLAN.

HYDRO-SEEDING / SODDING NOTES

1. HYDRO-SEEDING SHALL BE PERFORMED IN ACCORDANCE WITH THE SPECIFICATIONS AND NOTES ON THIS PLAN. HYDRO-SEEDING SHALL BE PERFORMED IN ACCORDANCE WITH THE SPECIFICATIONS AND NOTES ON THIS PLAN. HYDRO-SEEDING SHALL BE PERFORMED IN ACCORDANCE WITH THE SPECIFICATIONS AND NOTES ON THIS PLAN.



REPORT TO THE PLAN COMMISSION

Meeting of February 20, 2014

Special Use Addendum

RECOMMENDATION: Department of City Development staff recommends approval of the addendum to the Storage Master Special Use Permit, Resolution No. 2014-6957, to allow for parking vehicles exceeding 8,000 pounds manufactured Gross Vehicle Weight.

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

Project Description/Analysis

At their January 9, 2014 meeting, the Plan Commission recommended approval of a Special Use Permit for a self storage facility use upon property located at 6951 South Lovers Lane Road, subject to the conditions as stated by the City Engineer. The Special Use Permit was then approved by the Common Council at their January 21, 2014 meeting.

As previously indicated by the applicant, Storage Master intends to park three moving trucks onsite. The trucks will be parked on the west side (rear) of the property. The trucks are 14-foot box trucks, 22-feet in total length, have a height of 10'-4" with a manufactured gross vehicle weight of 12,000 pounds.

Section 15-5.0202G.3. requires that any vehicle over 8,000 pounds rated Gross Vehicle Weight (GVW) may be parked overnight with Special Use approval. Staff became aware of the truck weight during the staff review and comment period, after the initial Special Use public hearing notice had been published. As such, that part of the requested use was not properly noticed; therefore, the Resolution contained the condition below:

"The use of parking vehicles exceeding 8,000 pounds manufactured Gross Vehicle Weight as part of this approval shall be subject to the further review and approval process as set forth under the Addendum hereto, and shall be then allowed and evidenced by and upon the attested approval thereof."

A public hearing notice has now been properly published to allow for parking vehicles exceeding 8,000 pounds manufactured Gross Vehicle Weight.

**Staff Recommendation**

Department of City Development staff recommends approval of the addendum to the Storage Master Special Use Permit, Resolution No. 2014-6957, to allow for parking vehicles exceeding 8,000 pounds manufactured Gross Vehicle Weight.

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>03/04/14</b></p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>RESOLUTION AUTHORIZING CONSTRUCTION OF A DECK WITHIN THE 50 FOOT OPEN SPACE BUFFER EASEMENT UPON LOT 13 IN CARDINAL HEIGHTS SUBDIVISION (9200 SOUTH 48TH STREET) (ANANT NATEKAR, APPLICANT)</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.9.</i></p>

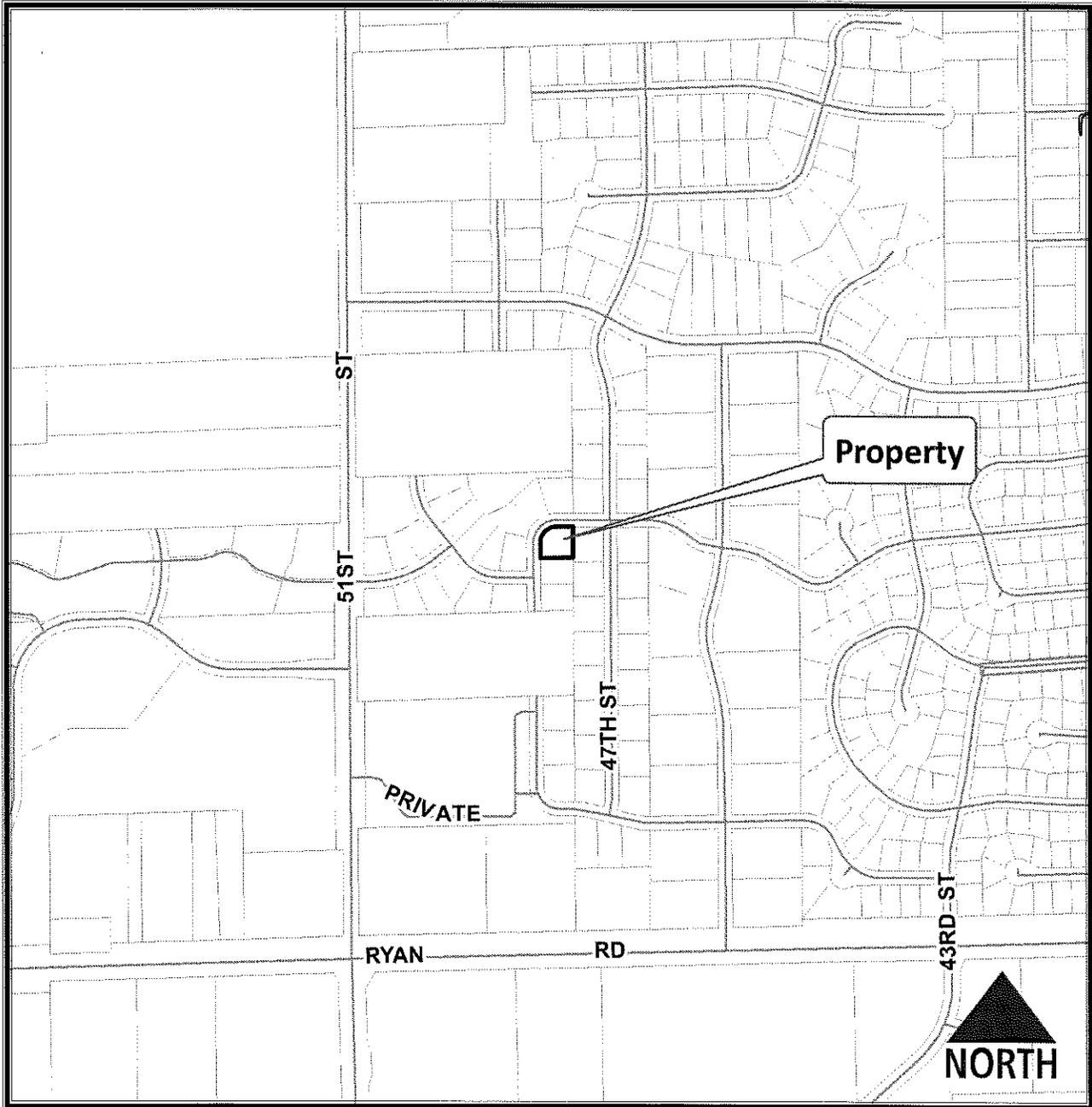
At its February 20, 2014, meeting the Plan Commission recommended denial of a resolution authorizing construction of a deck within the 50 Foot Open Space Buffer Easement upon Lot 13 in Cardinal Heights Subdivision (9200 South 48th Street) (Anant Natekar, applicant).

**COUNCIL ACTION REQUESTED**

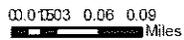
A motion to adopt Resolution No. 2014-\_\_\_\_\_, authorizing construction of a deck within the 50 Foot Open Space Buffer Easement upon Lot 13 in Cardinal Heights Subdivision (9200 South 48th Street) (Anant Natekar, applicant).



### 9200 South 48th Street



Planning Department  
(414) 425-4024



2013 Aerial Photo

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

## RESOLUTION NO. 2014-\_\_\_\_

A RESOLUTION AUTHORIZING CONSTRUCTION OF A DECK WITHIN  
THE 50 FOOT OPEN SPACE BUFFER EASEMENT  
UPON LOT 13 IN CARDINAL HEIGHTS SUBDIVISION  
(9200 SOUTH 48TH STREET)  
(ANANT NATEKAR, APPLICANT)

---

WHEREAS, Anant Natekar having applied for a release of the 50 foot Open Space Buffer Easement upon his property to the extent necessary to construct a 10 foot long by 19 foot wide deck with a 4 foot wide staircase on the first floor of the back of the residential home upon the property located at 9200 South 48th Street, which would result in an approximate 6 foot encroachment into the Easement area; such property being zoned R-3 Suburban/Estate Single-Family Residence District; and

WHEREAS, the subject Open Space Buffer Easement is denoted upon the Final Plat for Cardinal Heights Subdivision as an "Open Space Buffer Easement" and the property located at 9200 South 48th Street, bearing Tax Key No. 881-0166-000 is more particularly described as follows:

LOT 13 OF CARDINAL HEIGHTS, AND BEING A PART OF THE NW 1/4 OF THE SOUTHEAST QUARTER OF SECTION 23, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN. 18,237 square feet

OPEN SPACE EASEMENT AREA 2 (includes Open Space Easement over Lots 13, 14 and 15): A part of Parcel 1 and Outlot 1 of CSM 4945, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 23, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically described as follows:

Commencing at the South 1/4 corner of said Section 23, thence North 00°24'51" West, along the West line of the Southeast 1/4 of said Section 23, a distance of 1486.90 feet; thence North 88°09'28" East, a distance of 932.33 feet to the POINT OF BEGINNING; thence North 00°24'17" West, a distance of 362.92 feet; thence South 89°49.'30" East, a distance of 50.00 feet; thence South 00°24'17" East, a distance of 361.16 feet; thence South 88°09'28" West, a distance of 50.02 feet to the POINT OF BEGINNING. Containing 18,101 square feet or 0.42 acres, more or less; and

WHEREAS, the 50 foot Open Space Buffer Easement denoted upon the Final Plat for Cardinal Heights Subdivision and its accompanying restriction of the construction or

placement of buildings is a restriction which was imposed by the Franklin Common Council in its approval of the Final Plat; and

WHEREAS, Wis. Stats. § 236.293 provides in part that any restriction placed on platted land by covenant, grant of easement or in any other manner, which was required by a public body vests in the public body the right to enforce the restriction at law or in equity and that the restriction may be released or waived in writing by the public body having the right of enforcement; and

WHEREAS, the Common Council having considered the request for the release of the 50 foot Open Space Buffer Easement only so as to allow for the subject deck construction, and having considered the proposed location of and type of deck to be installed upon the subject property in conjunction with existing and required landscaping on the property, and that the proposed release is only to the extent of 6 feet.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the deck construction of the type and specifications as described and only upon the location as set forth within the plans accompanying the application of Anant Natekar filed on January 31, 2014, be and the same is hereby authorized and approved and that the Open Space Buffer Easement restriction as it would otherwise apply to such installation upon the subject property only, is hereby waived and released.

BE IT FURTHER RESOLVED, that the applicant shall further obtain all required permit(s) for the installation of the subject deck and that the subject deck shall be constructed pursuant to such permit(s) within one year of the date hereof, or all approvals granted hereunder shall be null and void.

BE IT FINALLY RESOLVED, that the City Clerk be and the same are hereby directed to obtain the recording of this Resolution with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

APPROVED:

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

RESOLUTION NO. 2014-\_\_\_\_\_

Page 3

ATTEST:

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

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

# Request for Release of 50' Open Space Buffer Easement

## Applicant/Property Owner

Anant Natekar  
9200 South 48<sup>th</sup> Street  
Franklin WI 53132

Franklin

FEB 11 2014

City Development

## Description of the project

My property has a 50 feet open space buffer easement restriction at the back. I am planning to put up a deck at the back of the house. The deck details are as shown below

1. Deck dimensions can be only 8 feet long by 19 feet wide
2. Deck will be on the first floor of the house
3. I have a walk out basement but I will not be able to have stair case due to the easement restriction

I am requesting a variance to build my deck. The updated design envisions a deck, the details of which are listed below

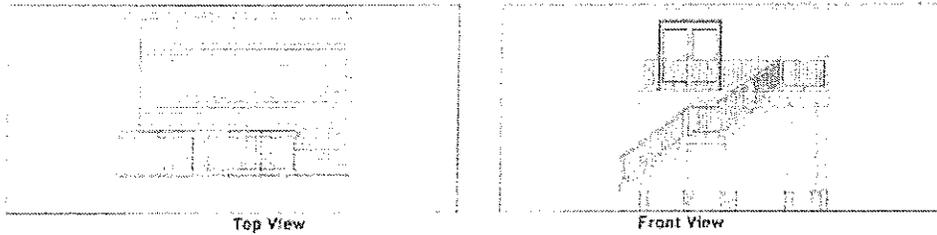
1. Deck dimension is 10 feet long by 19 feet wide
2. Deck has a stair case (4 feet wide) coming down at the back.
3. Deck will be on the first floor of the house.

This would mean going into the open space buffer easement for 6 feet. Picture below provides the details.

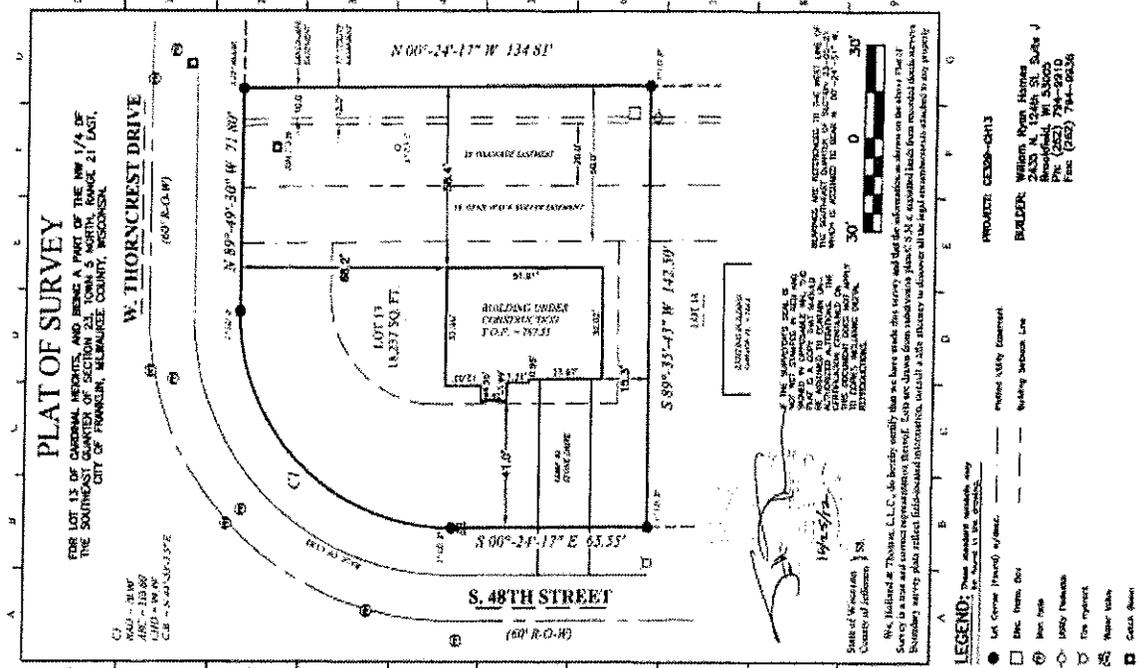


3D Photo Rendering

# Request for Release of 50' Open Space Buffer Easement

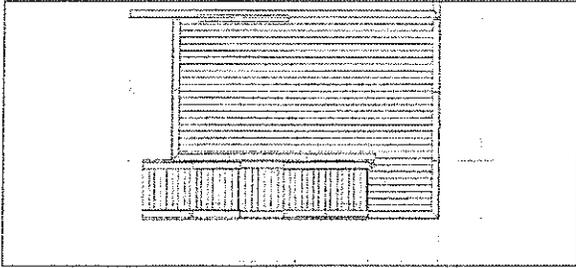


The survey details for lot #13 are shown below.

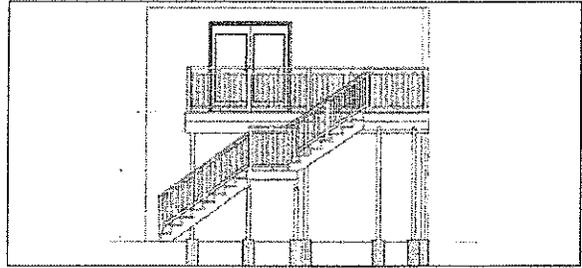


## Reasons why the easement should be released

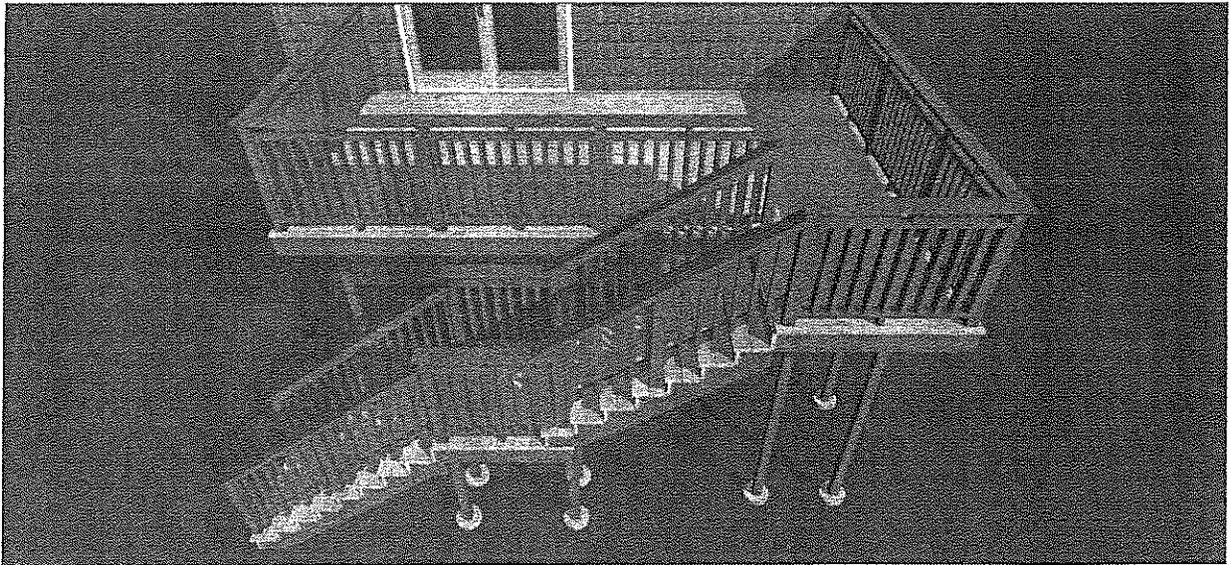
- A Deck without a stair case is a safety hazard. The deck is planned to be created on the first floor. And in the case of an emergency, the stairs would be useful for moving out and away from the house as soon as possible.
- The modified plan has already been approved by the Subdivision Review Board from MLG.
- The stairs or the deck does not in any way reduce or impact the design that limits continuously the view and/or sounds from the lot or site to adjacent lots or sites



Top View

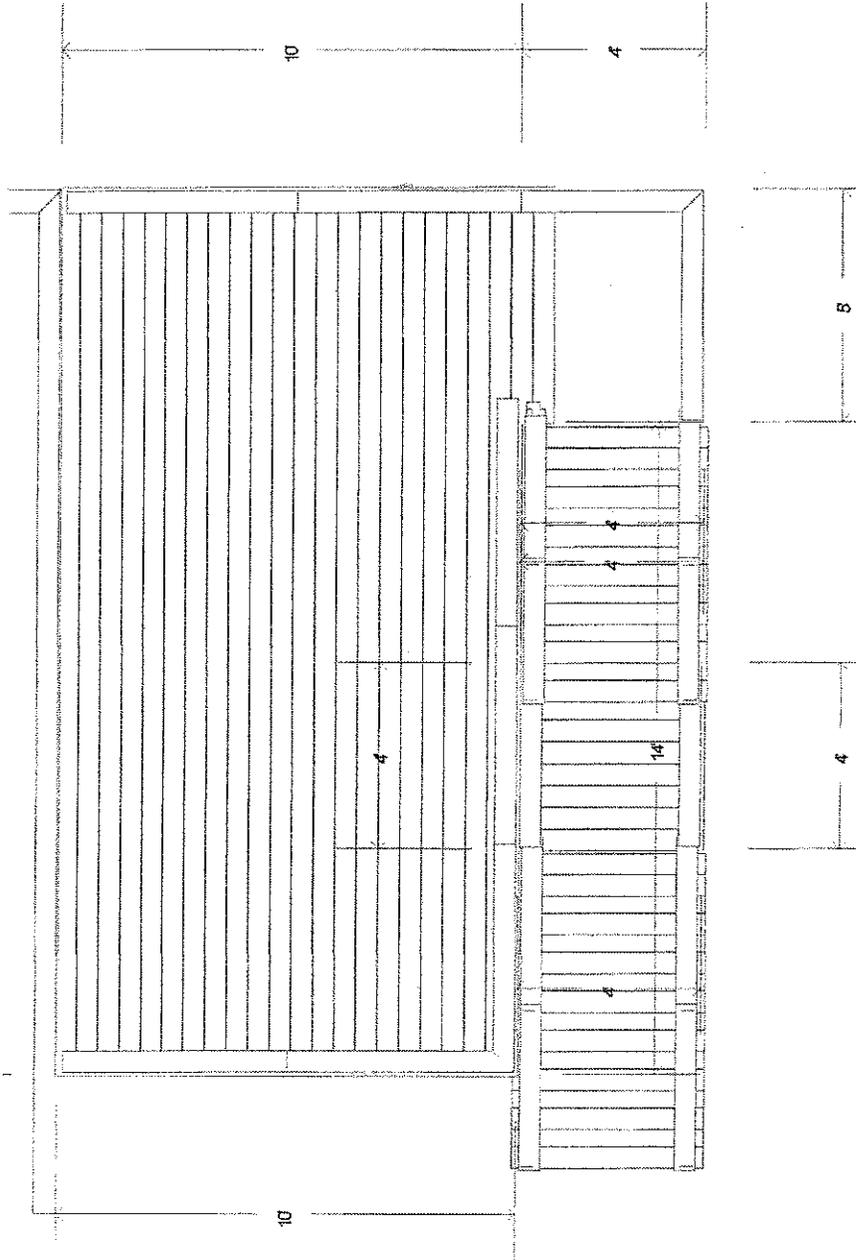


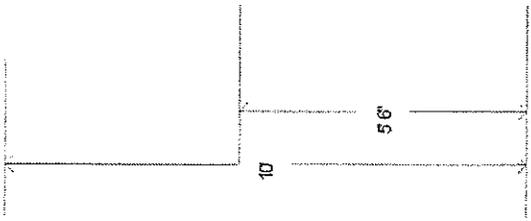
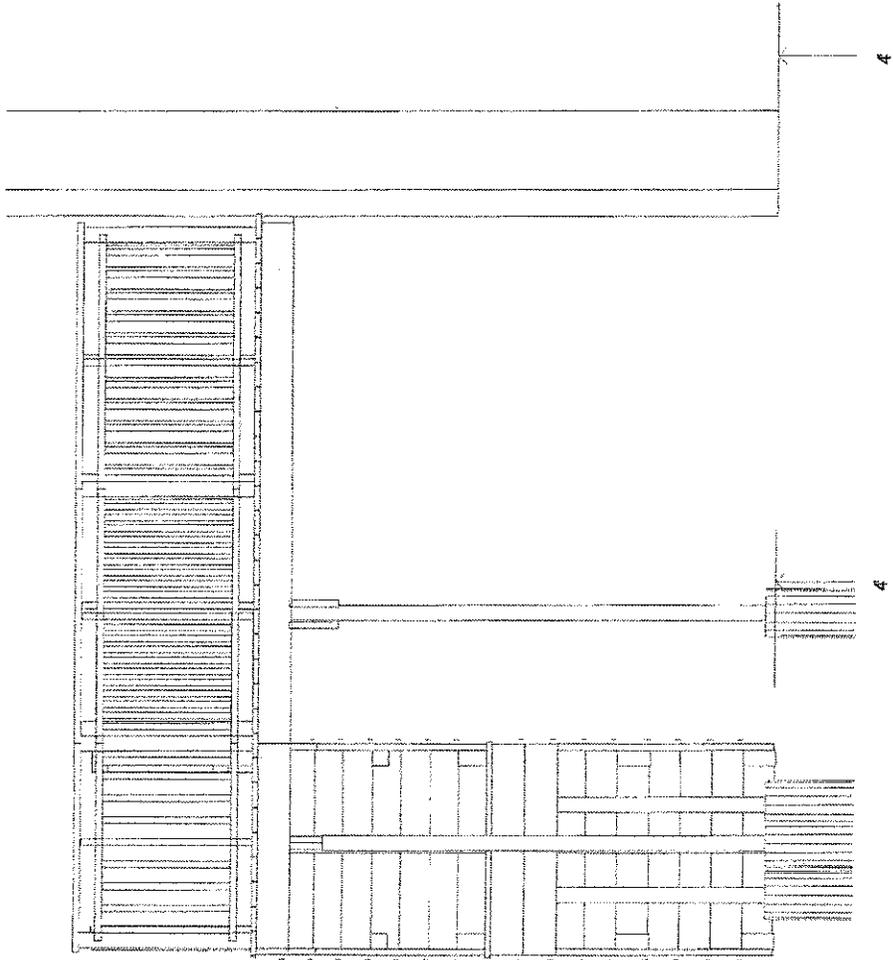
Front View

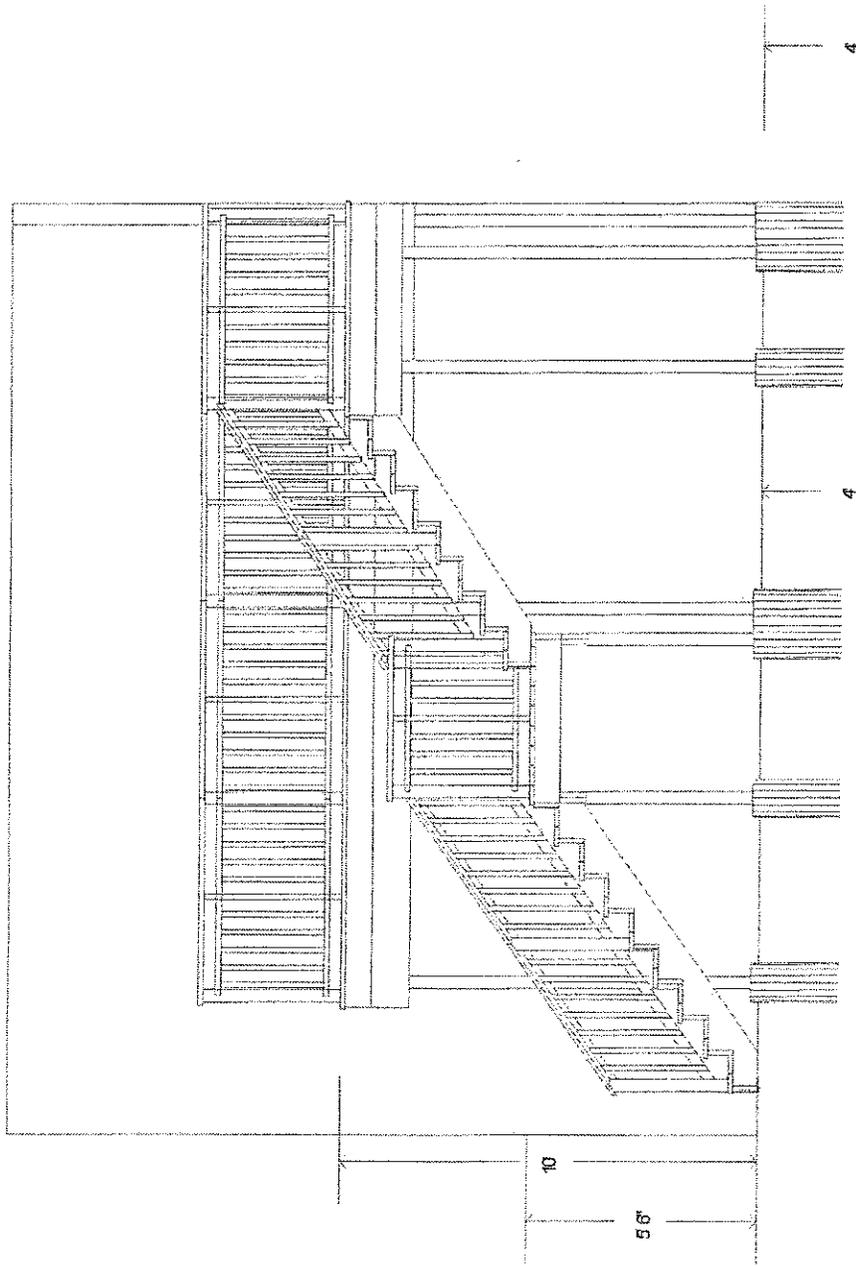


3D Photo Rendering

19







**From:** [Anant Natekar](#)  
**To:** [Nick Fuchs](#)  
**Subject:** Fwd: Deck Guy  
**Date:** Thursday, February 20, 2014 10:36:47 AM

---

Nick,

Please find below the mail in support of my deck from my neighbor. Thank you.

regards,  
Anant

----- Forwarded message -----

**From:** **Nick** <[nickq919@yahoo.com](mailto:nickq919@yahoo.com)>  
**Date:** Thu, Feb 20, 2014 at 9:29 AM  
**Subject:** Deck  
**To:** Anant Natekar <[anantnatekar@gmail.com](mailto:anantnatekar@gmail.com)>

Hi Anant,

The size of your new deck sounds great. Please share my approval of the plans with the Franklin City Council tonight at your meeting. I think it will look great and add a lot of value to your home and our neighborhood. I hope you get it approved by the city so that we can put it to good use this summer.

Thanks,  
Nick Quesnell  
9218 S 48th St  
Franklin, WI 53132

**From:** [anantnatekar@northwesternmutual.com](mailto:anantnatekar@northwesternmutual.com)  
**To:** [Nick Fuchs](mailto:Nick Fuchs)  
**Cc:** [anantnatekar@gmail.com](mailto:anantnatekar@gmail.com)  
**Subject:** FW: Approval  
**Date:** Friday, January 31, 2014 1:26:59 PM  
**Attachments:** [Approval of Deck 12.6.13.pdf](#)

---

Nick,

Please see the mail below from Lynn. As discussed, this is the email that the review board wanted the stairs on the rear.

Thank you.

regards,

Anant

Project Manager | 414-661-1487 | [anantnatekar@northwesternmutual.com](mailto:anantnatekar@northwesternmutual.com)

**From:** Lynn M. Maikowski [mailto:[lmaikowski@pointre.com](mailto:lmaikowski@pointre.com)]

**Sent:** Friday, January 31, 2014 1:21 PM

**To:** NATEKAR, ANANT

**Subject:** RE: Approval

Good Afternoon Anant,

Yes, that is correct. The Review Board would only approve the deck with the stairs on the rear and not on the side elevation. I have attached the approved plan and letter that was send on December 6<sup>th</sup>.

Sincerely,

*Lynn Maikowski*

Administrative Assistant

**MLG Family of Companies**

13400 Bishop's Lane, Suite 270

Brookfield, WI 53005

Reception: 262-797-9400

**Direct: 262-364-5518**

Fax: 262-797-8940

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**From:** [anantnatekar@northwesternmutual.com](mailto:anantnatekar@northwesternmutual.com) [mailto:[anantnatekar@northwesternmutual.com](mailto:anantnatekar@northwesternmutual.com)]

**Sent:** Friday, January 31, 2014 12:43 PM

**To:** Lynn M. Maikowski

**Subject:** RE: Approval

Lynn,

I met with the planning department yesterday. And one of the things that they mentioned to me was regarding the stairs at the back of the deck. I recall from our conversation that the review board recommended that I move the stairs to the back of the deck. But I am not sure. Hence reaching out to you to confirm if my understanding is correct.

Trying to confirm if the review board wanted me to move the stairs behind the deck. Thanks in advance.

regards,

Anant

Project Manager | 414-661-1487 | [anantnatekar@northwesternmutual.com](mailto:anantnatekar@northwesternmutual.com)

**From:** Lynn M. Maikowski [mailto:[lmaikowski@pointre.com](mailto:lmaikowski@pointre.com)]

**Sent:** Friday, December 06, 2013 4:28 PM

**To:** NATEKAR, ANANT

**Subject:** Approval

Good Afternoon Anant,

Congratulations! The deck plan has been approved. Attached is a copy of the approval letter and stamped plans.

Have a great weekend ☺

*Lynn Maikowski*

Administrative Assistant

**MLG Family of Companies**

13400 Bishop's Lane, Suite 270

Brookfield, WI 53005

Reception: 262-797-9400

**Direct: 262-364-5518**

Fax: 262-797-8940

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advisors • brokerage • development • investment • management

December 6, 2013 (VIA E-Mail)

Anant Natekar  
9200 South 48<sup>th</sup> Street  
Franklin, WI 53132

RE: Lot 13 Cardinal Heights

Dear Mr. Natekar:

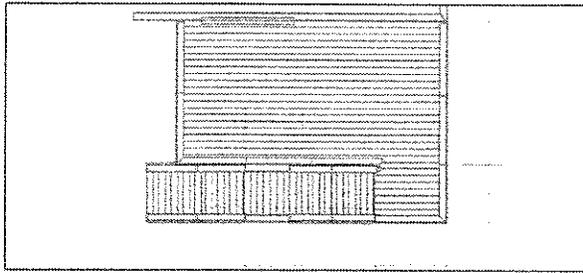
The Subdivision Review Board has reviewed and approved the deck plan dated 12/5/2013.

Please remember to contact Digger's Hotline at (800) 242-8511 before beginning your landscape project. Any changes to your landscaping in the future such as additional planting beds or the placement of a child's play set must also be submitted to the Review Board for approval. Please be aware that outbuildings or storage sheds of any kind are not permitted and are in violation of the Protective Covenants. The use of fencing in your landscape, regardless of length, is also not permitted other than to surround an in-ground swimming pool for safety reasons.

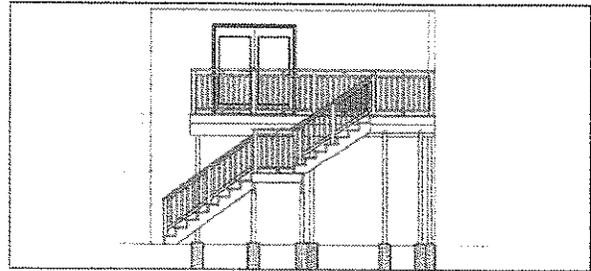
If you have any further questions feel free to contact me at 262-797-9400 or [Imaikowski@mlgcommercial.com](mailto:Imaikowski@mlgcommercial.com).

Sincerely,

Lynn Maikowski  
On Behalf of the Review Board



Top View



Front View



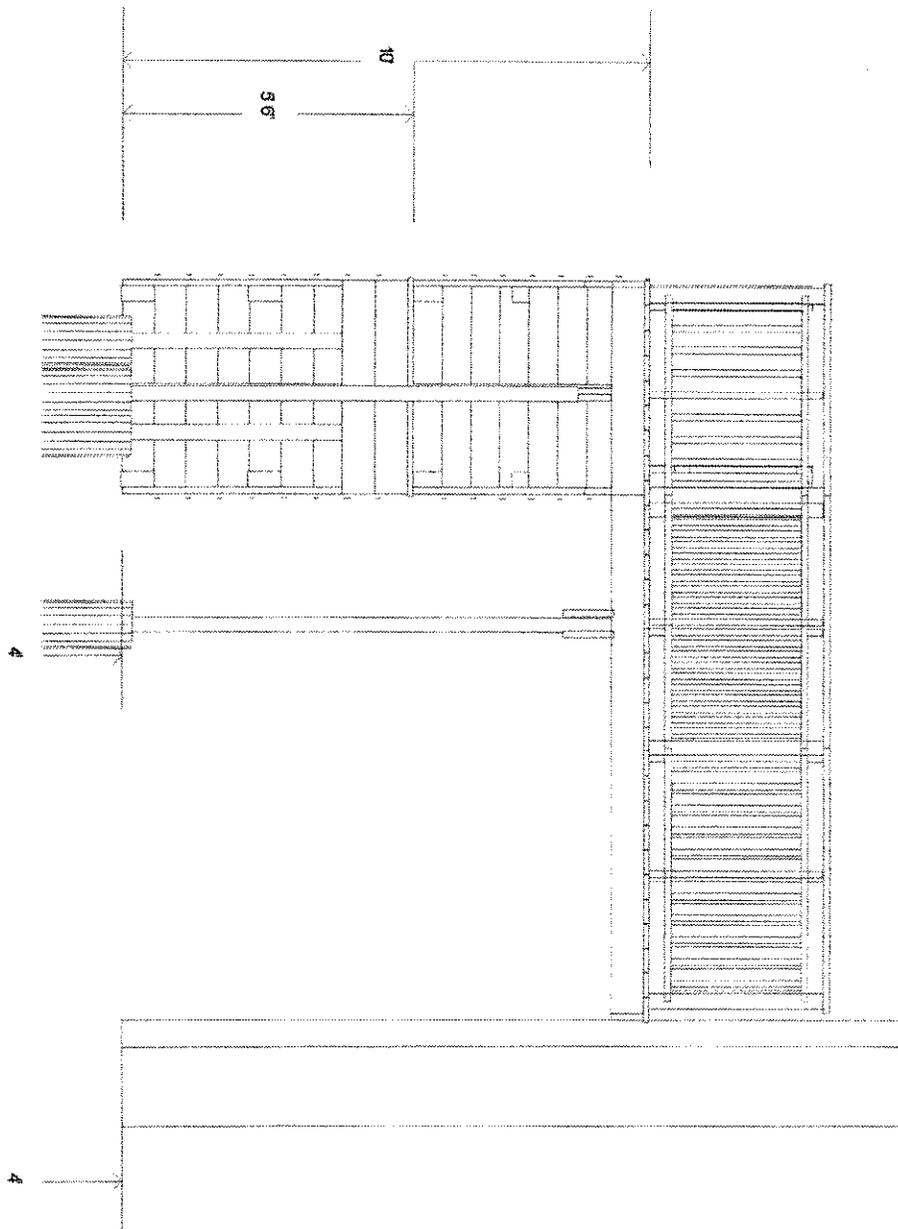
3D Photo Rendering

MLG  
APPROVED  
R/UD

*[Handwritten signature]*

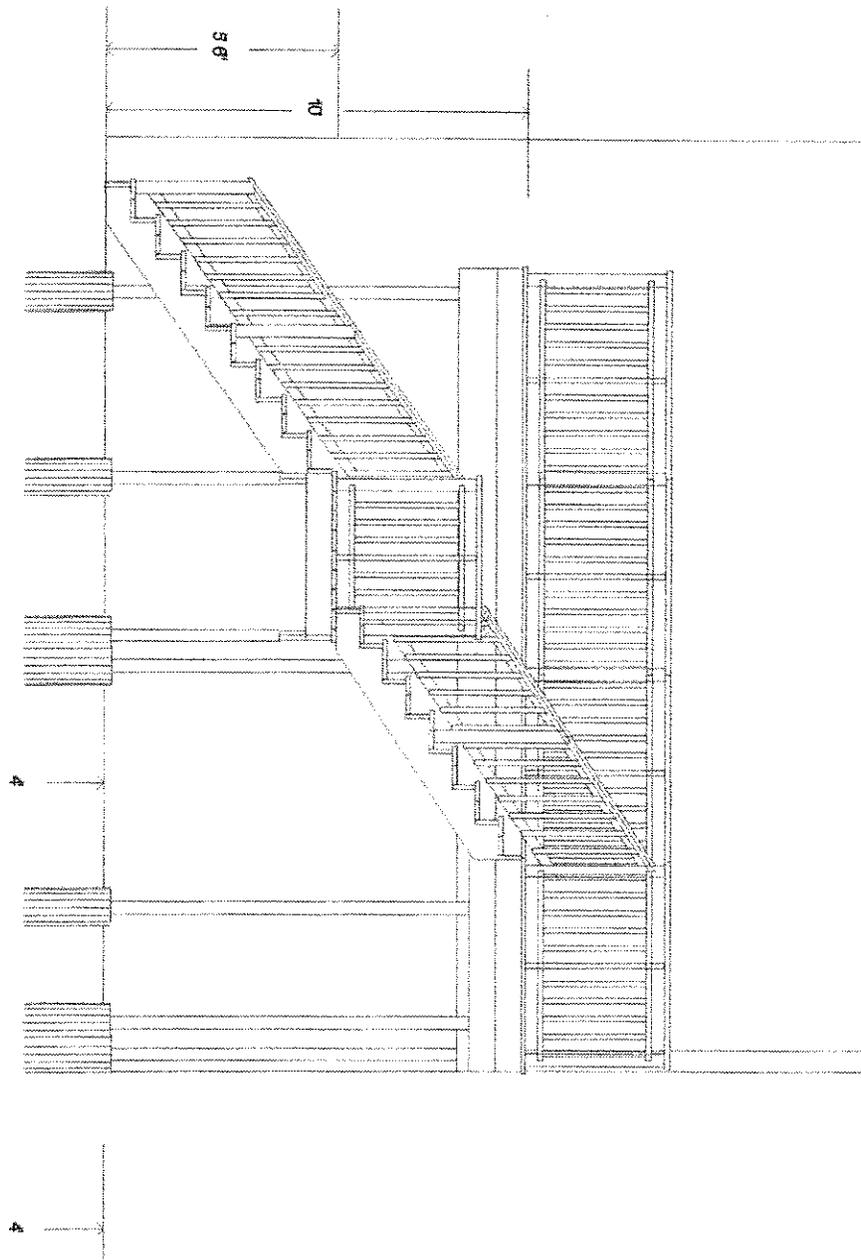
RECEIVED  
MAY 05 2013  
BY.....





21.10.10  
 15.5.2010

BY: .....



BY: .....

## Lynn M. Maikowski

---

**From:** anantnatekar@northwesternmutual.com  
**Sent:** Thursday, December 05, 2013 9:56 AM  
**To:** Lynn M. Maikowski  
**Subject:** Fwd: 9200 S. 48 Street - Deck  
**Attachments:** natekar, anant 10' front stairs.pdf

Good Morning Lynn,

Attached is the updated deck drawing. This has been updated as per our discussion. Request your approval for me to move ahead. Thanks in advance and let me know in case of any questions.

regards,

Anant

Project Manager | 414-661-1487 | [anantnatekar@northwesternmutual.com](mailto:anantnatekar@northwesternmutual.com)

**From:** Anant Natekar [mailto:anantnatekar@gmail.com]  
**Sent:** Wednesday, December 04, 2013 5:52 PM  
**To:** NATEKAR, ANANT  
**Subject:** Fwd: Fwd: 9200 S. 48 Street - Deck permit application

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## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of February 20, 2014

**Release of 50 foot Open Space Buffer Easement**


---

**RECOMMENDATION:** Department of City Development Staff recommends denial of the release of the 50-foot Open Space Buffer Easement to allow for the construction of a deck upon Lot 13 of the Cardinal Heights Subdivision.

---

<b>Project Name:</b>	Request to release 50 foot Open Space Buffer Easement
<b>Project Address:</b>	9200 South 48 <sup>th</sup> Street
<b>Applicant:</b>	Anant Natekar
<b>Owners (property):</b>	Anant Natekar
<b>Current Zoning:</b>	R-3 Suburban/Estate Single-Family Residence District, Open Space Option No. 1
<b>Use of Surrounding Properties:</b>	Single-family residential to the north, south, east and west
<b>Applicant Action Requested:</b>	Recommendation of approval to release the 50-foot Open Space Buffer Easement to allow for the construction of a deck

---

**Introduction/Project Description:**

On January 31, 2014, the applicant submitted a Miscellaneous Application, requesting to construct a deck within the 50-foot Open Space Buffer Easement denoted on the Final Plat for the Cardinal Heights Subdivision for Lot 13, located at 9200 South 48<sup>th</sup> Street.

The applicant is proposing to construct a deck attached to the rear of the home, extending east towards the rear or east property line and the Open Space Buffer Easement. The applicant is proposing a 10-foot long by 19-foot wide deck with a staircase leading down to the lower level of the home. The deck will result in a six-foot encroachment within the Open Space Buffer Easement. Alternately, the applicant could construct an 8-foot by 19-foot deck with a staircase on the side to remove the encroachment.

The applicant provided an email from MLG on behalf of the Subdivision Review Board indicating approval of the proposed deck. An email from MLG was also provided stating that the Review Board would only approve the deck with the stairs on the rear and not on the side elevation.

The Cardinal Heights Subdivision Final Plat was approved via Resolution No. 2007-6294 and recorded with Milwaukee County on March 24, 2008. The Subdivision also received Special Use approval, Resolution No. 2007-6235, to utilize the R-3 Residence District Open Space Option No. 1 development standards. Section 15-3.0702A. of the Unified Development Ordinance outlines specific Special Use standards for Open Space Subdivisions. One of these standards

states, "A minimum fifty (50) foot-wide open-space buffer shall be provided between an "Open Space Subdivision" and an abutting "Conventional Subdivision."

The Cardinal Heights Subdivision abuts the Bailey's Meadow Subdivision located to the east, which is a conventional subdivision approved by the Common Council, at their September 15, 1998 meeting, via Resolution No. 98-4773; therefore, the City of Franklin required the 50-foot Open Space Buffer Easement along Lots 12 through 15 of the Cardinal Heights Subdivision.

The Cardinal Heights Subdivision written Open Space Buffer Easement, Protective Covenants and the Subdivision Plat contain language related to Open Space Buffer Easement restrictions. The written easement document was approved by Resolution No. 2007-6296 at the June 19, 2007 Common Council meeting. Excerpts from these three sources related to the restrictions of the Open Space Buffer Easement are below.

- The **Open Space Buffer Easement** states, "Grantee's rights hereunder shall consist solely of the following: 1. To create an open space buffer yard for the private use by the owners of the individual lots over whose property the open space buffer easement runs, as shown on the attached exhibits, the protected property shall consist of natural existing vegetation or using trees, shrubs, and/or berms, designed to limit continuously the view and/or sound from the lot or site to adjacent lots or sites."
- The **Subdivision Plat** states, "OPEN SPACE BUFFERS ARE GRANTED TO THE CITY OF FRANKLIN." and "50' OPEN SPACE BUFFER EASEMENT: THE 50' PROTECTED PROPERTY SHALL CONSIST OF NATURAL VEGETATION I.E., TREES, SHRUBS AND OR BERMS. NOT ALLOWED TO CONSTRUCT OR MAKE ANY IMPROVEMENTS. DECKS AND PATIOS ARE NOT ALLOWED WITHIN THE EASEMENT."
- The **Protective Covenants** states, "Open Space Easements. Developer hereby declares, creates and reserves easements shown on the Plat as "50' Open Space Buffer Easement" (hereinafter collectively referred to as "Open Space Easement") over certain Lots in the Subdivision, including but not necessarily limited to Lots 12, 13, 14, and, 15. Developer has recorded a separate instrument in the Milwaukee County Register of Deeds Office entitled "Open Space Buffer Easement" that impacts certain lots and outlots in the Subdivision. Permanent or temporary structures, decks, patios, fences, pools and retaining walls will not be allowed within the Open Space Easement, which shall be limited to natural vegetation such as trees, shrubs and berms."

The Open Space Buffer Easement document prohibits the construction or placement of buildings in the Open Space Buffer Easement without the prior consent of the City of Franklin. Thus, the Common Council may consent to the construction and placement of the deck within the Open Space Buffer Easement per the easement restrictions.

In the applicant's materials, the three statements below were provided as reasons to allow the construction of the deck.

1. "A Deck without a stair case is a safety hazard. The deck is planned to be created on the first floor. And in the case of an emergency, the stairs would be useful for moving out and away from the house as soon as possible."
2. "The modified plan has already been approved by the Subdivision Review Board from MLG."
3. "The stairs or the deck does not in any way reduce or impact the design that limits continuously the view and/or sounds from the lot or site to adjacent lots or sites 2."

**Staff Recommendation:**

Department of City Development Staff recommends denial of the release of the 50-foot Open Space Buffer Easement to allow for the construction of a deck upon Lot 13 of the Cardinal Heights Subdivision.

Staff further recommends that the applicant explore alternatives to construct a deck or balcony outside of the Open Space Buffer Easement, such as reducing the size of the deck and location of the staircase or constructing a 1<sup>st</sup> floor deck/balcony without a staircase. The property directly to the south, 9218 South 48<sup>th</sup> Street, constructed a 1<sup>st</sup> floor deck/balcony (i.e. no staircase) outside of the Open Space Buffer Easement. Staff believes this is also a viable option for the applicant.

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">03/04/14</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>PLANNING DEPARTMENT 2013 ANNUAL REPORT, REVIEW OF PERMITS AND APPLICATIONS, SPECIAL PROJECTS AND COMMUNITY GROWTH ISSUES (2009 THROUGH 2013 OVERVIEW INCLUDED)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.10.</i></p>

The attached information was also presented to the Plan Commission at its February 20, 2014 meeting. This report is intended for informational purposes only, action on this matter is not required.

**COUNCIL ACTION REQUESTED**

No action required.



## Planning Department Annual Report: 2013

**Prepared for:**

Mayor Thomas M. Taylor  
City of Franklin Common Council  
City of Franklin Plan Commission

**Prepared by:**

City of Franklin Planning Department

**City of Franklin Vision Statement:** The City of Franklin's vision is 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. *(Adopted by the Common Council April 25, 2009, and included by reference in the City of Franklin 2025 Comprehensive Master Plan)*

**City of Franklin 70/30 Goal:** That it remain a goal of the Common Council to obtain the 70/30 ratio of residential to commercial assessed valuation. *(Motion passed by the Common Council June 29, 2005, included by reference in the City of Franklin 2025 Comprehensive Master Plan in 2009, and reaffirmed by the Council at its September 3, 2013 meeting.)*

### INTRODUCTION

The City of Franklin's Planning Department oversees planning and zoning activities and is responsible for administration of the Unified Development Ordinance and implementation of the Comprehensive Master Plan. The Department's role includes the dissemination of this information to the public and coordination with other City departments, boards, commissions, public officials, and applicants to ensure the timely review of projects.

Specifically, the Planning Department is responsible for providing planning, zoning, and development-related support to the Mayor and Common Council and primary staff support to the Plan Commission, the Board of Zoning and Building Appeals, the Environmental Commission, the Franklin Complete Streets & Connectivity Committee, the Quarry Monitoring Committee, and the Parks Commission. The Department also provides assistance to the City Attorney's Office for the Community Development Authority and the Forward Franklin Economic Development Committee.

Many of the activities of the Planning Department result in ordinances and/or resolutions that are adopted by the Common Council and are incorporated into the City's rules and regulations. It can be noted that in 2013, 43 percent of the ordinances adopted by the Common Council were for projects researched/prepared

by the Department (12 of 28), and 30 percent of the resolutions approved by the Common Council were for projects researched/prepared by the Department (29 of 97).

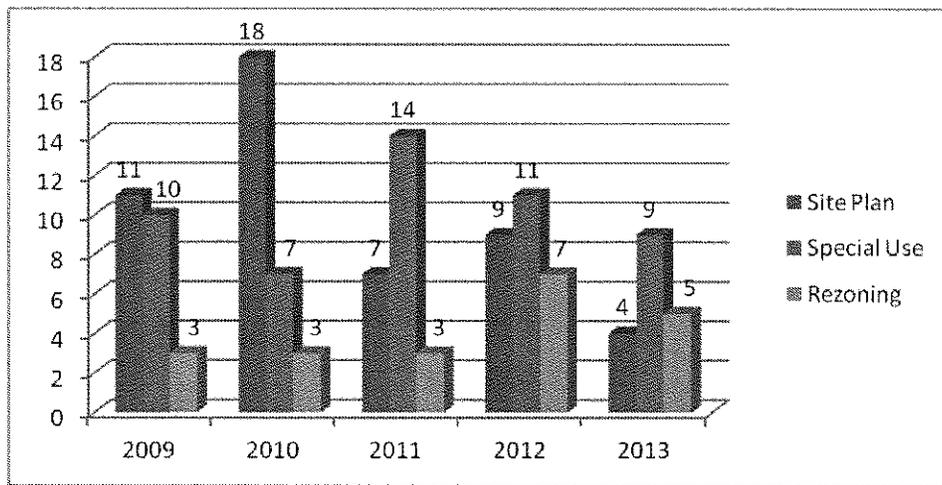
In 2013, the projects reviewed by the Planning Department had an estimated combined building construction value of about \$32.6 million. This compares to about \$26.8 million of development proposed in 2012, \$18.7 million in 2011, about \$23.5 million in 2010, and about \$13.0 million in 2009.

This report provides a summary of the Planning Department’s activities during 2013 related to the review of permits and applications, special projects, and community growth issues. To put the activity in some perspective, the report also contains information from previous years.

## ZONING AND LAND DIVISION ACTIVITIES

While the total number of projects reviewed in 2013 was the second highest of the past five years, the number of specific types of projects often varied greatly from previous years. For instance, while the number of easements, Natural Resource Special Exceptions, Concept Reviews, and Building Permit reviews were the highest they have been in the last five years, and while the City received its first single-family residential subdivision plat since 2008, the number of UDO Text Amendments, PDD amendments, Site Plans, and variances were the lowest they have been during the past five years.

Figure 1: Number of Applications



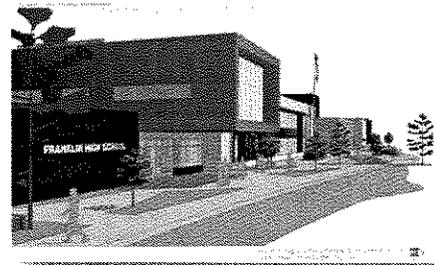
(figures from Project Tracking Table)

### Site Plans

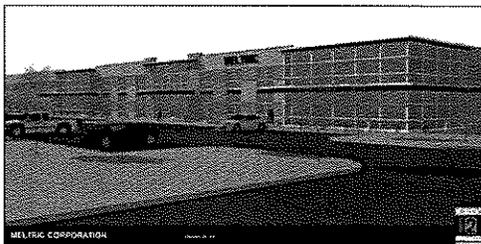
The minor site plan amendment process to allow for administrative (Planning Manager) approval of eligible minor changes to an approved Site Plan, approved via Ordinance No. 2010-2022, resulted in 16 applications in 2013 (down from 18 in 2012 but higher than the preceding years).

Site Plans and Site Plan Amendments heard at the Plan Commission decreased to four in 2013 (from nine in 2012). However it is appropriate to note that site plan review is often included as an integral part of other types of planning applications, such as Special Use permit and Planned Development District amendment reviews. Notable projects in 2013 included:

Franklin Public Schools applied for a 34,000 square foot academic expansion and renovation to the Franklin High School with an additional 52,000 square foot Music and Auditorium addition to seat 850. Additional improvements to the sporting fields included a new Concession Stand and restroom facility. **Development cost estimate: \$33,000,000**, with construction started in the summer of 2013 and anticipated to be completed in 2015.



*Franklin High School  
8222 South 51st Street*



Meltric Corporation received Site Plan approval in late August 2013 for an approximate 69,596 square foot building at 4765 West Oakwood Park Drive in the Franklin Business Park.

**Development cost estimate: not yet determined.**

## **Special Uses**

The number of Special Use and Special Use amendments applied for in 2013 totaled 9. Notable projects reviewed and approved in 2013 included:

Repurposing of the former Ashley Furniture property at 6801 South 27<sup>th</sup> Street to allow Amusement and Recreation Services (Sky Zone) and Warehousing and Distribution (AST Logistics) uses. This project was also part of a boundary expansion of Planned Development District No. 13 as noted later in this report. **Redevelopment cost estimate: \$750,000**, with construction anticipated in 2014.

Forestview LLC, a 42 unit apartment development (previously approved as a condominium development but never constructed) located at South 60<sup>th</sup> Street north of West Ryan Road was approved as a Special Use in the R-8 Multiple Family Residence District. The rezoning for this project was also approved in 2013 as noted later in this report. **Development cost estimate: \$4,800,000**, with construction started in the summer of 2013 and anticipated to be completed in 2014.

Kwik Trip, Inc. was approved for a 3,100 square foot gasoline service station, convenience store, and car wash located at approximately 10750 West Speedway Drive. **Development cost estimate: \$4,000,000**, with construction completed in 2013.

## **Rezoning**

Requests for property rezoning remained the same as last year with a total of five requests. Notable rezoning requests included:

- Following approval of an amendment to the Comprehensive Master Plan 2025 Land Use Map, the property located at approximately 9733 South 76th Street was rezoned from I-1 Institutional District to BP Business Park District (City of Franklin, applicant).
- Point Real Estates, LLC received approval to amend the Comprehensive Master Plan 2025 Land Use Map and rezone the property located at approximately 7120 to 7400 West Puetz Road from R-8 Multiple-Family Residence District to R-3 Suburban/Estate Single Family Residence District (as part of a 13 lot single-family subdivision, Avian Estates, as noted later in this report).
- Greywolf Partners, Inc., though denied a rezoning early in 2013, revised their application, reapplied, and successfully rezoned the property located at 6801 South 27th Street from B-2 General Business District to Planned Development District No. 13 Wal-Mart/Sam's Club.

## **Planned Development Districts**

Three requests for amendments to Planned Development Districts were submitted in 2013. These consist of:

- The Rock Sports Complex received approval to amend Planned Development District No. 37 (The Rock Sports Complex) to change the specified description and depiction of the "restaurant" and "restaurant/bar" permitted use to a proposed "Umbrella Bar/restaurant" to further development of the property located at 7900 West Crystal Ridge Drive. **Development cost estimate: \$284,000**, with construction completed in 2013. (Ordinance No. 2013-2101)
- Conservancy for Healing and Heritage, Inc. requested to amend Planned Development District No. 28 (Polish Festivals, Inc.) to allow for the construction and use of a chapel as part of its Lake Trails, Healing Garden and Chapel Project for property located at approximately 6941 South 68th Street. Not yet constructed. (Ordinance No. 2013-2122)
- Greywolf Partners, Inc. received approval to amend Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), to in part expand the district boundaries to include and rezone an outlot located to the south, and property located at 6801 South 27th Street; and to allow for special



use approvals in the multi-tenant building on the property located at 6801 South 27th Street. (Ordinance No. 2013-2123)

### **Certified Survey Map, Land Combination and Subdivision Plat Activity**

The number of applications for land division via Certified Survey Map has remained consistent over the past few years. Five Certified Survey Map applications, creating a total of nine new lots, were received and approved in 2013. Notable projects include:

- Commercial developer MLG Development Inc. proposed and received Certified Survey Map approval to divide an outlot in the Franklin Business Park to one buildable lot and outlot. This enabled Meltric Corporation to gain Site Plan approval from the Community Development Authority for a new building at 4765 West Oakwood Park Drive as noted previously in this report.
- To further promote and develop the City Civic Center District and the Shoppes of Wyndham Village shopping center, SB1 Wyndham LLC' Certified Survey Map was approved to divide one lot at the Shoppes at Wyndham Village into four lots (creating three vacant developable parcels).

Two requests for Land Combination, both combining two lots into one, were made and approved in 2013.

One request for a Condominium Plat by Rawson 51 Condominium was approved for the existing commercially zoned building at 5010-5070 West Rawson Avenue.

A Preliminary Plat and a Final Plat for a 13 lot single-family residential development was approved in 2013. This project was the subject of a Concept Review as noted later in this report, and of a rezoning as noted earlier in this report. This development, Avian Estates, became the first single-family residential subdivision plat approved since 2008. Construction anticipated in 2014.

### **Board of Zoning & Building Appeals**

The number of applications to the Board of Zoning & Building Appeals in 2013 continued to decline.

Figure 2

<b><u>Board of Zoning &amp; Building Appeals</u></b>	
<b>Year</b>	<b>Total Applications</b>
2009	10
2010	11
2011	10
2012	9
2013	6

Applications to the Board of Zoning and Building Appeals for 2013 included requests to vary setback and location requirements for accessory structures and building construction/additions, but also included requests for increased size for an accessory building on a lot exceeding 40,000 square feet in area, and a request to exceed the maximum lot coverage standard on a residential lot for new home construction.

### **Unified Development Ordinance Text Amendments**

Review and recommendation of text amendments to the Unified Development Ordinance are one of the specific tasks assigned to the Planning Department. These are generally significant as they often reflect a revision of the parameters by which development may occur in Franklin. Fewer than previous years, two applicant initiated amendments were reviewed in 2013. Notably, one of the requests created a new residential zoning district classification.

► **Ordinance No. 2013-2102**, to the Unified Development Ordinance text to create Section 15-3.0201E., R-1E Countryside/Estate Single-Family Multiple Residence upon a Single Lot Estate District and Table 15-3.0201E., and to amend such other sections and tables made applicable thereto, to allow for more than one single-family residence structure upon a single lot estate, together with other Permitted, Special and Accessory Uses compatible with a more than one single-family residence structure upon a single lot estate use (Joseph R. Haselow and Dawn M. Boland, Applicants).

► **Ordinance No. 2013-2111**, to amend the Unified Development Ordinance text to amend Section 15-5.0202B. to reduce the minimum parking space size for public secondary schools (Franklin Public Schools, Applicant).

### **Miscellaneous**

#### **Natural Resource Special Exceptions**

There were five Natural Resource Special Exceptions (NRSE) reviewed by the City in 2013 (two of which were approved, one of which was denied, and one of which is still under review as of this report). This is the most NRSE application submittals over the past five years. Notable projects approved in 2013 included:

- The City sponsored Pleasant View Trail involved a request to cross certain wetlands and associated buffers and setbacks to enable the construction of a recreational trail intended to connect the Pleasant View Elementary School and the Pleasant View Neighborhood Park with adjacent residential subdivisions. The wetland crossing was approved by the Army Corps of Engineers, the Wisconsin Department of Natural Resources, and the City of Franklin.
- The Franklin Public School District project involved a request to fill and mitigate certain wetlands and associated buffers and setbacks to enable an expansion of the High School and its associated athletic fields and parking lots. The wetland fill was approved by the Army Corps of Engineers, the Wisconsin Department of Natural Resources, and the City of Franklin.

#### **Concept Reviews**

The number of Concept Reviews has been slowly increasing since the low of two in 2007. Seven applications were received in 2013, one was withdrawn before presentation and six were presented to the Common Council. Notable projects included:

- Franklin Public Schools presented the proposed modifications to the Franklin High School at 8222 South 51st Street.
- Alex Simic, Storage Master LLC, presented a proposed a self storage mini warehousing development at 6951 South Lovers Lane Road.
- Blind Squirrel Development LLC proposed an office/retail development at 5600-5610 West Rawson Avenue.
- Point Real Estate LLC proposed a 13-lot R-3 Suburban/Estate Single-Family Residential Subdivision development at approximately 7120-7400 West Puetz Road.

#### **Development Review Team Meetings**

Slightly less than previous years, six Development Review Team meetings were held in 2013. These meetings are intended to provide an early opportunity for all affected parties to get together to discuss the preliminary plans of a potential project. It is also intended that any major issues or opportunities identified at this meeting could then be addressed early in the project's planning stages.

#### **Temporary Use**

Similar to previous years, there were nine application requests for Temporary Uses in 2013. Five of the requests were administratively approved by staff, while four of the proposals were reviewed by the Plan Commission and included:

- Home Depot U.S.A., Inc., continued their annual request for outdoor seasonal sales of plant goods and commodity bagged goods, upon property located at 6489 South 27th Street 6489 South 27th Street.
- Gus's Mexican Cantina, 6514 South Lovers Lane Road, sponsored a seasonal weekly car show.
- The Rock Sports Complex hosted a Haunted Hill event at their location at 7900 West Crystal Ridge Drive.
- The Holiday Craft & Gift Expo, requested by Torbenson Shows LLC, was held at the Milwaukee Sports Complex, 6000 West Ryan Road, during the Thanksgiving weekend.

#### **Zoning Compliance Permit**

Similar to previous years, there were 47 Zoning Compliance permit requests in 2013. Notable examples for zoning compliance permits to locate within, relocate, or expand operations in existing commercial/retail sites included:

- Forward Dental, 7740 South Lovers Lane road, Suite 450, *Dental Office*, **Tenant Alteration Cost Estimate: \$262,000**
- Orthopedic Institute of Wisconsin, 9969 South 27th Street, Suite 1100, *Office & Clinic of Orthopedic Physicians*, **Tenant Alteration Cost Estimate: \$650,000**
- Stark, Dillar & Yager, Ltd., 7281 South 76th Street, *Accounting & Tax Preparation*, **Tenant/Building Alteration Cost Estimate: \$218,800**
- Zuern Building Products, 9545 South 80th Street, *Lumberyard & Building Materials Supplier*
- Hobby Lobby Stores, Inc., 6803 South 27th Street, *Retail Hobby & Craft Store*,
- AST Logistics, LLC, 9650 South 54th Street, *General Warehousing*

### **Building Permits**

Significantly more than during the past five years, Planning Department staff reviewed 90 building permits in 2013 to verify consistency with their applicable projects previously approved by the Common Council or Plan Commission.

### **Zoning Enforcement**

Zoning enforcement actions/complaints filed with the Planning Department decreased in 2013. 26 requests were filed in 2013, 36 in 2012, 43 in 2011, 29 in 2010, and 41 in 2009. It is also important to note that a significant commitment of staff time is required in the research and resolution of most zoning enforcement actions.

## **PLANNING ACTIVITIES**

In addition to the zoning, land division, and ordinance revision related responsibilities noted earlier in this report, the Planning Department is also charged with the duty of helping guide the City's long-range planning activities. While this duty is often associated with implementation of the recommendations contained within the City's Comprehensive Master Plan, other similarly important tasks are often assigned to the Department as noted below.

### **Comprehensive Master Plan**

Adopted on October 21, 2009, the City of Franklin 2025 Comprehensive Master Plan is a guide to direct future actions of the City as they may relate to planning, zoning, land division, and official mapping. The Department received three applications for amendments to the City of Franklin 2025 Comprehensive Master Plan in 2013.

▶ **Ordinance No. 2013-2106**, to change the Future Land Use Map use designation for property located at approximately 9733 South 76th Street from Institutional Use to Business Park Use (Approximately 17.77 acres) (City of Franklin, Applicant).

▶ **Ordinance No. 2013-2109**, to change the Future Land Use Map use designation for property located at approximately 7120 to 7400 West Puetz Road from Residential-Multi-Family Use to Residential Use (Approximately 9.504 acres) (Point Real Estate LLC, Applicant).

▶ **Ordinance No. 2013-2124**, to change the Future Land Use Map use designation for property located at approximately 11120 West Loomis Road from Residential Use and Natural Resources Use to Institutional Use and Natural Resources Use (Approximately 14.95 acres) (Victory of Lamb, Inc., Applicant).

### **Economic Development Initiatives**

To maintain the City's competitiveness in light of the current economic uncertainties within the nation, the state, and the region, the City has assigned a high priority to economic development related efforts and initiatives. In recognition of this importance, the Planning Department maintains various databases and the

Business page of the City's website, and provides economic development related assistance to various boards, commissions, and other interested parties. Examples of such efforts in 2013 include:

- Continued to respond to data requests from parties representing companies looking to expand or build within or relocate to a southeastern Wisconsin community such as Franklin. These data requests are often confidential and time sensitive, and are sometimes anonymous. In many instances, these data requests require a significant amount of staff time and/or coordination with other agencies or city departments. Baptista's expansion to the former Harley-Davidson property in the Franklin Business Park started as just such a confidential, time sensitive, and anonymous data request.
- Continued to provide information and data to the Community Development Authority and the Forward Franklin Economic Development Committee to assist with their efforts towards those initiatives assigned to them. This included an update/revision of the S. 27<sup>th</sup> Street streetscaping elements, research toward possible future business park(s), and an expansion of TIF District No. 3.
- Planning Department staff coordinated a Plan Commission tour with Village of Shorewood officials to review the Village's tax incremental financing district efforts.
- Planning Department staff attended two Wisconsin Economic Development Corporation workshops to learn more about the programs and assistance this agency can provide local businesses and units of government and one Wisconsin Economic Development Association conference on an overview of economic development concepts, strategies, methods, and practices.

### **Franklin Complete Streets & Connectivity Committee**

The Planning Department continued to staff the Franklin Complete Streets & Connectivity Committee throughout 2013. This included the provision of assistance towards the development of a Complete Streets Policy for the City. In addition, staff assisted the Committee with the creation of a Guide to Complete Streets, a document to help promote and educate businesses, developers and residents about the benefits of Complete Streets.

### **Quarry Monitoring**

The Planning Department continued to staff the Quarry Monitoring Committee, coordinate the activities of the City's quarry monitoring consultant, and respond to citizen concerns and complaints in regard to the quarry during 2013. The Planning Department also: helped prepare a quarry monitoring contract with Stantec Consulting Services Inc.; helped prepare quarry related information for display on the City's website, newsletters, and cable access television; and undertook site visits of the quarry.

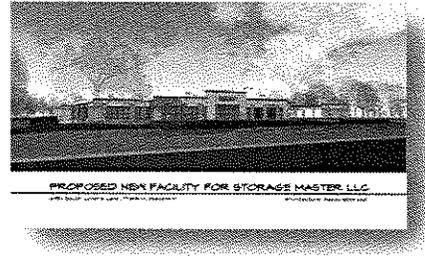
### **Parks Commission**

The Planning Department continued to staff the Parks commission throughout 2013. This included the provision of assistance to the Director of Administration, the Finance Director, and a consultant toward an update of the City's Park Impact Fee Study.

## ANTICIPATED PROJECTS IN 2014

Major projects envisioned for the Planning Department in 2014 include:

- A further amendment of PDD No. 28 to allow construction of the proposed Healing Garden and Educational Trail on the Conservancy of Healing and Heritage and adjacent properties.
- Review of a request from Storage Master LLC for an amendment to the Unified Development Ordinance and Special Use approval to allow for a self storage facility development for property located at 6951 South Lovers Lane Road.



- Continued work on the economic development related initiatives identified by the Mayor and the Common Council. This will likely include:
  - Continued compilation and update of a list of businesses within the City.
  - Continued maintenance of the Business page, and economic development related tables, charts, and maps, on the City's website.
  - Continued provision of assistance towards those other boards, commission, and staff working on economic development related initiatives, such as: a formalized economic incentives program; a business retention and recruitment program; creation of additional economic development strategies; and preparation of additional marketing materials.
- Continued staffing of and provision of assistance to the Quarry Monitoring Committee, including:
  - Identification of potential revisions to Planned Development Districts No. 23 and 24.
  - Update and revision of the City's Nonmetallic Mining Reclamation ordinance and Reclamation Plan.
- Continued development of Planned Development District No. 37 (The Rock Sports Complex) is envisioned and may entail further Site Plan, Special Use, and/or PDD Amendment approvals from the City. One possibility under consideration in 2014 is a proposed baseball stadium.
- Periodic review of the various components of the Comprehensive Master Plan to ensure that they continue to reflect the directives and policies of the City of Franklin. This may include review of the Crossroads Plan, the 27<sup>th</sup> Street Plan, and the Civic Center District.

## PLANNING DEPARTMENT PROJECT TRACKING

Attached is a table compiled by Planning Department staff of the types of projects which the Department reviews. The figures documented for 2013 and for future years reflect the diversity of reviewing applications.

It can be noted that a project submitted to the Department may often consist of a number of separate applications. For example a single project could include a certified survey map, a Natural Resource Protection Plan, easements, a rezoning, and a Comprehensive Master Plan amendment. The Department tracks all applications within a project separately.

PLANNING DEPARTMENT Project Tracking	2009	2010	2011	2012	2013
<b>COMMON COUNCIL ORDINANCES:</b>					
UDO Text Amendments	4	7	5	5	3
CMP Amendments	1	4	4	3	3
Rezoning	1	3	3	5	5
PDD New/Amendments	2/2	0/4	0/4	2/7	0/3
<b>Total:</b>	<b>10</b>	<b>18</b>	<b>16</b>	<b>22</b>	<b>14</b>
<b>COMMON COUNCIL RESOLUTIONS:</b>					
Certified Survey Map/Land Combination	6/1	8/0	8/0	5/3	5/2
Plat – Condominium/Preliminary	2/0	0	1/0	1/0	1/1
Plat – Final	0	0	0	0	1
Plat – Preliminary Revised	0	0	0	0	0
Easements (Conservation , Cross Access, Releases)	7	5	4	2	9
Landscape Review	1	0	0	0	0
Mitigation	1	0	0	0	1
Natural Resource Special Exception	2	2	0	2	5
Special Use / Special Use Amendments	4/6	6/1	11/3	8/3	9/0
Vacation-Street or ROW	2	0	0	0	0
<b>Total:</b>	<b>32</b>	<b>22</b>	<b>27</b>	<b>24</b>	<b>34</b>
<b>COMMON COUNCIL ACTION:</b>					
Concept Review	3	4	5	6	7
Determinations/Approvals not listed elsewhere	0	1	0	1	0
<b>COMMISSION RESOLUTION:</b>					
Building Move	1	0	0	0	0
Master Sign Program New/Amendments	4	0/1	0/1	0/1	0
Monument Sign/Signage	0	5	0/1	2/0	2/0
Site Plan/ Site Plan Amendments	5/6	3/15	1/6	0/9	2/2
Landscape Plan Approval	0	1	1	1	0
Accessory Use	1	0	0	0	0
Temporary Use: Dept/Commission approval	4/6	5/6	6/2	8/3	5/4
<b>Total:</b>	<b>27</b>	<b>36</b>	<b>18</b>	<b>24</b>	<b>15</b>
<b>PLAN COMMISSION ACTION:</b>					
Determinations/Approvals not listed elsewhere	0	0	3	0	3
<b>BOARD OF ZONING &amp; BLDG APPEALS:</b>					
Variances	8	11	10	8	6
Non-Conforming Use	1	0	0	1	0
Area Exception	1	0	0	0	0
<b>Total:</b>	<b>10</b>	<b>11</b>	<b>10</b>	<b>9</b>	<b>6</b>
<b>DEPARTMENT APPROVED:</b>					
Minor Site Plan Dept Approved	n/a	2	12	18	16
Building Permit Review	56	72	59	55	90
NRPP Reviews: Consultant/Staff review	6	3/5	0/5	1/5	2/8
Home Occupation	4	11	6	1	4
Zoning Compliance	44	57	24	44	47
Zoning Letter	6	10	14	9	7
Extraordinary Event Special Event	8	4	4	8	4
Complaints	41	29	43	36	26
<b>Total:</b>	<b>165</b>	<b>193</b>	<b>167</b>	<b>177</b>	<b>204</b>
<b>PROJECT TOTALS:</b>	<b>248</b>	<b>285</b>	<b>246</b>	<b>263</b>	<b>283</b>
<b>MEETINGS:</b>					
Consultation Meetings	183	286	231	181	168
Boards & Commission Meetings	78	125**	112**	108	93

n/a=Not Applicable

\*\*Corrected #

(Totals by application year)

(rev 1/8/14)med

<p><b>APPROVAL</b></p> 	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>3/04/2014</b></p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p>Milwaukee County Community Development Draft 2014 Annual Action Plan</p>	<p><b>ITEM NUMBER</b></p> <p>G.11.</p>

The City of Franklin has been a member of the Milwaukee County Community Development Block Grant (CDBG) Program for many years. Requirements for funding of the CDBG and HOME Investment Partnerships Program from the US Department of Housing & Urban Development (HUD) is the submission of a 5-year Consolidated Plan as well as an Annual Action Plan from Milwaukee County. The Annual Action Plan presents the programs, activities, and resources for Program Year 2014 that addresses the needs and objectives identified in the 5-year Consolidated Plan. Milwaukee County recently notified municipalities informing them that HUD has published a notice delaying the submission of the required Consolidated and Annual Action Plans until HUD has received its annual funding appropriation. Although Milwaukee County is not able to submit the Plan to HUD yet, they have published a draft of their Annual Action Plan for 2014 based on estimated allocations and are taking comments on the draft Action Plan through March 21, 2014.

For 2014, the City of Franklin submitted two CDBG applications for the following projects (as approved by the Common Council on June 18, 2013):

- Senior Travel Program - \$5,000
- Franklin Senior Dining/City Hall ADA Fire Alarm - \$67,000

Attached is an adopted Milwaukee County Board Resolution (File No. 13-745) showing the total anticipated 2014 CDBG funds and their allocated projects. For the City of Franklin's projects, the estimated allocation for the Senior Travel Program is \$8,643 and \$45,538 for the Franklin Senior Dining/City Hall ADA Fire Alarm Project. (Note: The current sidewalk project will likely have some funds that could be transferred to cover some of the gap in the Fire Alarm project.)

A copy of Milwaukee County's draft Annual Action Plan is available for review at the City Clerk's Office as well as one copy has been provided in the Aldermen's Room for the Aldermen's use.

Again, Milwaukee County will be taking comments on the draft Action Plan and Board resolution through March 21, 2014. Comments can be submitted to the City Department of Administration, which comments will then be forwarded on to the Milwaukee County Housing Division.

**COUNCIL ACTION REQUESTED**

Informational item only.

1 Supervisor Patricia Jursik, Chairperson,  
2 From the Committee on Economic and Community Development, reporting on:

3  
4 File No. 13-745

5  
6 (ITEM ) From the Director, Department of Health and Human Services,  
7 requesting authorization to allocate anticipated 2014 Community Development Block  
8 Grant (CDBG) funding.

9  
10 **A RESOLUTION**

11  
12 WHEREAS, as part of the annual Community Development Block Grant (CDBG)  
13 process, all applicants were invited to attend a public hearing and to present their  
14 proposals to the Economic and Community Development Committee on September 16,  
15 2013; and

16  
17 WHEREAS, for 2014, a review process was put in place by staff to objectively  
18 rank projects based on a scoring system to make final recommendations and a panel  
19 was arranged to score each project based on this system; and

20  
21 WHEREAS, once the County Board approves the projects, the 2014 Annual Plan  
22 will be published for comment for 30 days, as required, then any public comments will  
23 be incorporated into the final 2014 Annual Plan which will be submitted to the Federal  
24 Department of Housing and Urban Development (HUD) for approval by November 15,  
25 2013; and

26  
27 WHEREAS, the 2014 Milwaukee County CDBG allocation totals \$1,391,173; and

28  
29 WHEREAS, twenty percent of the anticipated 2014 allocation can be used for  
30 administration (\$278,235); and

31  
32 WHEREAS, fifteen percent of the total funds can be set aside for public service  
33 projects (\$208,676); and

34  
35 WHEREAS, the allocation continues to be split between at large competitive  
36 projects and municipal projects; and

37  
38 WHEREAS, although the municipal projects were not scored and ranked for the  
39 purpose of this report, they are included to show the complete allocation; and

40  
41 WHEREAS, if projects are not able to provide specific documentation that they  
42 are serving the Milwaukee County CDBG jurisdiction and that they are serving low-to-  
43 moderate income individuals, Milwaukee County will not be able to provide  
44 reimbursement per HUD regulations; and

45  
46 WHEREAS, in no case will program expenditures exceed available revenue;  
47 now, therefore,

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BE IT RESOLVED, the County Board of Supervisors authorizes the Director, Department of Health and Human Services, or his designee, to allocate the total anticipated 2014 Community Development Block Grant funds to the following projects:

County-wide Projects	Public Service	Non Public Service	Application Score
Metropolitan Milwaukee Fair Housing Council	\$34,780		300
Hope House of Milwaukee – Supportive Housing Services	\$44,780		297
Jewish Family Services – Peer Support	\$24,778		290
Wisconsin Women's Business Initiative Corporation – Microenterprise		\$53,361	292
Milwaukee County Housing, Emergency Home Repair		\$120,000	290
Milwaukee County Housing, Architectural Barrier Removal		\$40,000	290
Grand Avenue Club -- Employment		\$100,000	286
Hunger Task Force – Water Distribution		\$52,560	286
Human Concerns – Electrical Upgrades		\$20,000	282
Milwaukee County Parks – Sheridan Park		\$66,210	282
At large total	\$104,338	\$452,131	\$556,469

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Suburban Set-Aside Projects	Public Service	Non Public Service
Brown Deer – Senior Club	\$9,933	
Cudahy – Property Maintenance	\$6,319	
Cudahy -- Interfaith	\$5,176	
Franklin – Senior Travel	\$8,643	
Greendale – Adult Program Services	\$10,200	
Greenfield – Senior Services Staff	\$11,194	
Interfaith Senior Program (various municipalities)	\$25,533	
Shorewood – Senior Resource Center	\$8,340	
St. Francis – Code Compliance	\$10,000	
West Milwaukee – Community Center Maintenance	\$9,000	
Cudahy – Americans with Disabilities Act (ADA) Accessibility		\$45,835

Franklin – Senior Dining Americans with Disabilities Act (ADA) Fire Alarm		\$45,538
Glendale – Sidewalk Replacement		\$24,127
Greendale – Historical Society		\$28,731
Greenfield – Farmers Market		\$41,343
Shorewood – Home Repair with Milwaukee County		\$10,000
Shorewood – Alley Repair		\$13,903
South Milwaukee – Senior Center Energy Project		\$52,362
St. Francis – Trail Project Phase II		\$43,096
St. Francis – Sidewalk and Ramp Project		\$28,731
West Milwaukee – Community Center Exterior		\$71,826
WWBIC (Oak Creek) – Business Development		\$46,639
Suburban Total	\$104,338	\$452,131
TOTAL – Public and Non-Public Service (not including administration)		\$1,112,938
Total Allocation from Department of Housing and Urban Development (HUD) including reallocation	\$1,391,173	
Administration cap per regulation, 20%	\$278,235	
Public service cap per regulation, 15%	\$208,676	

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ag  
09/25/13  
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<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>3/04/2014</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Donation Request from the South Suburban Chamber of Commerce for Promotion of Their "Healthy Eating Week" Event Scheduled for June 1-7, 2014</b>	<b>ITEM NUMBER</b>  <i>G.12.</i>

As part of the South Suburban Chamber of Commerce's Health and Wellness Council, the Chamber will be promoting a "Healthy Eating Week" June 1-7, 2014. For this event, the Chamber will be looking for participating restaurants in Franklin and Oak Creek to offer 1 to 3 healthy options (must meet the criteria as outlined by the American Heart Association) at a reduced price as a way of showcasing their healthy menu options and supporting healthy eating in our communities. To help cover the cost of advertising and promotion of this event, the Chamber is asking each community to donate \$300-\$500 to help offset the costs.

Attached is an information sheet outlining the specifics of the "Healthy Eating Week" program.

The Aldermen's "Other Professional Services" account of the 2014 budget includes \$1,000 that could be used for the purpose of this donation request.

### **COUNCIL ACTION REQUESTED**

Motion to direct the City Clerk to enter a payment request to the South Suburban Chamber of Commerce in the amount of \$\_\_\_\_\_ as a donation to offset the costs associated with the Chamber's "Healthy Eating Week" event scheduled to take place June 1-7, 2014, funded from Account 01.0102.5219 (Aldermen - Other Professional Services).

## ***"Healthy in the Hood"-Franklin and Oak Creek's Dine-Out Week***

The South Suburban Chamber's Health and Wellness Council is planning a new restaurant promotion to help promote healthy eating in the communities of Franklin and Oak Creek. This will give area restaurants an opportunity to showcase their healthy menu options in addition to helping to support healthy eating in our communities.

***Duration:*** One Week. June 1-June 7, 2014.

***Menu Price:*** We are requesting all participating restaurants offer their meals at 10-15% below their normal pricing to help incentivize customers to try these meals during the week.

***Cost per Participating Restaurant:*** Free to chamber members. \$25 to non-chamber members.

***Number of Menu Options:*** 1-3 options for either an appetizer, entrée or dessert. This can include breakfast, lunch or dinner options.

***Marketing:*** Posters and flyers will be printed. Include in Chamber and local business emails and websites, city newsletters and local newspapers. Other options to be considered.

***Healthy Options:*** Must meet ***some*** of the criteria below as outlined by the American Heart Association. We are asking each restaurant to list details on why the selection meets the standards of being a healthy option, as outlined below.

***Calories:*** 700 calories or less per the entire meal

***Total Fat:*** 3 grams or less total fat per 100 grams, and 30 percent or less calories from total fat in the meal, and 26 grams or less total fat per the entire meal.

***Saturated Fat:*** 1 gram or less saturated fat per 100 grams, and less than 10 percent calories from saturated fat in the meal, and 5 grams or less saturated fat per the entire meal.

***Cholesterol:*** 20 milligrams or less cholesterol per 100 grams, and 105 milligrams or less cholesterol per the entire meal.

***Trans Fat:*** Less than 0.5 grams trans fat per the entire meal.

***Sodium:*** 800 milligrams or less sodium per the entire meal.

***Beneficial Nutrient:*** 10 percent or more of the Daily Value of one of the following nutrients per the entire meal: vitamin A, vitamin C, calcium, iron, dietary fiber or protein.

<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>3/4/14</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Status of Open Complaints</b>	<b>ITEM NUMBER</b> <i>G.13.</i>

The attached report identifies complaints submitted to the City Clerk's Office or submitted through the City's web portal which have not yet been resolved or otherwise closed. It is sorted by Aldermanic district.

As complaints are not addressed as the highest priority, there continues to be items that show up that may already be resolved. For example, a few weed complaints from last summer did not get formally closed prior to printing. Similarly, some heating complaints, for example, from the prior winter remain open even though we are confident they are closed. In these sorts of instance, initial inspections are done promptly and notices sent. The problem gets fixed, thereby eliminating the on-going complaint, but a final on-site inspection is needed before Building will formally close the complaint. As such, some of these persist on the report. Additionally and as always, the complaints that involve the Circuit Court, houses in foreclosure, and houses in probate frequently remain open for extended periods in order to identify and engage the appropriate "owner." Staff will continue to work cleanse the report and close any no-longer-valid complaints.

Additional information related to this item can be viewed at the Department of Administration office.

**COUNCIL ACTION REQUESTED**

No action required

<p><b>APPROVAL</b></p> 	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>3/04/2014</b></p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>Notice of Claim from James &amp; Barbara Wittlieff Alleging Sustained Water Damage to Basement Walls as a Result of the City's Negligence</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G. 14.</i></p>

Notice of claim from James and Barbara Wittlieff, who reside at 7517 S. 74th Street in Franklin, alleging sustained water damage to their basement walls as a result of the City's negligence in stopping a water main leak back in November 2012. The Common Council may enter closed session pursuant to §19.85(1)(e) and (g), Stats., to consider a notice of claim from James and Barbara Wittlieff alleging sustained water damage to their basement walls as a result of the City's negligence in stopping a water main leak back in November 2012, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

The Director of Administration has reviewed the information reviewed by our insurance provider and believes that they performed an adequate review of the circumstances. In addition to the conclusions reported by the insurance company and included in their recommendation, it appears that a number of the facts alleged by James and Barbara Wittlieff are in dispute.

**Staff recommends denial of the claim** pursuant to Wisconsin Statute 893.80(1g) for disallowance of the claim, based upon and in concurrence with the insurance adjuster that the investigation revealed that the City of Franklin was not negligent or liable for this incident. There is no evidence that the City failed to perform any required ministerial functions. Further, the City had no advanced notice of any issue with the water main that would impose a ministerial duty upon the City, and the City, thereby, would be afforded immunity under Wisconsin Statute 893.80.

**COUNCIL ACTION REQUESTED**

The Common Council may enter closed session pursuant to §19.85(1)(e) and (g), Stats., to consider a notice of claim from James and Barbara Wittlieff alleging sustained water damage to their basement walls as a result of the City's negligence in stopping a water main leak back in November 2012, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Motion to deny the claim of James and Barbara Wittlieff pursuant to Wisconsin Statute 893.80(1g), based upon and in concurrence with the insurance adjuster that the investigation revealed that the City of Franklin was not negligent or liable for this incident and thereby would be afforded immunity, as discussed in the Council Action Sheet.

OR

Motion to layover and refer to staff for additional information.

**Statewide Services, Inc.**

Claim Division

1241 John J. Hennings Dr.  
P.O. Box 5555  
Madison, WI 53705-0555  
877.804.9712

February 5, 2014

City of Franklin  
9229 W. Loomis Road  
Franklin WI 53132

RE: Our Claim #: WM000402260144  
Date of Loss: 11/1/2012  
Claimant: JAMES WITTLIEF  
7517 S 74<sup>TH</sup> ST  
FRANKLIN WI 53132

Dear Lisa:

Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance, which provides the insurance coverage for the City of Franklin. We are in receipt of the above-stated claim, in which the claimant alleges they sustained damages as a result of the cities negligence.

Our investigation has revealed that the City of Franklin was not negligent or liable for this incident. There is no evidence that the city failed to perform any required ministerial functions. Further, the village had no advanced notice of any issue that would impose a ministerial duty upon you. Therefore, we recommend that the City of Franklin disallow this claim pursuant to the Wisconsin Statute for disallowance of claim 893.80(1g). The disallowance of the claim in this manner will allow us to shorten the statute of limitations period to six months.

Please send your disallowance, on your letterhead, directly to the claimant at the above listed address. This should be sent certified or registered (restricted) mail and must be received by the claimant within 120 days after you received the claim.

Please send me a copy of the letter for our file. If you have any questions, please feel free to contact me.

Sincerely,

Joel Meixelsperger  
Casualty Claim Specialist  
Office: 608.828.5792  
Fax: 800.720.3512  
[jmeixelsperger@statewidesvcs.com](mailto:jmeixelsperger@statewidesvcs.com)

CC: R&R Insurance Services

To: The City of Franklin,

Our names are: Barbara & James Wittlieff. We reside at 7517 So. 74<sup>th</sup>. St. Franklin, WI. 53132-9000. Our home phone # is: 414-529-4812. My cell # is: 414-312-3949. We are respectfully requesting compensation for the repairs to our residence due to failure of the city to act upon our numerous requests to investigate the excessive water on the northwest portion of 7517 So. 74<sup>th</sup>. St. I recently talked to our Alderman. He requested that I put in writing the series of events leading to the hydrostatic pressure damage done to our residence.

These are the events as closely as I remember them:

- (1) As of November of 2012, I contacted the DPW, Engineering and Water Departments concerning the excess water problems at our residence. I did this at least 7 times over months. This was a very serious matter! The sump pump would run for 40 to 55 seconds, shut off for 10 to 15 seconds and then begin the cycle over again. Both the Engineering and the Water Departments said to contact the other department. Nothing concerning the water problem was resolved or even evaluated by the city, that is, until a neighbor complained months later.
- (2) During this time I discovered the north and east basement walls developed some structural damage (cracks) due to external hydrostatic pressure. This is also what the American Family Insurance Representative and the EVERDRY WATERPROOFING Technician verified to me. (The damage was much worse by the time they arrived on the scene) We would not have incurred this water damage if the city had responded to one of my previous phone calls concerning the excess water in the area of my residence..
- (3) When the sump pump began to malfunction, I purchased both a submersible and a new sump pump. I then replaced the existing pump with a brand new one, thus preventing water from entering our residence. Because no water entered our residence my insurance company would not cover any repair costs for the hydrostatic damage caused by the malfunction of the city's water main. (I am not sure if that is the correct term.)
- (4) The city did not adequately respond to any of my requests. The city did respond however to a complaint registered by one of my neighbors! He resides at 4703 So. 74<sup>th</sup>. St. He kept insisting that: I was draining my swimming pool into the street causing water to run in the gutter in front of his residence. Within two days of this complaint, I had representatives from both the engineering and water departments checking out the situation. Both departments sent someone to check out my residence. They saw the damage to my walls, looked at the sump pump, checked the walls for moisture, checked my water meter and my swimming pool. They also checked 75<sup>th</sup> street and surrounding areas in an attempt to locate the source of the water. To no avail!
- (5) Finally, an independent contractor was hired by the city of Franklin to find the source of the problem. I took the day off from work. Because I wanted to be there in person. There was a city representative there also. After placing down a couple of devices, the contractor called me over to him. He said, "listen to this." We could actually hear water running under the street without any devices.
- (6) After locating where the leak originated from; the Franklin DPW dug up the street and repaired the problem. It was not a pinhole leak, as one of the city representatives later tried to tell the insurance representative. I was told by the men doing the repair " It was a bad connection between the existing older water pipe and the new pipe that supplied the newer subdivision to the north. The sump pump continued to run excessively for about 4-5 weeks, after it was fixed. Finally, it slowed down and eventually stopped.
- (7) Some time after the repairs were done by the city, I contacted my insurance agent at American Family. Their representative saw the new and old worn out sump pump, checked the wall for moisture, saw the hydrostatic damage. She also went to the Franklin City Hall and talked to the city's representative. He told her that it was only a "pin hole leak" This was contradictory to what I was told by the people doing the work. and what the independent contractor indicated to me. This was a good sized leak!
- (8) The final response from the insurance company (paraphrasing) is as follows: Because no water actually entered the residence we did not qualify for any insurance coverage for repair work that needed to be done. If my sump pump had failed, letting water enter the residence, they would have covered the wall and any other damage that might have occurred.
- (9) Attached you will find the cost of the repairs done by EVERDRY WATERPROOFING. 1-262-650-1006 They were the best contractors we found after researching the problem and the repairs to be done guaranteeing no further problems.

In conclusion. We are respectfully requesting compensation for the repairs done to our residence.

Sincerely,  
The Wittlieff Family  
James R. Wittlieff  
Barbara J. Wittlieff  
7517 So. 74<sup>th</sup>. St.  
Franklin, WI.



<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>03/04/2014</b>
<b>LICENSES AND PERMITS</b>	<b>MISCELLANEOUS PERMITS</b>	<b>ITEM NUMBER</b> <b>H.1.</b>

See attached list from meeting of March 4, 2014.

**COUNCIL ACTION REQUESTED**



**City of Franklin**

9229 W. Loomis Road  
Franklin, WI 53132-9728

414-425-7500

**License Committee  
Agenda\*  
Alderman's Room  
March 4, 2014 – 5:40 p.m.**

<b>1.</b>	<b>Call to Order &amp; Roll Call</b>	<b>Time:</b>		
<b>2.</b>	<b>Applicant Interviews &amp; Decisions</b>			
<b>License Applications Reviewed</b>		<b>Recommendations</b>		
<b>Type/ Time</b>	<b>Applicant Information</b>	<b>Approve</b>	<b>Hold</b>	<b>Deny</b>
<b>Operator - New 2013-14 5:45 pm</b>	<b>Kamran, Mohammad Ali</b> 5012 S 58 <sup>th</sup> St Greenfield, WI 53220 Midtown Gas & Liquor			
<b>Operator - New 2013-14 5:50 pm</b>	<b>Ramirez, Casey L</b> 8134 S 58 <sup>th</sup> St Franklin, WI 53132 7-Eleven			
<b>Operator - New 2013-14 5:55 pm</b>	<b>Strucel-Dzioba, Sandra L</b> 10115 W Coldspring Rd, #B107 Greenfield, WI 53228 The Landmark			
<b>Class B Combination Reserve License &amp; Application For Grant 2013-14</b>	<b>BHAGVATI ENTERPRISE LLC</b> d/b/a: Indian Buffet 7107 S 76 <sup>th</sup> St Surjit Singh, Agent			
<b>Temporary Class B Beer &amp; Wine</b>	<b>St. Martin of Tours Parish School</b> Person in Charge: Jeanne Johnson Location: 7933 S 116 <sup>th</sup> St. Event: Spaghetti Dinner Event Date: March 15, 2014			
<b>3.</b>	<b>Adjournment</b>	<b>Time</b>		

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

REVISED

<b>APPROVAL</b> <i>Paul</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>3/4/14</b>
<b>Bills</b>	<b>Vouchers and Payroll Approval</b>	<b>ITEM NUMBER</b> <b>I. 1.</b>

Attached is a list of vouchers dated February 21, 2014 through February 27, 2014 Nos. 151224 through Nos. 151357 totaling \$ 11,785,942.27. Included in this listing are EFT's Nos. 2536 through Nos. 2546. Also attached is a list of voided checks in the amount of \$ (118.46).

Attached is a list of vouchers dated February 28, 2014 EFT's Nos. 2547 through Nos. 2550 in the amount of \$120,247.94.

The net payroll dated March 7, 2014 is \$ 328,596.51. Payroll deductions for March 7, 2014 are \$214,942.43.

Attached is a list of property tax refunds dated March 3, 2014 Nos. 13263 through Nos. 13264 in the amount of \$5,715.45

**COUNCIL ACTION REQUESTED**

Motion approving net general checking account City vouchers in the range Nos. 151224 through Nos. 151357 in the amount of \$11,785,942.27 dated February 24, 2014 through February 27, 2014.

Motion approving net general checking account City vouchers EFT's Nos. 2547 through Nos. 2550 in the amount of \$120,247.94 dated February 28, 2014.

Motion approving net payroll dated March 7, 2014 in the amount of \$328,596.51 and payroll deductions and City matching payments of \$214,942.43.

Motion approving property tax refunds in the range of Nos. 13263 through Nos. 13264 in the amount of \$5,715.45 dated March 3, 2014.