

CITY OF FRANKLIN  
PLAN COMMISSION MEETING\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA  
THURSDAY, MAY 7, 2015, 7:00 P.M.

A. **Call to Order and Roll Call**

B. **Approval of Minutes**

1. Approval of regular meeting of April 23, 2015.

C. **Public Hearing Business Matters** (action may be taken on all matters following the respective Public Hearing thereon)

1. **KAYLA'S PLAYGROUND AT FRANKLIN WOODS NATURE CENTER SPECIAL PARK.** Natural Resource Special Exception and Site Plan Amendment applications by the City of Franklin, to allow for the installation of new playground equipment, a poured in place playground surface, restroom facilities and a parking lot expansion for Kayla's Playground at Franklin Woods Nature Center Special Park, for property zoned P-1 Park District, located at 3723 West Puetz Road; Tax Key No. 854-9936-000. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THE NATURAL RESOURCE SPECIAL EXCEPTION APPLICATION OF THIS MATTER.**
2. **UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT TO ALLOW FOR THE CREATION OF NEW LOTS OF RECORD FOR EXISTING ONE-FAMILY DETACHED DWELLINGS AND TWO-FAMILY ATTACHED DWELLINGS UPON PROPERTY IN THE B-4 SOUTH 27TH STREET MIXED-USE COMMERCIAL DISTRICT.** Unified Development Ordinance Text Amendment application by Adam C. Murphy and Tanya M. Murphy, to amend §15-3.0304A.2. of the Unified Development Ordinance which requires that no new lots of record for One-family detached dwellings and Two-family attached dwellings be created after the effective date of the Ordinance (June 17, 2005), to allow for the creation of new lots of record for such uses if the use was existing on the effective date of the Ordinance. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER.**

D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)

1. **EXISTING DUPLEX CONVERSION INTO 2 CONDOMINIUM UNITS.** Declaration of Condominium Plat application by Erik R. Beste, to change the existing structure from a 2 unit duplex building to 2 condominium units, for property zoned R-7

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- Two-Family Residence District (Option 1), located at 8986 and 8988 South Cordgrass Circle East, Lot 47 in Prairie Grass Preserve Subdivision; Tax Key No. 847-0086-001.
2. **GUS'S MEXICAN CANTINA SEASONAL, WEEKLY CAR SHOW.** Temporary Use application by Gus's Mexican Cantina, LLC, to host weekly car shows on the northern half of the Garden Plaza Shopping Center parking lot, adjacent to Gus's Mexican Cantina located at approximately 6514 South Lovers Lane Road; Tax Key No. 705-8997-004.
  3. **3 LOT CERTIFIED SURVEY MAP.** Certified Survey Map application by MC Home Builders, LLC, for division of an existing lot into 3 lots, for property zoned R-3 Suburban/Estate Single-Family Residence District located at 7979 South 68th Street; Tax Key No. 804-9991-000.

E. Adjournment

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

\*\*Notice is given that a majority of the Common Council and the Parks Commission 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 and the Parks Commission per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council and the Parks Commission will not take formal action at this meeting.

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

REMINDERS:

Next Regular Plan Commission Meeting: May 21, 2015

**City of Franklin**  
**Plan Commission Meeting**  
**April 23, 2015**  
**Minutes**

unapproved

**CALL TO ORDER & ROLL CALL**

- A. Mayor Steve Olson called the April 23, 2015 Regular Plan Commission meeting to order at 7:01 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Alderwoman Susanne Mayer and Commissioners David Fowler, Kevin Haley, Scott Thinnes and City Engineer Glen Morrow. Excused was Commissioner Patricia Hogan. Also present were City Attorney Jesse Wesolowski, Planning Manager Joel Dietl and Senior Planner Nick Fuchs. In attendance was Alderwoman Janet Evans.

**APPROVAL OF MINUTES**

Regular Meeting of March 19, 2015

- B.
1. Commissioner Fowler moved and Commissioner Morrow seconded approval of the March 19, 2015 minutes of the Regular meeting of the Plan Commission as amended at Item A. On voice vote, all voted 'aye'. Motion carried.

**PUBLIC HEARING**  
**BUSINESS MATTERS**

- C. (No Public Hearing is required upon the following matters.)

**BUSINESS MATTERS**

**OSCAR'S FROZEN CUSTARD SIGNAGE.** Unified Development Ordinance §15-3.0415 Planned Development District No. 10 (Riverwood Village-Bouraxis) Minor Amendment application by James Taylor and Susan Taylor, to remove the monument sign height limit for all properties in the District and the wall sign prohibition on the south side of buildings for the property located at 7041 South 27th Street; Tax Key No. 738-0069-001.

- D.
1. Planning Manager Dietl presented the application by James Taylor and Susan Taylor for an amendment to Planned Development District No. 10 (Riverwood Village-Bouraxis) for property located at 7041 South 27th Street.

Commissioner Fowler motioned to determine the proposed amendment to be a minor amendment. Seconded by Alderwoman Mayer. On voice vote, all voted 'aye'. Motion carried.

Commissioner Fowler moved to recommend approval of an ordinance to amend §15-3.0415 of the Unified Development Ordinance Planned Development District No. 10 (Riverwood Village-Bouraxis) to amend the monument sign height limit and to provide for factors to be considered as read into the record and exceptions therefrom to be applied for before the Plan Commission (conditions as follows by the City Planner and Commissioners Fowler and Thinnes; 1) sign is unique or distinctive and establishes a special character that enhances the Planned Development District and represents an

**Item D.1. (continued)**

established corporate image, 2) sign does not create any negative impacts or concerns related to safety, visual clutter or setbacks, 3) Plan Commission reviews each individual request for exception based on its merits, 4) sign does not interfere with traffic visibility, 5) sign does not interfere with the viewscape of signs on neighboring properties, and 6) the grant of exception be specifically for the subject property; and then with regard to Section 2 of the draft ordinance that provides for the insertion of Oscar's Frozen Custard as able to utilize the south building elevation signage, in addition thereto Goodwill and GFS Marketplace be added to that section and Andy's Charhouse be deleted.

Commissioner Thinnes seconded the motion. On voice vote, all voted 'aye'. Motion carried.

**VICTORY OF THE LAMB  
LUTHERAN CHURCH WORSHIP  
CENTER.** Site Plan Amendment application by Victory of the Lamb, Inc., to accommodate engineering tests of the developable areas and the removal of a previously planned playground development, for property zoned I-1 Institutional District, located at 11120 West Loomis Road; Tax Key No. 889-9989-000.

2. Planning Manager Dietl presented the Site Plan amendment by Victory of the Lamb, Inc. to accommodate engineering tests of the developable areas and the removal of a previously planned playground development.

Commissioner Morrow moved to approve a resolution to amend the Site Plan for property located at 11120 West Loomis Road for the development of the Victory of the Lamb Church, subject to protection of tree line at the drip line with orange construction fencing with any modifications to the site subject to staff review and approval. Seconded by Commissioner Fowler. On voice vote, all voted 'aye'. Motion carried (5-0-1 Hogan).

Alderwoman Mayer made a motion to require the applicant to extend water to the extent shown on the current plan, which is essentially to the driveway, and enter into negotiations for possible acquisition of lands to the west, and that the applicant, should negotiations not be successful, at their expense will extend water to the property line at some point when the need arises (as future development down Loomis Road requires it). Commissioner Haley seconded the motion. On voice vote, all voted 'aye'. Motion carried.

**SUMMIT CREDIT UNION.**

Amendment to Special Use to extend the time for obtaining an occupancy permit, Summit Credit Union, applicant, for property in the Shoppes of Wyndham Village, zoned CC City Civic Center District, located at 7750 South Lovers Lane Road; Tax Key No. 794-9999-008.

3. Planning Manager Dietl presented the request for a time extension of a Special Use by Summit Credit Union.

Commissioner Fowler moved to recommend approval of a Resolution to amend Resolution No. 2014-6979, a Resolution imposing conditions and restrictions for the approval of a Special Use for a credit union use upon property located at 7750 South Lovers Lane Road, to extend the time for the obtaining of the issuance of an Occupancy Permit, which resolution is to include a reference to Section 15-9.0103 of the Unified Development Ordinance to state the authority for the time extension which does not require a public hearing. Alderwoman Mayer seconded the motion. On voice vote, all voted 'aye'. Motion carried.

Mayor Olson recessed the meeting at 8:47 p.m. and reconvened the meeting at 8:49 p.m. with all Commissioners in attendance.

**DEPARTMENT OF CITY  
DEVELOPMENT 2014 ANNUAL  
REPORT.**

4. Planning Manager Dietl presented the 2014 Annual Report of the Department of City Development.

Commissioner Thinner moved, and Commissioner Haley seconded, to place on file the Department of City Development 2014 Annual Report. On voice vote, all voted 'aye'. Motion carried.

**MATT TALBOT COMMUNITY  
BASED RESIDENTIAL FACILITY.**

Site Plan application by Matt Talbot Recovery Services, Inc., for the construction of a 5 to 8 bedroom State licensed Community Based Residential Facility consisting of a 3,690 square foot building, 16 parking spaces and a basketball court, for property zoned R-3 Suburban/Estate Single-Family Residence District and C-1 Conservancy District located at 9132 South 92nd Street; Tax Key No. 886-9987-000. Common Council April 21, 2015 action rescinding its March 3, 2015 conditional approval of the applicant's request for a public water main extension, directing staff to provide in part

5. City Attorney Wesolowski updated the Plan Commission on the Site Plan application by Matt Talbot Recovery Services, Inc. and indicated that Condition No. 5 of Plan Commission Resolution No. 2015-007 pertaining to the extension of public water to the southern boundary of the property cannot be fulfilled as Common Council rescinded its March 3, 2015 approval of the water main request.

Commissioner Fowler moved to acknowledge receipt of, and Commission's consideration of the Common Council direction upon this matter to note that the Site Plan resolution approval granted by the Plan Commission had a required condition of approval No. 5, which cannot be met due to the Council action rescinding its approval of the proposed water extension and to note that Plan Commission awaits

**Item D.5. (continued)**

further information upon water extension alternatives, and the Council's direction to the Plan Commission to consider the rescission of its March 19, 2015 conditional approval of a Site Plan (water extension agreement condition thereon no longer viable following Council action) for the project, and to later receive the further information regarding the water extension, and information, including, but not limited to, WIDNR natural resource features review of the property water navigability determination and wetland delineation confirmation.

the receipt of the public water supply distribution information, the WI Dept of Natural Resources site property natural resources features information, and potential Highway 100 reconstruction impacts regarding the site property information to be provided by staff as directed by the Common Council.

Motion died due to lack of a second.

Motion by Commissioner Thinnies to rescind the Site Plan approval granted by Plan Commission on March 19, 2015 as the approval contained a Condition No. 5 which cannot be met without City approval of the public water supply extension as well as current new information received by the Commission with regard to the plan of the Wisconsin Department of Transportation Highway 100 reconstruction impacts regarding the site property. Seconded by Commissioner Fowler. On voice vote, all voted 'aye'. Motion carried (5-0-1 Hogan).

**ADJOURNMENT**

- E.** Commissioner Fowler moved and Commissioner Haley seconded to adjourn the Plan Commission meeting of April 23, 2015 at 9:01 p.m. All voted 'aye'; motion carried.



## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of May 7, 2015

## Site Plan and Natural Resource Special Exception

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<b>Project Name:</b>	Kayla's Playground at Franklin Woods
<b>Project Location:</b>	3723 West Puetz Road
<b>Applicant:</b>	The City of Franklin
<b>Property Owner:</b>	The City of Franklin
<b>Current Zoning:</b>	P-1 Park District
<b>2025 Comprehensive Plan:</b>	Recreational and Areas of Natural Resource Features
<b>Use of Surrounding Properties:</b>	Single-family residential to the south, areas of natural resources and public park land to the east and west, and areas of natural resources and single-family residential to the north
<b>Applicant's Action Requested:</b>	Approval of the Site Plan by the Plan Commission, recommendation of approval of the Natural Resource Special Exception (NRSE) by the Plan Commission, and approval of the NRSE by the Common Council

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**INTRODUCTION:**

Please note:

- Staff recommendations are *underlined, in italics*, and are included in the draft resolution.
- **An updated and revised Natural Resource Protection Plan map is currently under preparation. It will be provided under separate cover as soon as it is completed. As such, revisions of the amount of natural resource feature impacts may occur. Any such changes will also be provided as soon as it becomes available.**
- **The Environmental Commission's Recommendation Form will also be provided under separate cover.**

At it's meeting on March 26, 2015, the Common Council took the following action, "move to proceed with the development of Kayla's Playground at the Franklin Woods site". On March 27, 2015, Mayor Olson signed the Site Plan Application for Kayla's Playground at Franklin Woods, allowing staff to complete the Site Plan process requirements. On April 17, 2015, Mayor Olson signed the NRSE Application for Kayla's Playground at Franklin Woods, allowing staff to complete the NRSE process requirements.

With significant cooperation and assistance from Kayla's Krew (the organization which first proposed the idea of an all-accessible and all-inclusive playground in the City of Franklin), the City is proposing to construct an all-accessible and all-inclusive playground, restrooms, and a parking lot expansion, immediately south and west of the existing parking lot at Franklin Woods Nature Center Special Park. The project schedule proposes construction starting in early June with completion by late September. The City of Franklin is requesting approval of the Site Plan for this project, as well

as approval of a Special Exception to Natural Resource Feature Provisions to allow development of this project within wetland buffers, wetland setbacks, shore buffer, and mature woodlands.

On April 13, 2015 Alderman Schmidt and Alderwoman Evans hosted a neighborhood meeting at the Franklin Woods Nature Center to gather public input from residents living within the immediate vicinity of the park. Staff collected comment sheets from residents, which were presented to the Common Council at their meeting on April 21, 2015. These comments were subsequently considered by staff in its design of the Site Plan for the subject playground

At their April 13, 2015 meeting, the Parks Commission recommended approval of the initial Site Plan for Kayla's Playground at Franklin Woods Nature Center Special Park (see attached information) with the following changes: move the playground to allow for more contiguous greenspace east and south of the pavilion; move the restroom north of the sidewalk; remove the splash pad; and include paving the trail through the woods.

At their April 22, 2015 meeting, the Environmental Commission recommended approval of a Special Exception to Natural Resource Features for the City of Franklin for property located at 3723 West Puetz Road (see attached information), to allow for the proposed installation of new playground equipment, a poured in place playground surface and a parking lot expansion for Kayla's Playground in Franklin Woods Nature Center Special Park with the condition that delineations by the Department of Natural Resources, Southeastern Wisconsin Regional Planning Commission and U.S. Army Corps of Engineers (if required) reflect no increase to the wetland buffer and/or wetland setback impacts as depicted.

### **PROJECT DESCRIPTION:**

As depicted on the attached Site Plan (dated 4/23/2015), the proposed Kayla's Playground development includes:

- Removal of the existing playground equipment.
- Removal of an approximately 200 foot portion of the existing trail located south of the existing playground.
- Construction of an approximately 12,256 square foot all-accessible and all-inclusive playground comprised of various play equipment as well as a specially designed poured in place surface (which is permeable).
- Construction of a pervious paved area for those family members, guests, and others watching the playground activities, extending from the western edge of the proposed playground to the existing trail to the west, and extending from the proposed parking lot drive on the north to the existing pavilion on the south.
- Construction of restroom facilities north of the existing trail north of the existing pavilion.
- Construction of an expanded parking lot and connecting drive lane, to be located immediately west of the existing parking lot.
- Associated landscaping, primarily adjacent to the north and east sides of the proposed playground.

It can be noted that due to the limited amount of impervious surface proposed (less than 5 percent of the subject parcel), stormwater management will not be required by the Milwaukee Metropolitan Sewerage District.



It can also be noted that the landscaping proposed around the playground will be designed to provide butterfly habitat (the butterfly image is part of the Kayla's Krew logo) as well as to be compatible with the adjacent wetland. These plantings will also serve as enhancement plantings to the wetland buffer and wetland setback.

Staff recommends that additional native landscaping be provided along the southern boundary of the park, in part to replace the Green Ash trees that were previously removed, and partly to provide an additional buffer between the proposed playground and the existing homes immediately south of the park.

Attached are materials prepared by Planning staff, the Engineering Department and the Southeastern Wisconsin Regional Planning Commission (SEWRPC), which identify and describe the natural resource features proposed to be impacted and the amount of impacts. SEWRPC conducted a field assessment on April 29, 2015 to delineate wetlands within the project area of the proposed park improvements. SEWRPC will follow up by sending the City a letter, including a final map from the field assessment, and an accompanying vegetation survey. The Wisconsin Department of Natural Resources (WDNR) visited the site on April 23, 2015 and April 29, 2015 to conduct a navigability determination and Ordinary High Water Mark (OHWM) delineation on Oak Creek, an intermittent stream flowing through the property. The shore buffer calculations included within the Natural Resource Protection Plan (NRPP) prepared by City Staff are based on the WDNR's findings. Similar to other Natural Resource Special Exception requests, Staff recommends that the City obtain all required approvals and permits from the Wisconsin Department of Natural Resources and Army Corps of Engineers prior to the commencement of work.

### **NATURAL RESOURCE IMPACTS:**

Based upon the information presented in this report, the impacts resulting from the grading and paving for the installation of new playground equipment, a poured in place playground surface and a parking lot expansion include:

- Approximately 11,700 square feet (0.27 acre) of shore buffer impacts.
- Approximately 7,500 square feet (0.17 acre) of wetland buffer impacts.
- Approximately 5,500 square feet (0.13 acre) of wetland setback impacts.
- Approximately 5,000 square feet (0.11 acre) of mature woodland impacts.

**Please note that an updated Natural Resource Protection Plan map is under preparation, and as such, these amounts of impact may change. Any such changes will be provided under separate cover.**

### Floodplains

The FEMA 2008 100-year Floodplain delineation is included on the Natural Resource Protection Plan (NRPP). The floodplain adjacent to this proposed project is associated with the intermittent stream (determined to be navigable by the WDNR) located east of the existing parking lot. The proposed improvements do not impact the 100-year floodplain.

### Shore Buffers

The NRPP depicts the 75-foot shore buffer associated with the navigable stream flowing north/south through the property east of the existing parking lot and existing playground. On April 23<sup>rd</sup> and

April 29<sup>th</sup>, 2015 the WDNR completed navigability determination and Ordinary High Water Mark (OHWM) delineation within the proposed project area at Franklin Woods Nature Center Special Park. The shore buffer is based on the WDNR's findings.

The proposed playground encroaches into approximately 11,700 square feet of shore buffer.

### Wetlands

SEWRPC delineated wetlands within the proposed project area on April 29<sup>th</sup>, 2015. The proposed improvements do not impact any delineated wetlands.

### Wetland Buffers

The NRPP indicates Kayla's Playground and the associated facilities would impact approximately 7,500 square feet of wetland buffer. More specifically:

- About 2,500 square feet of wetland buffer would be permanently removed due to construction of the playground.
- An additional approximately 5,000 square feet of wetland buffer would be temporarily disturbed during construction. Of this amount, about 4,500 square feet would be converted from lawn to landscaping designed for butterfly habitat.

### Wetland Setbacks

The NRPP indicates Kayla's Playground and the associated facilities would impact approximately 5,500 square feet of wetland setback. More specifically:

- About 4,500 square feet of wetland setback would be permanently removed due to construction of the playground.
- About 1,000 square feet of wetland setback would be permanently removed due to construction of the expanded parking lot.

### Mature Woodlands

Approximately 5,000 square feet of mature woodlands, primarily comprised of Black Locust trees, located partly inside and partly outside the wetland setback, are proposed to be temporarily disturbed or permanently removed. Such disturbance/loss would be due to construction of the proposed parking lot expansion and connecting drive lane.

However, as this area of disturbance/loss is about 0.5 percent of the estimated amount of all of the mature woodlands within the Franklin Woods Nature Center Special Park (approximately 26.5 acres), the Unified Development Ordinance's woodland protection standard will be met.

### Steep Slopes

Review of the NRPP and the City's topographic mapping indicates that steep slopes are not adjacent to the proposed project, and as such, would not be impacted.

### Secondary Environmental Corridor/Natural Area

Review of the information provided by SEWRPC indicates that the entire Franklin Woods Nature Center Special Park, including the active recreational areas, are part of a Secondary Environmental Corridor. SEWRPC recommends that development associated with the provision of public sanitary sewer service within the wetland, shoreland, floodland, and steep slope portions of a Secondary

Environmental Corridor not be allowed. However, SEWRPC also recommends that limited development (up to 20 percent) of the Secondary Environmental Corridors for recreational facilities (and associated parking) be permitted.

It can be noted that the active recreational portions of the Franklin Woods park encompass about 2.9 acres, or about 7.6 percent, of the 38 acre park. As previously noted, about 11,700 square feet of the shoreland buffer will be impacted by the proposed playground, of which about 4,500 square feet, is comprised the actual pervious surfaced playground, and of which about 7,200 square feet is associated with the proposed native landscaping.

SEWRPC has also identified the majority of the woodlands west of the existing parking lot/playground/pavilion as part of the Franklin (Puetz Road) Woods Natural Area. This Natural Area has been identified by SEWRPC as a natural area of local significance (NA-3), comprising about 28 acres of mature dry-mesic hardwoods, lowland hardwoods, and stands of younger growth (pursuant to SEWRPC Planning Report No. 42). However, the proposed project is located outside the subject Natural Area.

**MITIGATION:**

*Staff recommends that mitigation for the loss of protected natural resource features (wetland setback, wetland buffer, shore buffer, and woodlands) include: a three-year effort to remove buckthorn and other invasive species within and adjacent to the subject wetlands and woodlands; that some of the proposed buckthorn removal be incorporated into the community build proposed for this playground this September; and that the native landscaping adjacent to the playground be designed by an appropriate professional to be compatible with, and to the greatest extent reasonable, an enhancement to, the adjacent wetlands.*

**COMPREHENSIVE MASTER PLAN CONSISTENCY:**

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

The Comprehensive Master Plan’s Future Land Use Map identifies the subject area as Recreational and Areas of Natural Resource Features. Development of an all-accessible and all-inclusive playground would be consistent with the Comprehensive Master Plan.

It can also be noted that an all-accessible and all-inclusive playground has been established as a need within the Public Sites and Facilities Needs Assessment found in Chapter 5 of the City of Franklin Comprehensive Outdoor Recreation Plan Update: 2030.

**CONCLUSION:**

Staff recommends approval of the subject Site Plan with the conditions noted in this staff report, which conditions have also been included within the associated Resolution.

In regard to the Natural Resource Special Exception, per Section 15-10.0208 of the Unified Development Ordinance (UDO), the applicant shall have the burden of proof to present evidence sufficient to support a Natural Resource Special Exception (NRSE) request. The applicant has presented evidence for the request by answering the questions and addressing the statements that are

part of the Natural Resource Special Exception (NRSE) application. The applicant's responses to the application's questions and statements are attached for your review. *Also attached is a document titled, "City of Franklin Environmental Commission" that the Environmental Commission must complete and forward to the Common Council.* The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed.

Staff recommends approval of the subject Natural Resource Special Exception subject to the conditions noted in this staff report, which conditions will also be included within the associated Standards, Findings and Decision document.

RESOLUTION NO. 2015-\_\_\_\_

A RESOLUTION AMENDING THE SITE PLAN FOR PROPERTY  
LOCATED AT 3723 WEST PUETZ ROAD TO ALLOW FOR  
IMPROVEMENTS TO THE FRANKLIN WOODS NATURE CENTER  
SPECIAL PARK TO ACCOMMODATE KAYLA’S PLAYGROUND, AN ALL-  
INCLUSIVE AND ALL-ACCESSIBLE PLAYGROUND  
(TAX KEY NO. 854-9936-000)  
(CITY OF FRANKLIN, APPLICANT)

WHEREAS, the City of Franklin having applied for an amendment to the Site Plan for the property located at 3723 West Puetz Road, such Site Plan having been previously approved on June 22, 2006, by Resolution No. 2006-13; and

WHEREAS, such proposed amendment proposes improvements to the Franklin Woods Nature Center Special Park to accommodate Kayla’s Playground, including an approximately 12,256 square foot all-inclusive and all-accessible fenced playground with a poured in place surface, pavers and sidewalks surrounding the playground, native landscaping enhancements, an expansion of the parking facilities, and accessible restroom facilities with electrical, water and sanitary sewer services extended to the restrooms, and the Plan Commission having reviewed such proposal and having found same to be in compliance with and in furtherance of those express standards and purposes of a Site Plan review pursuant to Division 15-7.0100 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Site Plan for Franklin Woods Nature Center Special Park, dated \_\_\_\_\_, 2015, as submitted by the City of Franklin, as described above, be and the same is hereby approved, subject to the following conditions:

1. The City of Franklin, successors and assigns and any developer of the Kayla’s Playground within Franklin Woods Nature Center Special Park project 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 Kayla’s Playground within Franklin Woods Nature Center Special Park project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
2. The approval granted hereunder is conditional upon the City of Franklin and the Kayla’s Playground within Franklin Woods Nature Center Special Park project for

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RESOLUTION NO. 2015-\_\_\_\_\_

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the property located at 3723 West Puetz 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.

3. The Kayla's Playground within Franklin Woods Nature Center Special Park project shall be developed in substantial compliance with the plans City file-stamped \_\_\_\_\_, 2015.
4. Additional native landscaping shall be provided along the southern boundary of the park, in part to replace the Green Ash trees that were previously removed, and partly to provide an additional buffer between the proposed playground and the existing homes immediately south of the park.
5. The City shall obtain all required approvals and permits from the Wisconsin Department of Natural Resources and Army Corps of Engineers prior to commencement of work.
6. [other conditions, etc.]

BE IT FURTHER RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that Kayla's Playground within Franklin Woods Nature Center Special Park as depicted upon the plans City file-stamped \_\_\_\_\_, 2015, attached hereto and incorporated herein, shall be developed and constructed within one year from the date of adoption of this Resolution, or this Resolution and all rights and approvals granted hereunder shall be null and void, without any further action by the City of Franklin; and the Site Plan for the property located at 3723 West Puetz Road, as previously approved, is amended accordingly.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Chairman

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RESOLUTION NO. 2015-\_\_\_\_\_

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ATTEST:

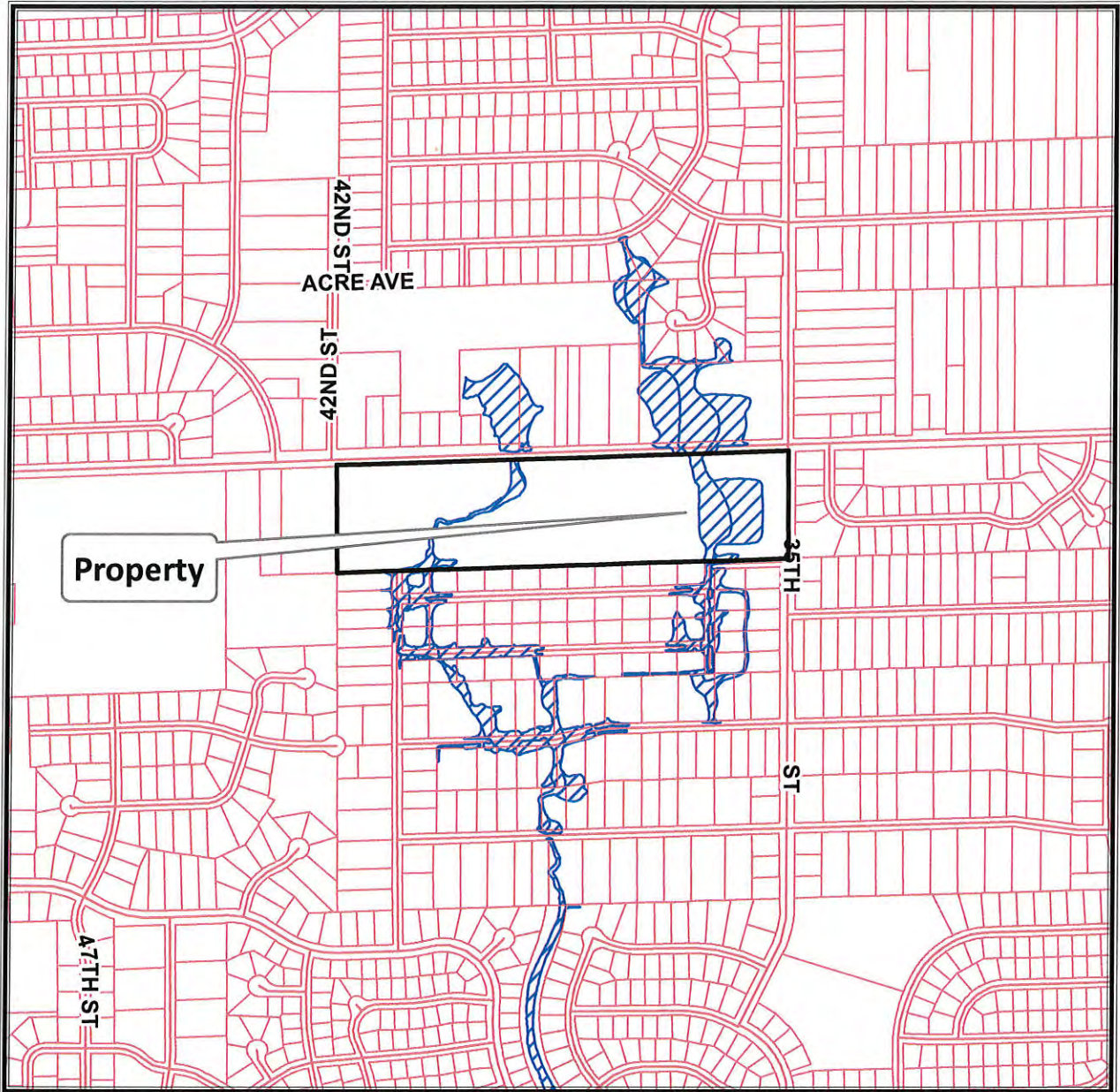
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Sandra L. Wesolowski, City Clerk

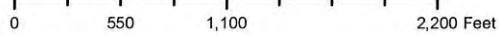
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_



# Franklin Woods/Kaylas Playground 3723 W. Puetz Road



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

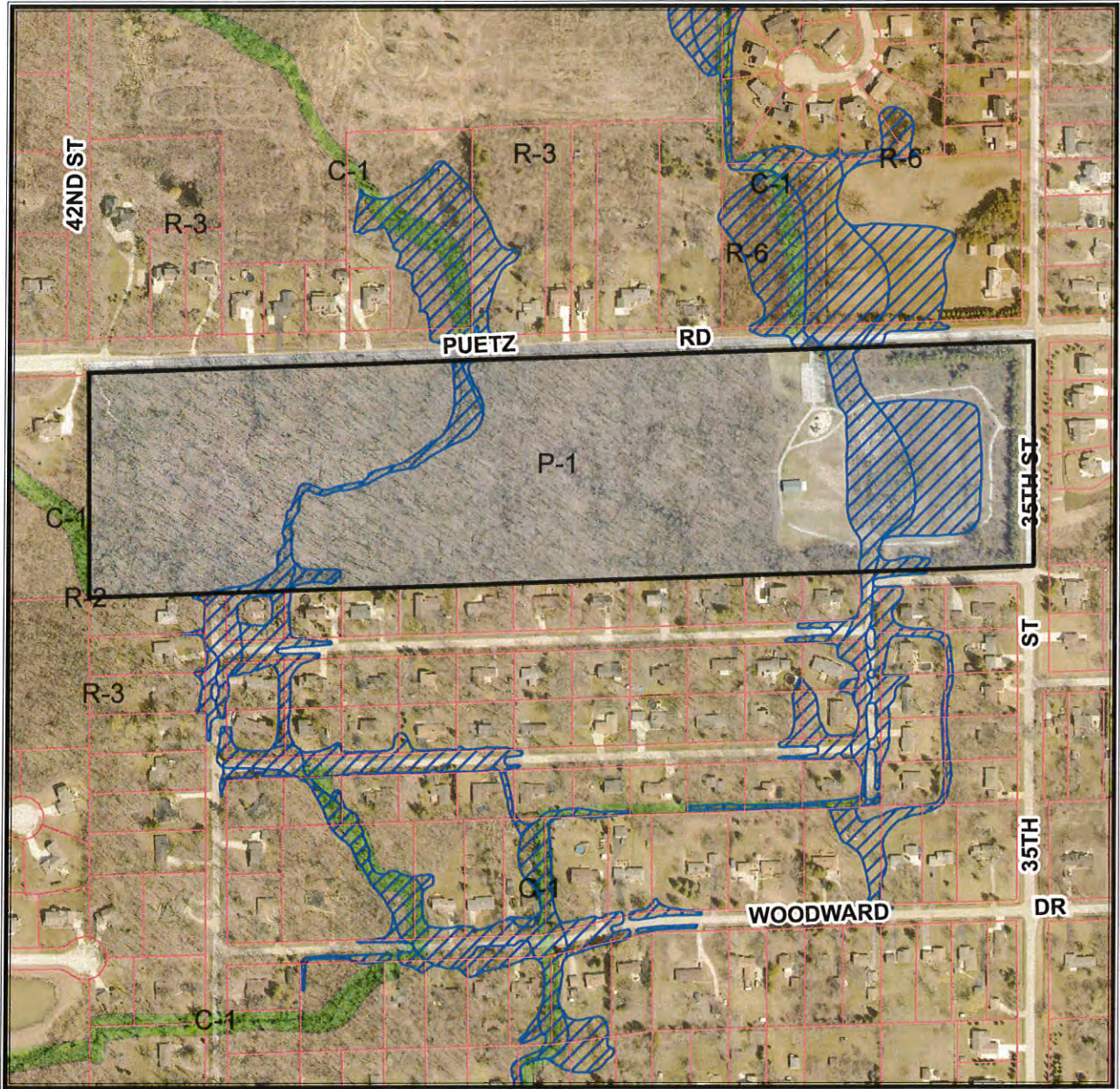


*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*

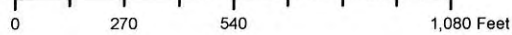




# Franklin Woods/Kaylas Playground 3723 W. Puetz Road



**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.*

*Draft 4/30/15*

Standards, Findings and Decision  
of the City of Franklin Common Council upon the Application of the City of Franklin  
for a Special Exception to Certain Natural Resource Provisions of the City of Franklin  
Unified Development Ordinance

Whereas, the City of Franklin having filed an application dated April 14, 2015, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated April 22, 2015 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated May 7, 2015 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is located at approximately 3723 West Puetz Road, zoned P-1 Park District, and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

Whereas, Section 15-10.0208B. of the City of Franklin Unified Development Ordinance, as amended by Ordinance No. 2003-1747, pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature, provides in part: "The decision of the Common Council upon any decision under this Section shall be in writing, state the grounds of such determination, be filed in the office of the City Planning Manager and be mailed to the applicant."

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon the application for a Special Exception dated April 14, 2015, by the City of Franklin, pursuant to the City of Franklin Unified Development Ordinance, the proceedings

heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *but rather*,\_\_\_\_\_.

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives:\_\_\_\_\_; *or*

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: \_\_\_\_\_.

3. The Special Exception, including any conditions imposed under this Section will:

a. be consistent with the existing character of the neighborhood: *the proposed development with the grant of a Special Exception as requested will be consistent with the existing character of the neighborhood; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: \_\_\_\_\_; *and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement:\_\_\_\_\_; *and*

d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development: *(this finding only applying to an application to improve or enhance a natural resource feature).*

The Common Council considered the following factors in making its determinations pursuant to Section 15-10.0208B.2.d. of the Unified Development Ordinance.

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:\_\_\_\_\_.

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: \_\_\_\_\_.
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: \_\_\_\_\_.
4. Aesthetics: \_\_\_\_\_.
5. Degree of noncompliance with the requirement allowed by the Special Exception: \_\_\_\_\_.
6. Proximity to and character of surrounding property: \_\_\_\_\_.
7. Zoning of the area in which property is located and neighboring area: *Residential*.
8. Any negative affect upon adjoining property: *No negative affect upon adjoining property is perceived.*
9. Natural features of the property: \_\_\_\_\_.
10. Environmental impacts: \_\_\_\_\_.
11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of \_\_\_\_\_ is incorporated herein.*
12. The practicable alternatives analysis required by Section 15-9.0110C.4. of the Unified Development Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement: *The Plan Commission recommendation and the Environmental Commission recommendation address these factors and are incorporated herein.*

### Decision

*Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions: 1) that the natural resource features upon the property to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any*

*development within the areas for which the Special Exception is granted; 2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted; 3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for the City of Franklin and all other applicable provisions of the Unified Development Ordinance. The duration of this grant of Special Exception is permanent.*

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

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

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

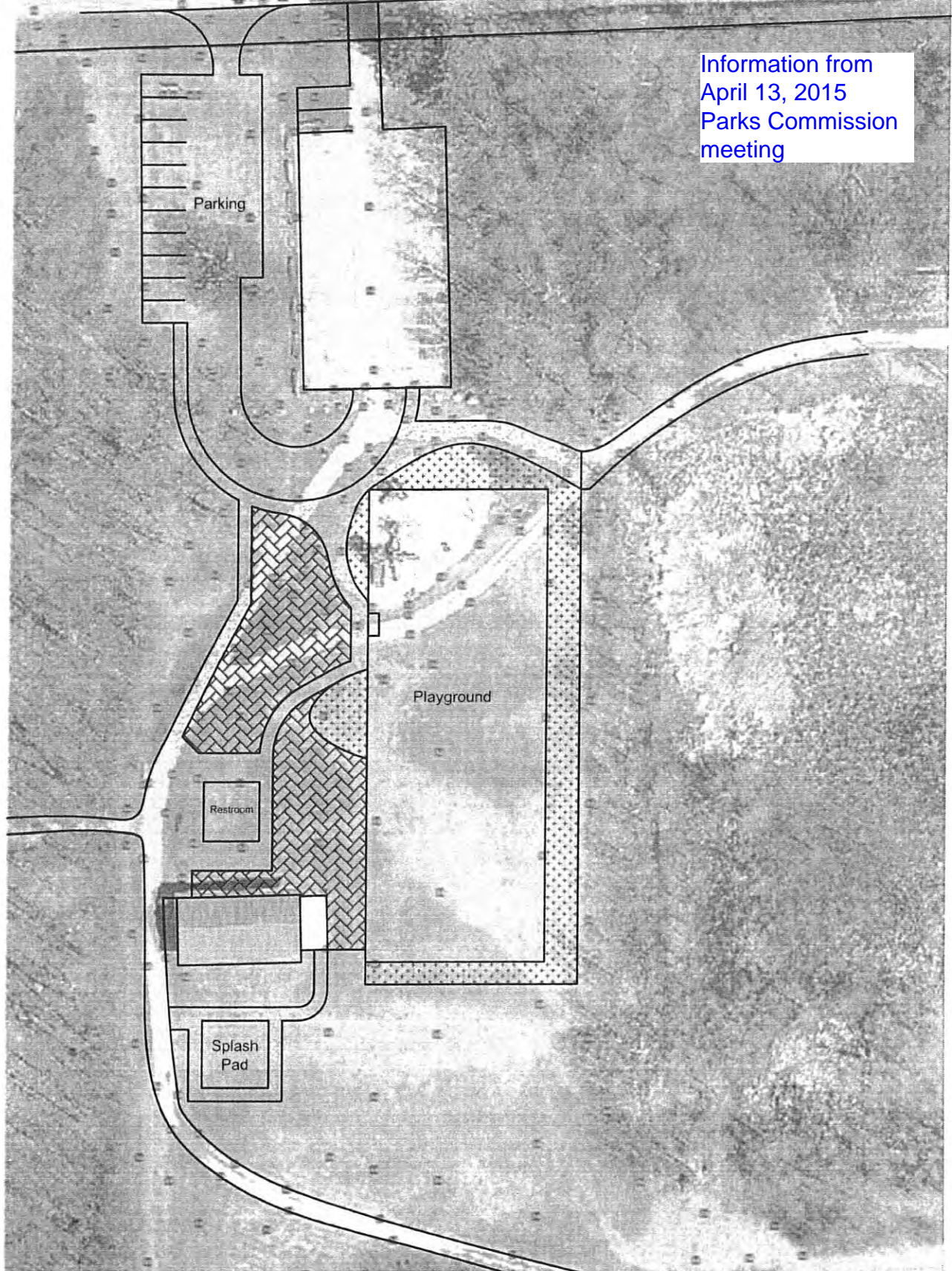
ATTEST:

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

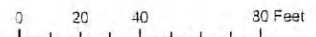
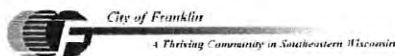
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

W PUETZ RD

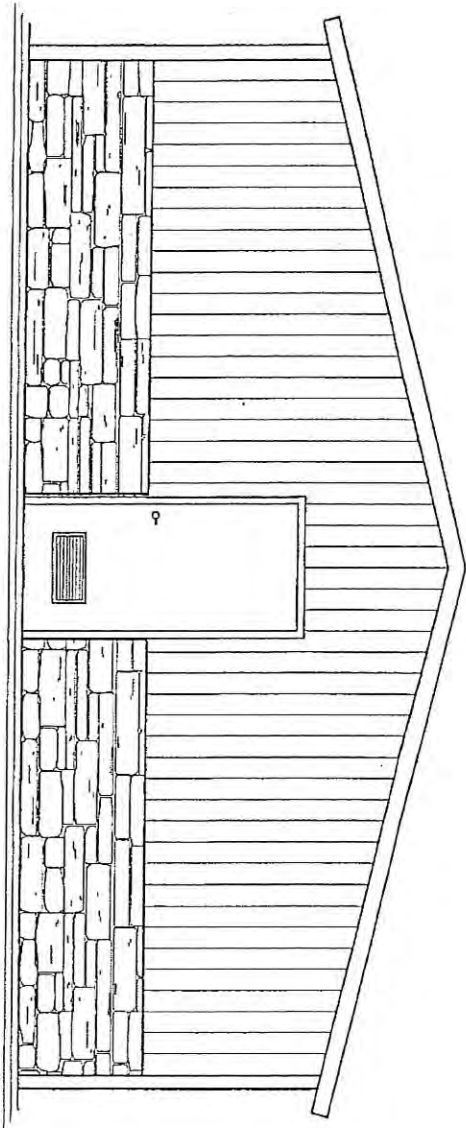
Information from  
April 13, 2015  
Parks Commission  
meeting



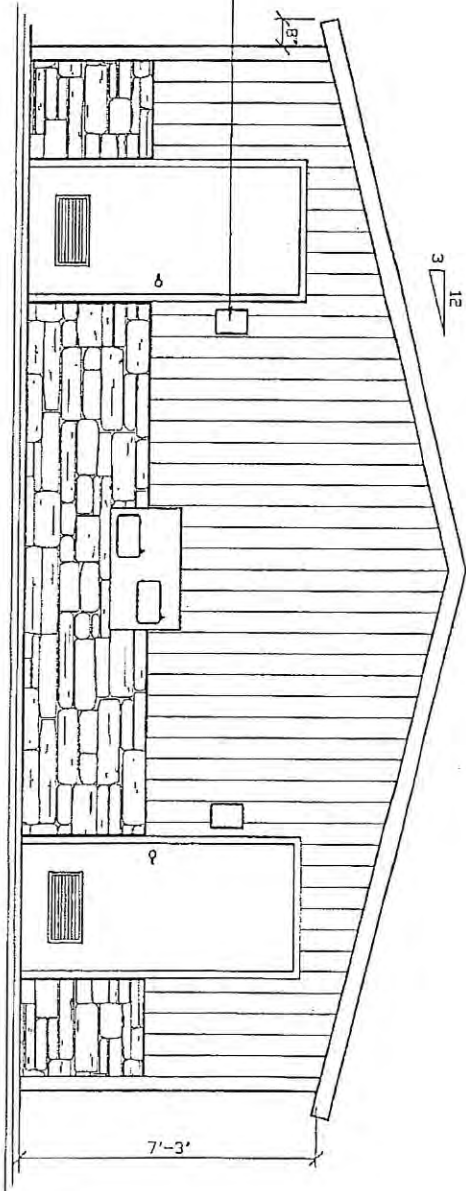
Franklin Woods  
Potential Kayla Park Site



Scale=1:40



REAR ELEVATION  
SCALE: 1/4" = 1'-0"



FRONT ELEVATION  
SCALE: 1/4" = 1'-0"

ADA COMPLIANT  
RESTROOM SIGN

2  
3

PROJECT:  
FRANKLIN PARK  
RESTROOM BUILDING

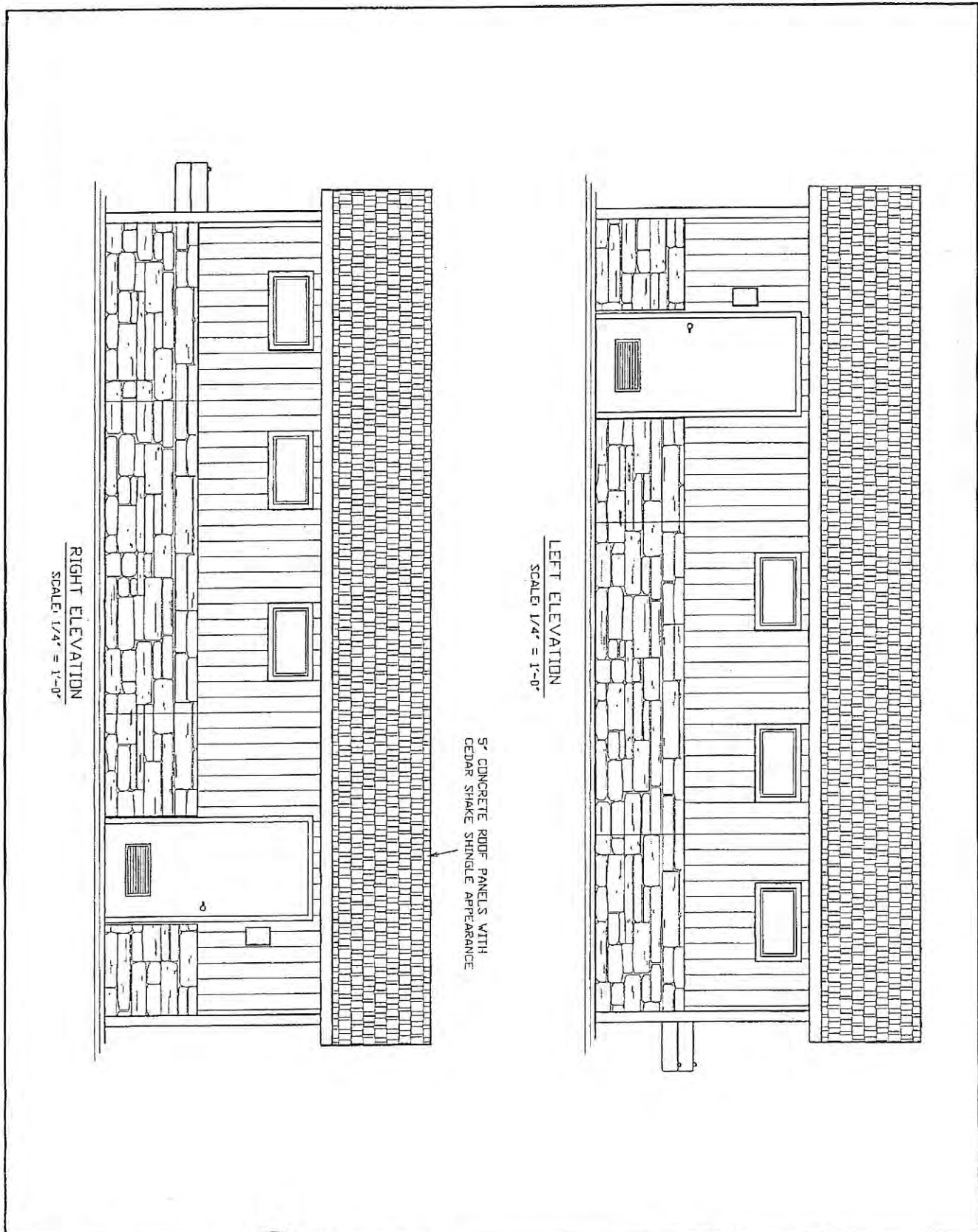


**HUFFCUTT**  
CONCRETE, INC

4154 123rd STREET  
CHIPPEWA FALLS, WI 54729  
(715) 723-7446 \* (800) 924-1516  
FAX (715) 723-7111 \* www.huffcutt.com

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&  
MEMBER OF:  
NATIONAL & WISCONSIN PRECAST CONCRETE ASSOCIATIONS



RIGHT ELEVATION  
SCALE: 1/4" = 1'-0"

LEFT ELEVATION  
SCALE: 1/4" = 1'-0"

5' CONCRETE ROOF PANELS WITH  
CEDAR SHAKE SHINGLE APPEARANCE

PROJECT:  
FRANKLIN PARK  
RESTROOM BUILDING

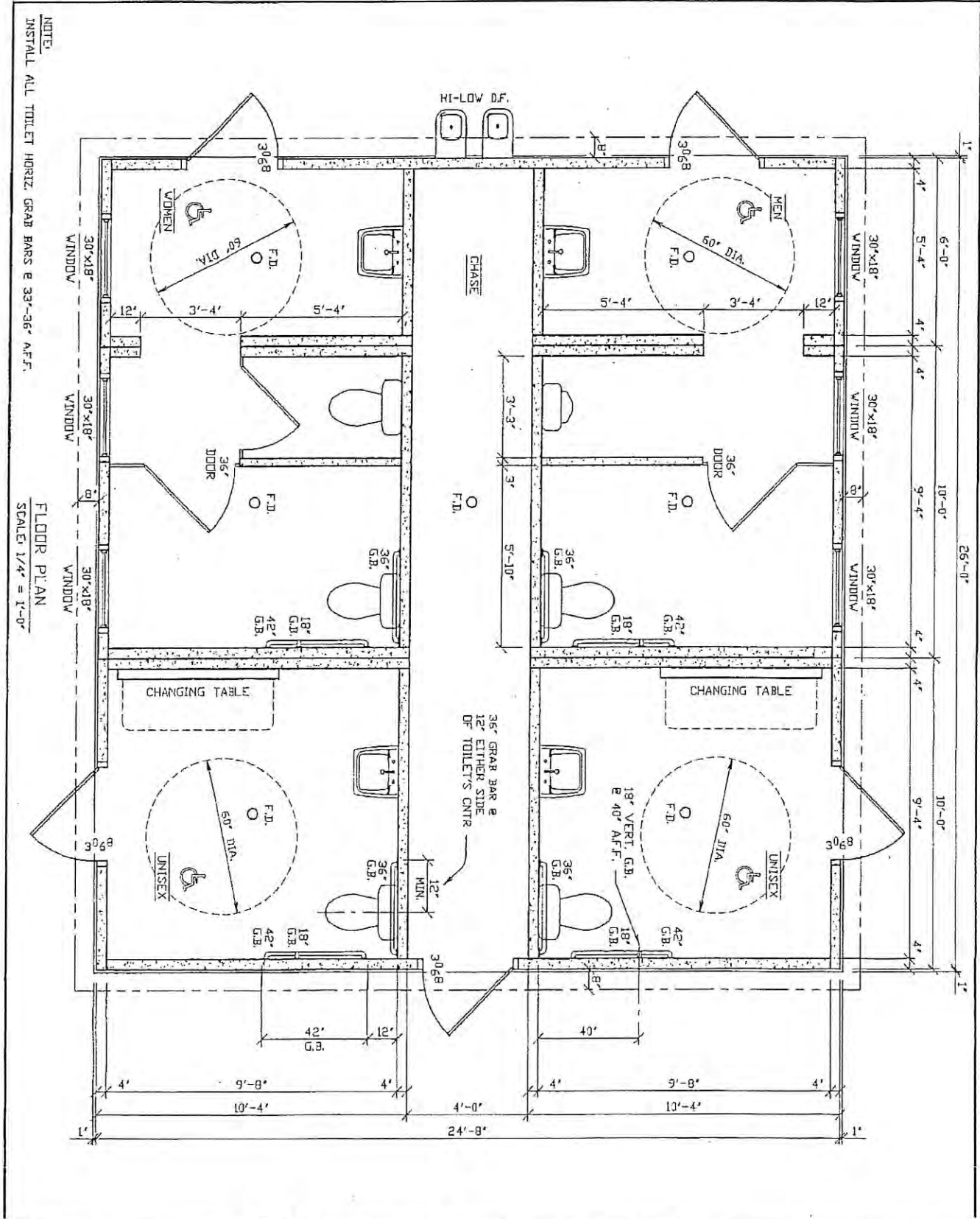


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NOTE:  
INSTALL ALL TOILET HORIZ. GRAB BARS @ 33\"/>

FLOOR PLAN  
SCALE: 1/4\"/>

PROJECT:  
FRANKLIN PARK  
RESTROOM BUILDING



4154 123rd STREET  
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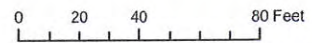
N.P.C.A. CERTIFIED PLANT  
&  
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1 of 3

W PUETZ RD

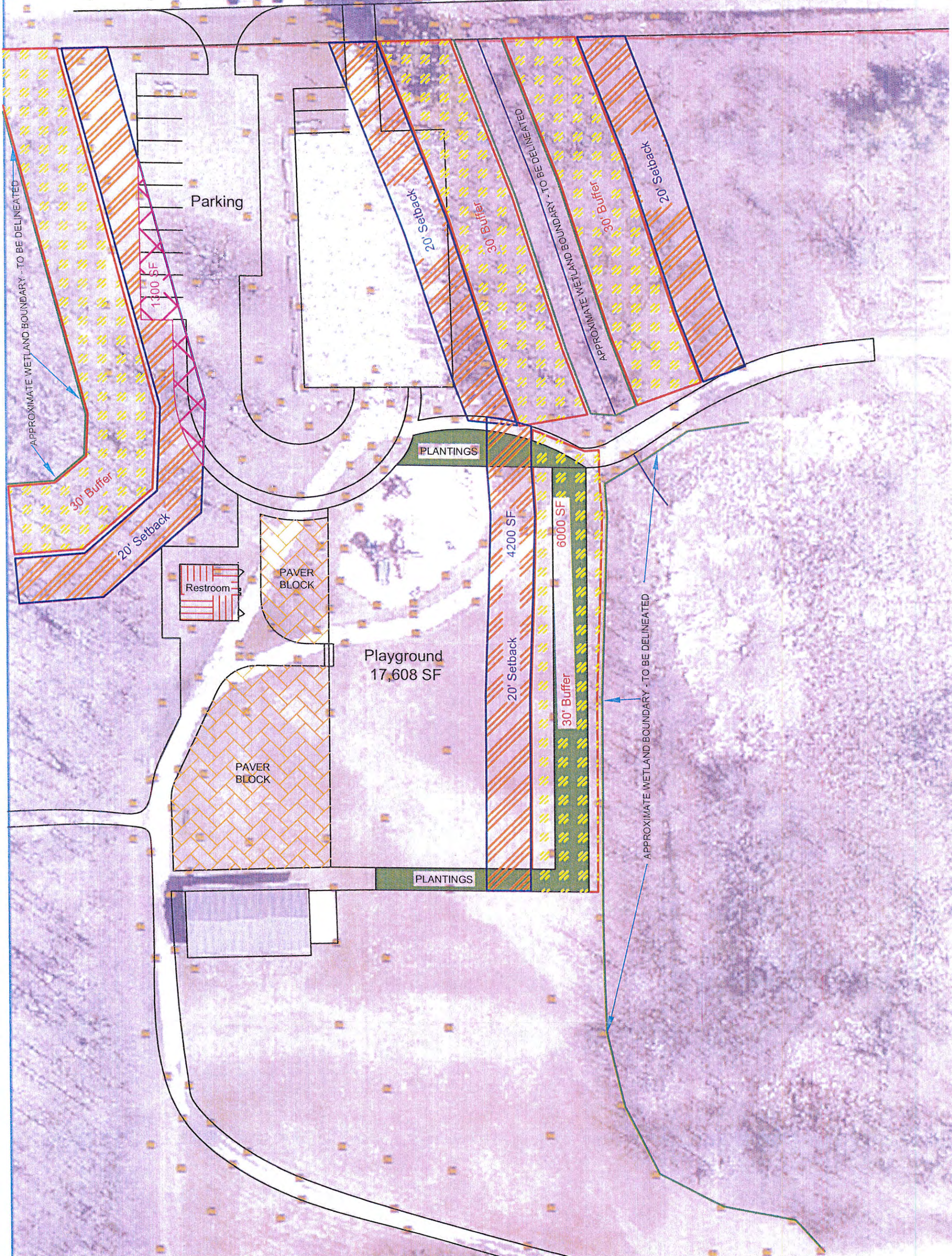


Franklin Woods  
Kayla Park Site  
4/16/2015

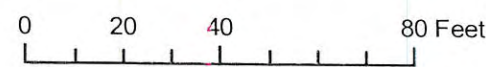


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# W PUETZ RI



Franklin Woods  
Kayla Park Site  
4/20/2015

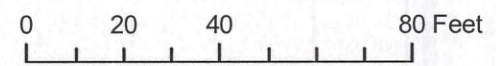


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W PUETZ RD



Franklin Woods  
Kayla Park Site  
4/23/2015



# Exhibit 1. Topographic Map

Franklin Woods Nature Center  
Proposed Kayla's Krew Playground  
NW Quarter, Section 24, T5N-R21E  
City of Franklin, Milwaukee County



- Legend
- Wetland Staked on 4/29/15
  - Wetland Staked in 2001 Still Valid
  - Wetland Outside Project Area
  - Ditch line Staked on 4/29/15
  - Woodland Staked on 4/29/15
  - Natural Area
  - Secondary Environmental Corridor

0 100 200  
Feet

Source: SEWRPC  
Date of Photography: 2010  
CA#405-302

**Natural Resource Special Exception Question and Answer Form.**

1. Questions to be answered by the Applicant. Items on this application to be provided in writing by the Applicant shall include the following, as set forth by Section 15-9.0110C. of the UDO:

a. Indication of the section(s) of the UDO for which a Special Exception is requested.

*A Special Exception is requested from Table 15-4.0100 of the UDO for encroachments into wetland buffers, wetland setbacks and shore buffers for installation of new playground equipment, a poured in place playground surface and a parking lot expansion for Kayla's Playground at Franklin Woods Nature Center Special Park.*

b. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.

*The proposed playground and associated improvements will disturb approximately 7,500 square feet of wetland buffer, 5,500 square feet of wetland setback and 11,700 square feet of shore buffer.*

c. Statement of the reason(s) for the request.

*The City of Franklin is partnering with Kayla's Krew and sharing in the costs to develop an all-accessible and all-inclusive playground within the City. Following an exhaustive review of sites, analyzing the pros and cons of each, it was determined that the Franklin Woods Special Park was the best fit for development of the playground. However, due to the existing site features, configuration of the park and Kayla's Playground, the design at the park requires unavoidable disturbance of wetland buffers, wetland setbacks and shore buffers.*

d. Statement of the reasons why the particular request is an appropriate case for a Special Exception, together with any proposed conditions or safeguards, and the reasons why the proposed Special Exception is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows:

1) Background and Purpose of the Project.

- (a) Describe the project and its purpose in detail. Include any pertinent construction plans. *The project consists of a new playground occupying approximately 12,256 square feet of space, a pavilion and a 10,380 square foot parking lot addition. The project also includes a 6,880 square foot area with paver block and new landscape features.*
- (b) State whether the project is an expansion of an existing work or new construction. *The project consists of new construction adjacent to existing facilities.*
- (c) State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose. *The playground has specific site criteria and size requirements as it is to be an all-accessible, all-inclusive, and wheelchair accessible playground. As such, it cannot be re-designed in the same manner as a typical playground. The selected location for the proposed playground, the manicured lawn area of the park, provides a sufficient level area for the playground development and has previously been disturbed for recreational and residential uses as far back as 1956.*

2) Possible Alternatives.

- (a) State all of the possible ways the project may proceed without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback as proposed. *Relocation of the playground on this site, or reconfiguration of the playground layout, could result in unacceptable safety concerns for the users of this type of recreational facility. The unique design and use of the playground require specific criteria and standards to be met for the safe design, layout and development of the playground. As noted in section 1.c. of this document, an exhaustive review of sites for this playground has previously been undertaken, and the Common Council has chosen this site.*
- (b) State how the project may be redesigned for the site without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback. *Per the above answer (a), there are strict limits to re-designing and reconfiguring the playground.*

- (c) State how the project may be made smaller while still meeting the project's needs. *The project has been reduced in size already to minimize impacts. The original playground design occupied an area of approximately 16,000 square feet. The current proposed design occupies approximately 12,256 square feet and is not able to be reduced further without significantly diminishing the use, safety and goals of the project, thus not meeting the project's needs.*
- (d) State what geographic areas were searched for alternative sites. *The City of Franklin and Kayla's Krew reviewed approximately 20 sites in detail for the location of the proposed playground. Following the review of pros and cons for selected sites, it was determined that Franklin Woods Special Park provided the best location for the playground.*
- (e) State whether there are other, non-stream, or other non-navigable water, non-shore buffer, non-wetland, non-wetland buffer, and/or non-wetland setback sites available for development in the area. *As stated above in (d), there are no other reasonable sites. The City and Kayla's Krew considered several factors and needs of the playground in determining the best available site, including, but not limited to safety, traffic, noise, site size, costs and natural resource feature impacts.*
- (f) State what will occur if the project does not proceed. *If the project does not proceed, an opportunity will be lost to provide a playground for people of all abilities. This need and demand would, therefore, not be fulfilled.*

3) Comparison of Alternatives.

- (a) State the specific costs of each of the possible alternatives set forth under sub.2., above as compared to the original proposal and consider and document the cost of the resource loss to the community.

*A cost comparison of alternative sites was completed. The City has chosen the Franklin Woods location, not based upon being the lowest cost, but rather being the best site after careful consideration of a number of factors as noted above.*

- (b) State any logistical reasons limiting any of the possible alternatives set forth under sub. 2., above.



*Based upon the site selection criteria, there are no other reasonable sites that would meet the needs of the proposed playground as well as Franklin Woods Special Park.*

- (c) State any technological reasons limiting any of the possible alternatives set forth under sub. 2., above.

*There are no technological reasons. The lack of alternative sites is due to the unique needs of the all inclusive playground.*

- (d) State any other reasons limiting any of the possible alternatives set forth under sub. 2., above.

*As indicated, the alternative sites are limited due to the unique use and needs of the playground.*

- 4) Choice of Project Plan. State why the project should proceed instead of any of the possible alternatives listed under sub.2., above, which would avoid stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback impacts.

*The project should proceed as proposed since there are no reasonable alternatives to accomplish and meet the goals of the project. The City and Kayla's Krew have completed a thorough investigation of other sites and designs. The Franklin Woods Special Park site and current design herein proposed best reduce the impacts to natural resource features while still providing a location for a successful project.*

- 5) Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description. Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

*The Wisconsin Department of Natural Resources determined the navigability of the adjacent stream and flagged the ordinary high water mark onsite. The Southeastern Wisconsin Regional Planning Commission field delineated the wetlands. The disturbance is limited to only the buffers of those resources. The impacted area is comprised of a manicured lawn area and an existing playground. Appropriate measures will be taken to ensure the protection of nearby native plants, wildlife and hydrology.*

6) Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts. Describe in detail any impacts to the following functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:

a) Diversity of flora including State and/or Federal designated threatened and/or endangered species.

*The proposed impacts are limited to an area consisting of a manicured lawn and existing playground and will not significantly disturb native plant communities. A Natural Area of Local Significance (NA-3), comprised of mature dry-mesic hardwoods, lowland hardwoods, and stands of younger growth is located west of the subject area and will not be impacted by the proposed project.*

b) Storm and flood water storage.

*There will be no significant impacts to storm and flood water storage as a result of the proposed playground and associated site improvements.*

c) Hydrologic functions.

*Impacts to wetland buffers, wetland setbacks and shore buffers will have minimal impacts on the overall hydrologic functions of the stream and wetland as a whole.*

d) Water quality protection including filtration and storage of sediments, nutrients or toxic substances.

*The wetlands and stream will be fully protected by the City of Franklin.*

e) Shoreline protection against erosion.

*The shoreline will not be impacted.*

f) Habitat for aquatic organisms.

*Habitat for aquatic organisms will not be disturbed as the area of the site being disturbed is mowed lawn.*

g) Habitat for wildlife.

*Habitat for wildlife will not be disturbed as the area of the site being disturbed is mowed lawn.*

h) Human use functional value.

*No known impact*

i) Groundwater recharge/discharge protection.

*The proposed project is located outside but adjacent to the Oak Creek and associated wetlands and floodlands. As such, impacts upon groundwater are unlikely. Furthermore, the playground and adjacent patio are proposed to be constructed with pervious surfaces overlaying a substantial amount of gravel. It is envisioned that this will result in more infiltration than currently exists onsite.*

- j) Aesthetic appeal, recreation, education, and science value.

*The proposed playground improvements will not degrade the aesthetic appeal, recreation, education, or scientific value of the stream and wetlands. On the contrary, the proposed playground will attract more people to the site to enjoy and appreciate the natural resources features protected within the Franklin Woods Special Park.*

- k) Specify any State or Federal designated threatened or endangered species or species of special concern.

*Black haw (viburnum prunifolium), a State-designated Special Concern Species, has been recorded in Franklin (Puetz Road) Woods Natural Area. However, the project will not impact the Natural Area as delineated by SEWRPC.*

- l) Existence within a Shoreland.

*Yes, the project is partially located within a shoreland area. A condition of approval of this project would be to obtain all necessary WDNR approvals prior to the commencement of work.*

- m) Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time.

*The project area contains a SEWRPC delineated Secondary Environmental Corridor; however, the improvements are within an existing manicured lawn area and recreational uses are permitted within such environmental corridors.*

- 7) Water Quality Protection. Describe how the project protects the public interest in the waters of the State of Wisconsin.

*The proposed playground and improvements will be developed in accordance with an erosion and sedimentation control plan that generally follows the guidelines and standards set forth in Division 15-8.0300 of the City of Franklin Unified Development Ordinance, the U.S.D.A. Conservation Technical Guide, prepared by the U.S. Department of Agriculture, and the Wisconsin Construction Site*

*Best Management Practices Handbook prepared by the Wisconsin Department of Natural Resources, as amended. The implementation of a sedimentation control plan will prevent construction site erosion thereby preventing siltation and sedimentation of the nearby stream and wetlands, which protects the public interest in the waters of the State of Wisconsin.*



REPORT TO THE PLAN COMMISSION

Meeting of May 7, 2015

Unified Development Ordinance Text Amendment

RECOMMENDATION: City Development Staff recommends approval of the proposed Unified Development Ordinance Text Amendment.

Table with 2 columns: Field Name and Value. Fields include Project Name, Project Address, Applicant, Owners (property), Current Zoning, 2025 Future Land Use, Use of Surrounding Properties, and Applicant Action Requested.

Introduction:

On April 6, 2015, the applicant filed a Unified Development Ordinance (UDO) Text Amendment and Certified Survey Map (CSM) Application with the Department of City Development requesting approval to divide the existing property located at 9843, 9847 and 9851 South 27th Street into two separate lots.

The applicant has recently requested, however, that the Certified Survey Map be placed on the May 21st Plan Commission agenda. The applicant is preparing easement and natural resource information that was not available in time for this meeting.

If desired, the Plan Commission may act upon the Unified Development Ordinance Text Amendment Application prior to review of the Certified Survey Map.

Project Description and Analysis:

The subject property currently contains multiple buildings that include single-family and commercial uses. The applicant wishes to have the commercial building, which is utilized for the property owner’s business, and the existing single-family home on separate parcels. Section 15-3.0304A.2. of the UDO requires “that no new lots of record for One-family detached dwellings and Two-family attached dwellings be created after the effective date of this ordinance.” Therefore, the applicant is not able to create a new lot for the existing single-family home without amending the B-4 District.

As such, the applicant is requesting to add the underlined text to Section 15-3.0304A.2., “Require that no new lots of record for the development of new One-family detached dwellings or Two-family attached dwellings be created after the effective date of this ordinance.” The B-4 District does permit one-family detached dwellings per Table 15-3.0602 of the UDO.

If approved, the City may then also approve the proposed CSM. Lot 1 of the proposed CSM has an area of approximately 3.11 acres and contains the single-family use. Lot 2 has an area of approximately 2.09 acres and contains the commercial use. Lot 1 also contains a building that is currently being used as a single-family home while the other building is being renovated. The property owner will be moving into the other building once renovations are complete, leaving the other building vacant. The property owner has indicated that the future use of this building is unknown at this time.

**Comprehensive Master Plan Amendment:**

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

The subject property is currently designated as Mixed Use and Areas of Natural Resource Features on the City’s 2025 Future Land Use Map. The applicant is not proposing to change that designation and further states that the proposed UDO Text Amendment does not deviate from the Comprehensive Master Plan.

In that regard, staff can note that the future land use for this area is based upon the *South 27<sup>th</sup> Street Corridor Plan*, which plan has been incorporated by reference into the Comprehensive Master Plan. That plan designates the subject area as Mixed Use Commercial District and further states that this district should:

- Require that future land division be limited, such that no new lots are created that are smaller than two acres in size.
- Allow such uses as follows...residential uses...

It can also be noted that the Mixed Use Commercial district standards from the *South 27<sup>th</sup> Street Corridor Plan* have been incorporated into the B-4 South 27<sup>th</sup> Street Mixed Use Commercial zoning district, including the two acre limit for new land divisions. The B-4 zoning district also requires that no new lots of record for one- or two-family dwellings be created after the effective date of the ordinance recreating the B-4 district in 2005.

Staff concludes that although a land division of the subject property could potentially make further development and/or redevelopment of this area more difficult in the future, the existing property could be divided into a 3.1 acre parcel and a 2.1 acre parcel as proposed and still meet the lot size requirement noted above. Furthermore, a cursory review of other properties along 27<sup>th</sup> Street indicates that the situation giving rise to the proposed UDO Text Amendment would be rare and unlikely to occur on other properties.

Staff believes that while the proposed request does not further the goals, objectives and policies contained within the Comprehensive Master Plan, neither does it contradict those goals,

objectives or policies. Therefore, staff believes the proposed request is generally consistent with the Plan.

**Staff Recommendation:**

City Development Staff recommends approval of the proposed Unified Development Ordinance Text Amendment.

## ORDINANCE NO. 2015-\_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 15-3.0304A.2. OF THE UNIFIED DEVELOPMENT ORDINANCE TO ALLOW FOR THE CREATION OF NEW LOTS OF RECORD FOR EXISTING ONE-FAMILY DETACHED DWELLINGS AND TWO-FAMILY ATTACHED DWELLINGS UPON PROPERTY IN THE B-4 SOUTH 27TH STREET MIXED-USE COMMERCIAL DISTRICT

---

WHEREAS, Section 15-3.0304A.2. of the Unified Development Ordinance requires that no new lots of record for One-family detached dwellings and Two-family attached dwellings be created after the effective date of the ordinance (June 17, 2005); and

WHEREAS, Adam C. Murphy and Tanya M. Murphy having applied for a text amendment to Section 15-3.0304A.2. of the Unified Development Ordinance so as to allow for the creation of new lots of record for existing One-family detached dwellings and Two-family attached dwellings upon property located in the B-4 South 27th Street Mixed-Use Commercial District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to allow for the creation of new lots of record for existing One-family detached dwellings and Two-family attached dwellings upon property located in the B-4 South 27th Street Mixed-Use Commercial District, and having held a public hearing on the proposal on the 7th day of May, 2015 and thereafter having recommended approval of such amendment; and

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

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

SECTION 1: Section 15-3.0304A.2. of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended to read as follows: "Require that no new lots of record for the development of new One-family detached dwellings or Two-family attached dwellings be created after the effective date of this ordinance."

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



full force and effect.

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by Alderman \_\_\_\_\_.

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

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

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

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

Unified Development Ordinance Text Amendment Application:

Date: April 28, 2015

From: Adam and Tanya Murphy  
9843 / 9847 / 9851 S. 27<sup>th</sup> St  
Tax Key: 902-9970-001

Re: Section 15-3.0304A.2 Amendment (Updated April 28, 2015)

Proposed Amendment:

Section 15-3.0304A.2 pertains to the B4 zoning area of the S. 27<sup>th</sup> St. Corridor and reads:

“Require that no new lots of record for One-family detached dwellings and Two-family attached dwellings be created after the effective date of this ordinance”

The request is to amend it as follows:

“Require that no new lots of record **for the development of new** One-family detached dwellings **or** Two-family attached dwellings be created after the effective date of this ordinance.”

Intent:

The goal is to subdivide a property that currently contains both commercial and residential buildings. The property meets all other subdivision requirements for the B4 zone. However, based on the letter-of-the-law interpretation of the 2005-1842 amended UDO, dividing the business from the residence would create a new lot of record for a One-family dwelling. The plan since the original purchase of the property in 2006, has been to own the business property and building separate from the residential property and building.

Impact:

Based on a cursory review of the B4 Zone, by both the property owner and the City Planner, this property, at approximately 5.2 acres, is the only apparent property that is currently affected by this restriction. Given that a minimum lot size of two acres is required for division, there do not appear to be any other properties, of at least four acres, which contain a residence.

Comprehensive Master Plan:

The CMP maintains mixed use for the B4 zone, including both commercial and single family residences. This request, in no way deviates from the CMP.

## Rationale:

First, and foremost, in discussions with the City Planners, we all agree and understand that the plan for the South 27<sup>th</sup> Corridor does not include single or two-family new residential construction. The ideal use is for commercial and retail use and that was the primary intent behind Section 15-3.0304A.2. New home construction is undesirable.

Since the introduction of the ordinance, arguably the only other property that would have been affected by this is the farm property that now holds the Wheaton Franciscan campus on South 27<sup>th</sup> St. and Oakwood, but they purchased the entire property. However, it would have restricted the original owners of the farm land from dividing off a section of the land, if they had wanted to maintain the farm house. Clearly, that was not the intent of the ordinance.

The problem with the current limitation of the ordinance is that it restricts us from owning our business property and building, which hosts our software company, Big Bang LLC, separately from our residence. We do not believe that this was the intent of the ordinance, and hence, request the amendment to clarify the ordinance. The residence in question is the 132 year old brick school house that pre-dates the City of Franklin itself. It has been used as a residence for over 40 years. All the other structures on the property were built long before the current ordinance existed, so there is an easy argument for grandfathering this parcel and perhaps that could be done through an appeal. However, we feel that amending the ordinance so that it accurately reflects the intent of the law is a more appropriate action.

I also believe that we all hold home ownership as a most basic right of a citizen. This strict enforcement of the ordinance eliminates our ability to own our home separately from our business, which based on conversations with the City Planners, I do not believe was the intention at all.

Finally, in conversations with our attorneys, we feel that we could easily argue that this places an undue burden on both our business and our residence. Due to the current mixed use nature of the entire property, we are limited to a single short-term commercial loan on the whole property, rather than a more modest long-term residential loan for the residence and a smaller short-term commercial loan for the business. This places an extreme burden on both entities to support the other.

Additionally, as it stands, selling Big Bang LLC - a multi-million dollar software company, may require selling our home. Similarly, selling our home, would require selling the business property and building. These two entities are completely separate from each other, and no buyer would be likely to, or should be forced to, accept the undue burden of purchasing both the business and residence.

Thank you,

Adam C Murphy

# DRAFT

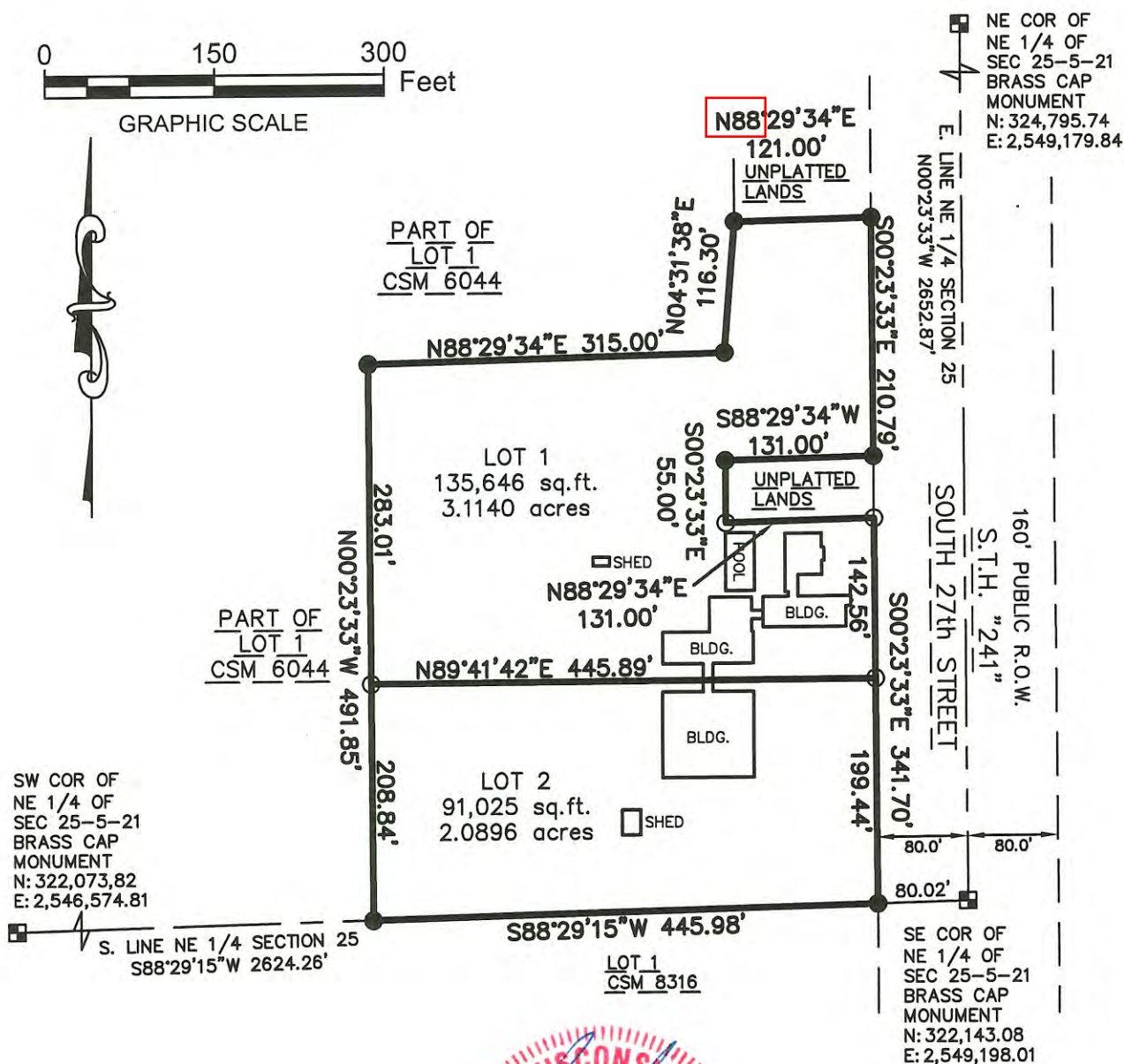
## CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A Part of Parcel 1 of Certified Survey Map No. 6044 and Lands, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 25, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

- INDICATES 1" IRON PIPE (FOUND), UNLESS NOTED
- INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.

OWNER:  
ACJM 1883 LLC  
9851 S. 27th STREET  
FRANKLIN, WI., 53132

ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.  
ALL BEARINGS ARE REFERENCED TO THE EAST LINE OF THE NE 1/4 OF SECTION 25, T 5 N, R 21 E, WHICH BEARS N00°23'33"E. WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.



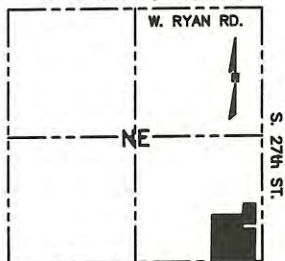
SW COR OF  
NE 1/4 OF  
SEC 25-5-21  
BRASS CAP  
MONUMENT  
N: 322,073.82  
E: 2,546,574.81

S. LINE NE 1/4 SECTION 25  
S88°29'15"W 2624.26'

LOT 1  
CSM 8316

SE COR OF  
NE 1/4 OF  
SEC 25-5-21  
BRASS CAP  
MONUMENT  
N: 322,143.08  
E: 2,549,198.01

LOCATION MAP  
NORTHEAST 1/4  
OF SECTION 25, T5N, R21E



SCALE: 1" = 2000'



R.A. Smith National, Inc.

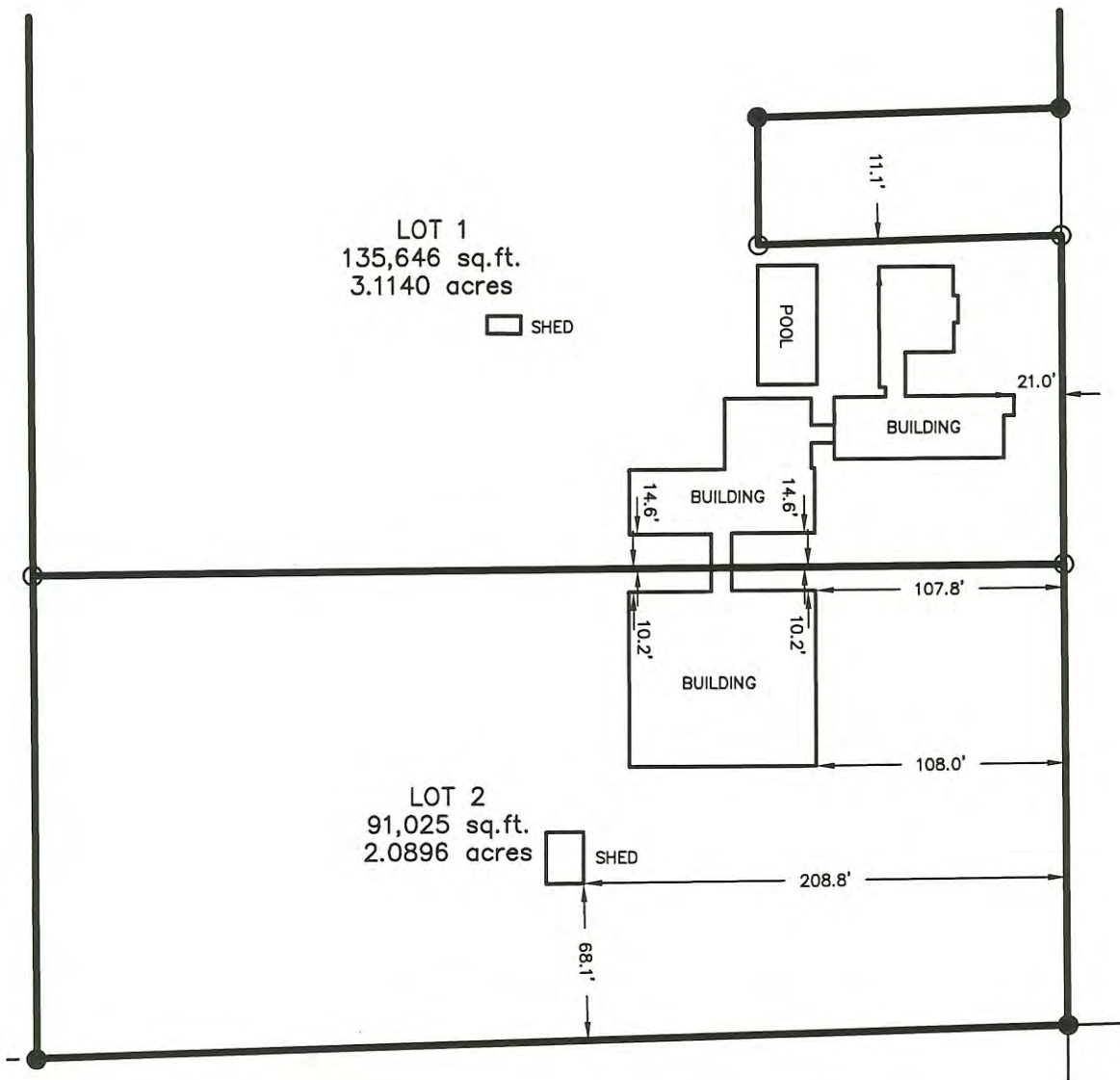
Beyond Surveying  
and Engineering

16745 W. Bluemound Road, Brookfield WI 53005  
262-781-1000 Fax 262-797-7373 www.rasmithnational.com  
Appleton, WI Orange County, CA Pittsburgh, PA

S:\S144040\dwg\CS101L.dwg\SHEET 1

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A Part of Parcel 1 of Certified Survey Map No. 6044 and Lands, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 25, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

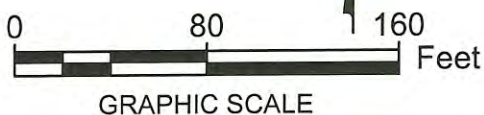


**R.A. Smith National, Inc.**

*Beyond Surveying  
and Engineering*

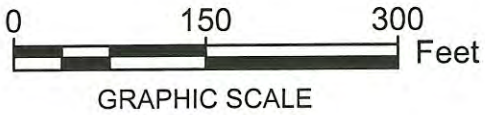
16745 W. Bluemound Road, Brookfield WI 53005  
262-781-1000 Fax 262-797-7373 www.rasmithnational.com  
Appleton, WI Orange County, CA Pittsburgh, PA

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CS101L.dwg\SHEET 2

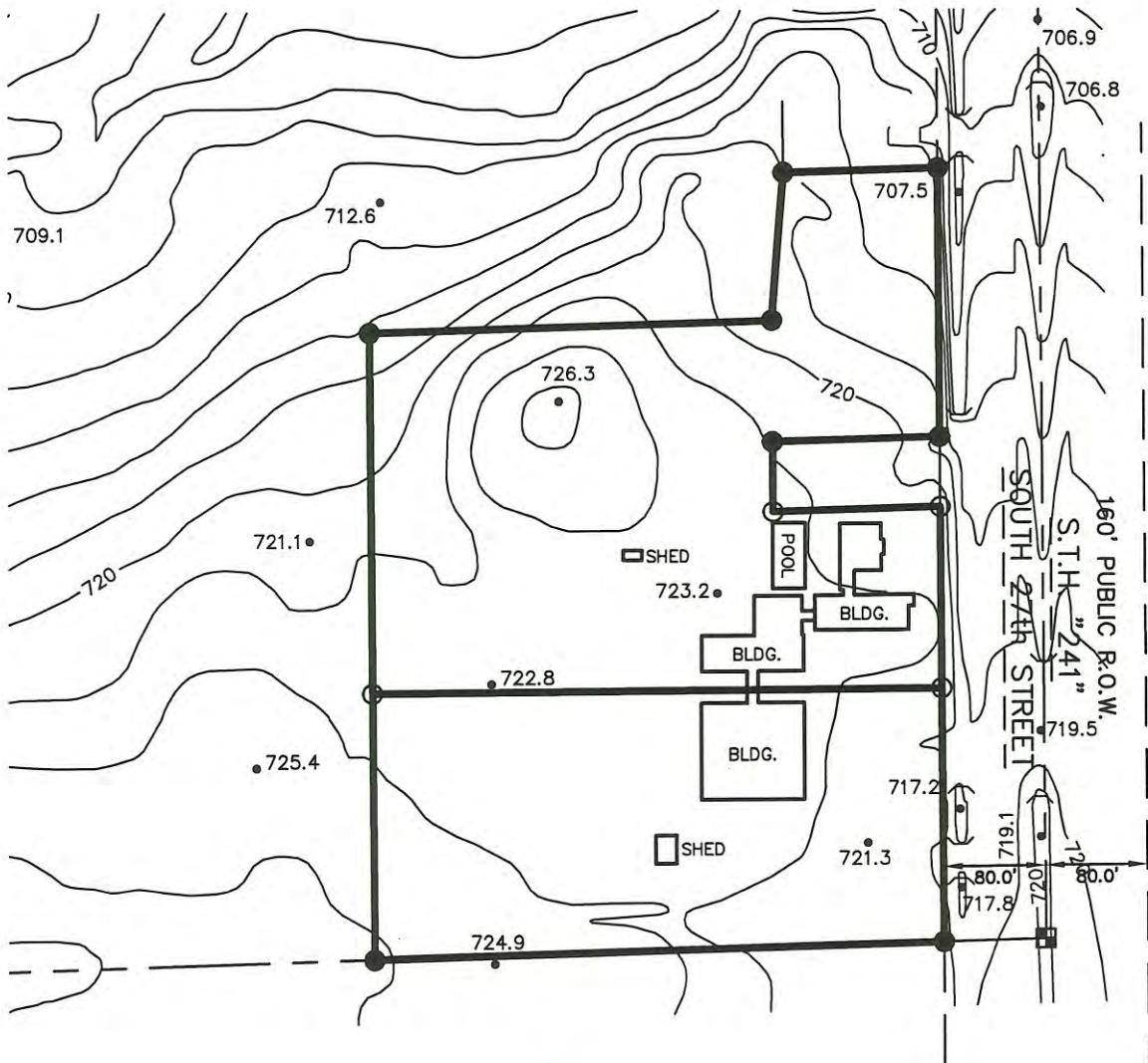


CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A Part of Parcel 1 of Certified Survey Map No. 6044 and Lands, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 25, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.



2' CONTOURS PER TOPOGRAPHIC MAP OF THE NE 1/4 SECTION 25-5-21 PREPARE FOR MILWAUKEE COUNTY BY AERO-METRIC ENGINEERING, INC. NGVD 1929 DATUM



**R.A. Smith National, Inc.**

*Beyond Surveying  
and Engineering*

16745 W. Bluemound Road, Brookfield WI 53005  
262-781-1000 Fax 262-797-7373 www.rasmithnational.com  
Appleton, WI Orange County, CA Pittsburgh, PA

S:\S144040\dwg\  
CS101L.dwg/SHEET 3

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A Part of Parcel 1 of Certified Survey Map No. 6044 and Lands, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 25, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN        }  
  :SS  
WAUKESHA COUNTY }

I, Stephan G. Southwell, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a Part of Parcel 1 of Certified Survey Map No. 6044 and Lands, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 25, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

COMMENCING at the Southeast corner of said Northeast 1/4 Section; thence South 88°29'15" West along the South line of said 1/4 Section 80.02 feet to the point of beginning of lands to be described; thence continuing South 88°29'15" West along said South line 445.98 feet to an Easterly corner of Parcel 1 in Certified Survey Map No. 6044; thence North 00°23'33" West along the Easterly line of said Parcel 491.85 feet to a point; thence North 88°29'34" East along said Easterly line 315.00 feet to a point; thence North 04°31'38" East 116.30 feet to an Easterly corner of said Parcel; thence North 89°29'34" East along said Easterly line 121.00 feet to a point in the West line of South 27th Street; thence South 00°23'33" East along said West line 210.79 feet to an Easterly corner of said Parcel 1; thence South 88°29'34" West along the Easterly line of said Parcel 131.00 feet to an Easterly corner of said Parcel 1; thence South 00°23'33" East 55.00 feet to a point; thence North 88°29'34" East 131.00 feet to a point in the West line of South 27th Street; thence South 00°23'33" East along said West line 341.70 feet to the point of beginning.

Said parcel contains 226,671 square feet or 5.2036 acres.


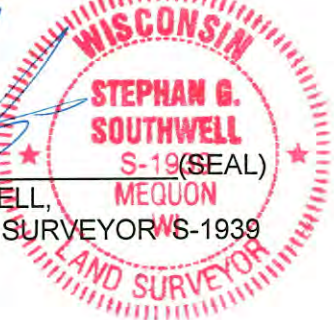
THAT I have made such survey, land division and map by the direction of ACJM 1883 LLC, owner.

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

THAT I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the City of Franklin Unified Development Ordinance Division Section 15 in surveying, dividing and mapping said lands.

3-19-15

DATE

  
STEPHAN G. SOUTHWELL,  
PROFESSIONAL LAND SURVEYOR S-1939  


CERTIFIED SURVEY MAP NO.

A Part of Parcel 1 of Certified Survey Map No. 6044 and Lands, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 25, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

ACTM1883 LLC a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certify that said corporation caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with the requirements of the City of Franklin Municipal Code.

ACTM1883 LLC, does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of Franklin

WITNESS the hand and seal of ACTM1883 LLC, has caused these presents to be signed by Adam C. Murphy, its member/owner, this 2nd day of April, 2015.

[Handwritten signature of Adam C. Murphy]

STATE OF WISCONSIN }
:SS
Milwaukee COUNTY }

PERSONALLY came before me this 2nd day of April, 2015, the above named Adam MURPHY, to me known to be the person who executed the foregoing instrument, and to me known to be such member of said corporation and acknowledged that he executed the foregoing instrument as such officer by its authority.

[Handwritten signature of Laura L. Andelson] (SEAL)
Notary Public, State of Wisconsin
My commission expires 12-15-15
[Notary Seal: LAURA L. ANDELSON, NOTARY PUBLIC, STATE OF WISCONSIN]

CITY OF FRANKLIN COMMON COUNCIL

APPROVED by the Common Council of the City of Franklin by Resolution No. signed on this day of , 2015.

STEVE OLSEN, MAYOR

SANDRA L. WESOLOWSKI, CITY CLERK





**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION****Meeting of May 7, 2015****Condominium Plat**


---

**RECOMMENDATION:** City Development Staff recommends approval of the Condominium Plat for Erik Beste at 8986-8988 South Cordgrass Circle East, subject to the conditions in the attached draft resolution.

---

<b>Project Name:</b>	8986-88 South Cordgrass Cir. Condominiums
<b>Project Address:</b>	8986-8988 South Cordgrass Circle East
<b>Applicant:</b>	Erik Beste
<b>Owner:</b>	Erik Beste
<b>Zoning:</b>	R-7 Two-Family Residence District
<b>Use of Surrounding Properties:</b>	Existing condominiums to the north and south, an outlot containing a stormwater pond to the east and a single-family home to the west.
<b>2025 Comprehensive Plan:</b>	Residential – Multi-Family
<b>Applicant Action Requested:</b>	Recommendation of approval to the Common Council for the proposed Condominium Plat Application upon property located at 8986-8988 South Cordgrass Circle East.

---

**INTRODUCTION AND ANALYSIS:**

On April 3, 2015, Erik Beste, filed a Condominium Plat Application with the Department of City Development for property located at 8986-8988 South Cordgrass Circle East. The applicant is proposing to divide the existing duplex on the property into two condominium units, which requires a Condominium Plat to be reviewed and approved by the Plan Commission and Common Council pursuant to the Unified Development Ordinance.

The subject lot is Lot 47 of the Prairie Grass Preserve Subdivision, which is approximately 19,615 square feet. Lot 47, and the adjacent lots are zoned R-7 Two-Family Residence District. The proposed Condominium Plat is consistent with the 2025 Comprehensive Master Plan, as the future land use designation for the property is Residential – Multi-Family.

According to the Milwaukee County Automated Mapping and land Information System (MCAMLIS), seventeen (17) out of twenty-nine (29) lots in the portion of the Prairie Grass Preserve Subdivision zoned R-7 Two-Family Residence District have already been converted to condominiums. This includes Lot 48 to the north, which is part of the Prairie Grass Preserve Condominiums and Lot 46 to the South, which is the 9014-16 S. Cordgrass Circle Condominiums.

**STAFF RECOMMENDATION:**

City Development Staff recommends approval of the Condominium Plat for Erik Beste at 8986-8988 South Cordgrass Circle East, subject to the conditions in the attached draft resolution.

## RESOLUTION NO. 2015-\_\_\_\_\_

A RESOLUTION CONDITIONALLY APPROVING A  
CONDOMINIUM PLAT FOR 8986-8988 SOUTH CORDGRASS CIRCLE  
CONDOMINIUMS AT 8986 AND 8988 SOUTH CORDGRASS  
CIRCLE EAST, LOT 47, PRAIRIE GRASS PRESERVE SUBDIVISION  
(ERIK R. BESTE, OWNER/APPLICANT)

---

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a condominium plat for 8986-8988 South Cordgrass Circle Condominiums, such plat being upon property more particularly described as Lot 47, in Prairie Grass Preserve, being a subdivision in part of the Southwest 1/4 and the Southeast 1/4 of the Northeast 1/4 of Section 20, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, of the property located at 8986-8988 South Cordgrass Circle East, bearing tax key no. 847-0086-001, Erik R. Beste, owner/applicant; said Condominium Plat having been reviewed by the City Plan Commission following the reviews and recommendations or reports of the Department of City Development and the City Engineering Department, and the Plan Commission having recommended approval thereof at its meeting on May 7, 2015, pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Condominium Plat for 8986-8988 South Cordgrass Circle Condominiums, as submitted by Erik R. Beste, owner, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, and that all minor technical deficiencies within the Condominium Plat be rectified, all prior to the recording of the Condominium Plat.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development

A RESOLUTION CONDITIONALLY APPROVING A CONDOMINIUM PLAT FOR  
ERIK R. BESTE, OWNER (8986-8988 SOUTH CORDGRASS CIRCLE  
CONDOMINIUMS) RESOLUTION NO. 2015-\_\_\_\_\_

Page 2

and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.

3. Erik R. Beste, owner/applicant, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the 8986-8988 South Cordgrass Circle Condominiums development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
4. The approval granted hereunder is conditional upon Erik R. Beste, owner/applicant, and the 8986-8988 South Cordgrass Circle Condominiums development for the property located at 8986 and 8988 South Cordgrass Circle East: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
5. The 8986-8988 South Cordgrass Circle Condominiums development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
6. [other conditions, etc.]

BE IT FURTHER RESOLVED, that the Condominium Plat for 8986-8988 South Cordgrass Circle Condominiums be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a condominium plat, the City Clerk is hereby directed to obtain the recording of the Condominium Plat for 8986-8988 South Cordgrass Circle Condominiums with the Office of the Register of Deeds for Milwaukee County.

A RESOLUTION CONDITIONALLY APPROVING A CONDOMINIUM PLAT FOR  
ERIK R. BESTE, OWNER (8986-8988 SOUTH CORDGRASS CIRCLE  
CONDOMINIUMS)

RESOLUTION NO. 2015-\_\_\_\_\_

Page 3

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

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

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

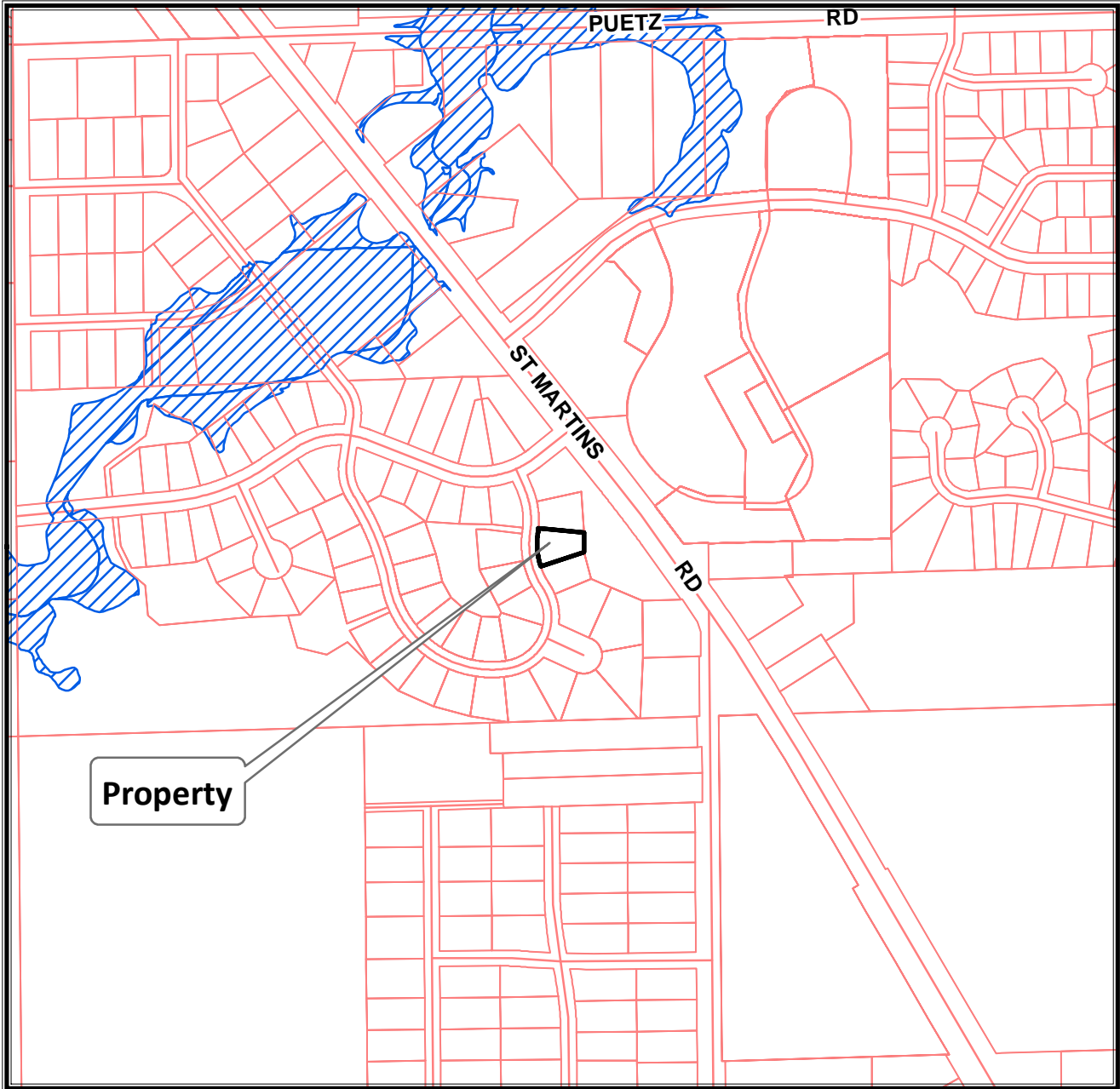
ATTEST:

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

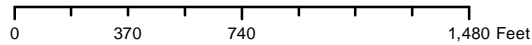
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_



8986-8988 S. Cordgrass Circle East  
TKN 847-0086-001



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



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

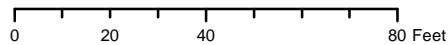




8986-8988 S. Cordgrass Circle East  
TKN 847-0086-001



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



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



Franklin

APR 25 2015

To whom may concern,

City Development

I want to change my property from one tax key to a two tax key property. It would be better for the community to have each as an owner occupied condo. The value is a lot more as two condos vs one building. Once I have converted this property I will list both condos for sale. Thank you!

Sincerely yours,

A handwritten signature in black ink that reads "Erik Beste". The signature is written in a cursive style with a long horizontal flourish extending to the right.

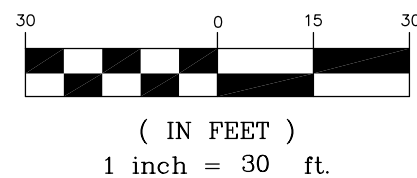
Erik Beste

8988 S. Cordgrass Cir E

Franklin Wi 53132



GRAPHIC SCALE



# 8986-88 South Cordgrass Circle Condominium

Lot 47, in PRAIRIE GRASS PRESERVE, being a subdivision in part of the Southwest 1/4 and the Southeast 1/4 of the Northeast 1/4 of Section 20, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

Outlot 7  
Prairie Grass Preserve  
Zoned: R-3  
Suburban/Single Family

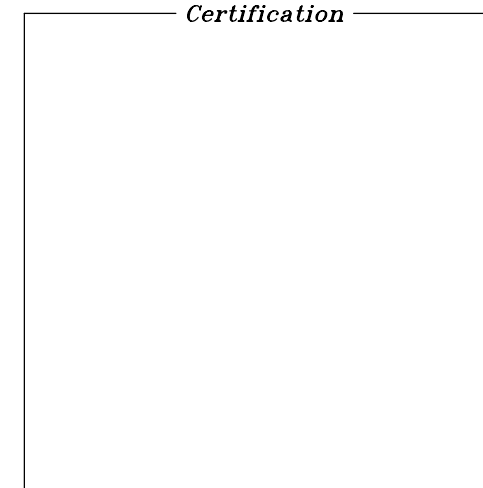
**Declarant:**

Erik R. Beste  
8988 South Cordgrass Circle East  
Franklin, Wisconsin 53132

**Prepared by:**

Metropolitan Survey Service, Inc.  
9415 W. Forest Home Ave., Suite 202  
Hales Corners, WI 53130

Certification



**Addresses:**

Unit 1 - 8986 South Cordgrass Circle East, Franklin, WI 53132  
Unit 2 - 8988 South Cordgrass Circle East, Franklin, WI 53132

**Note:**

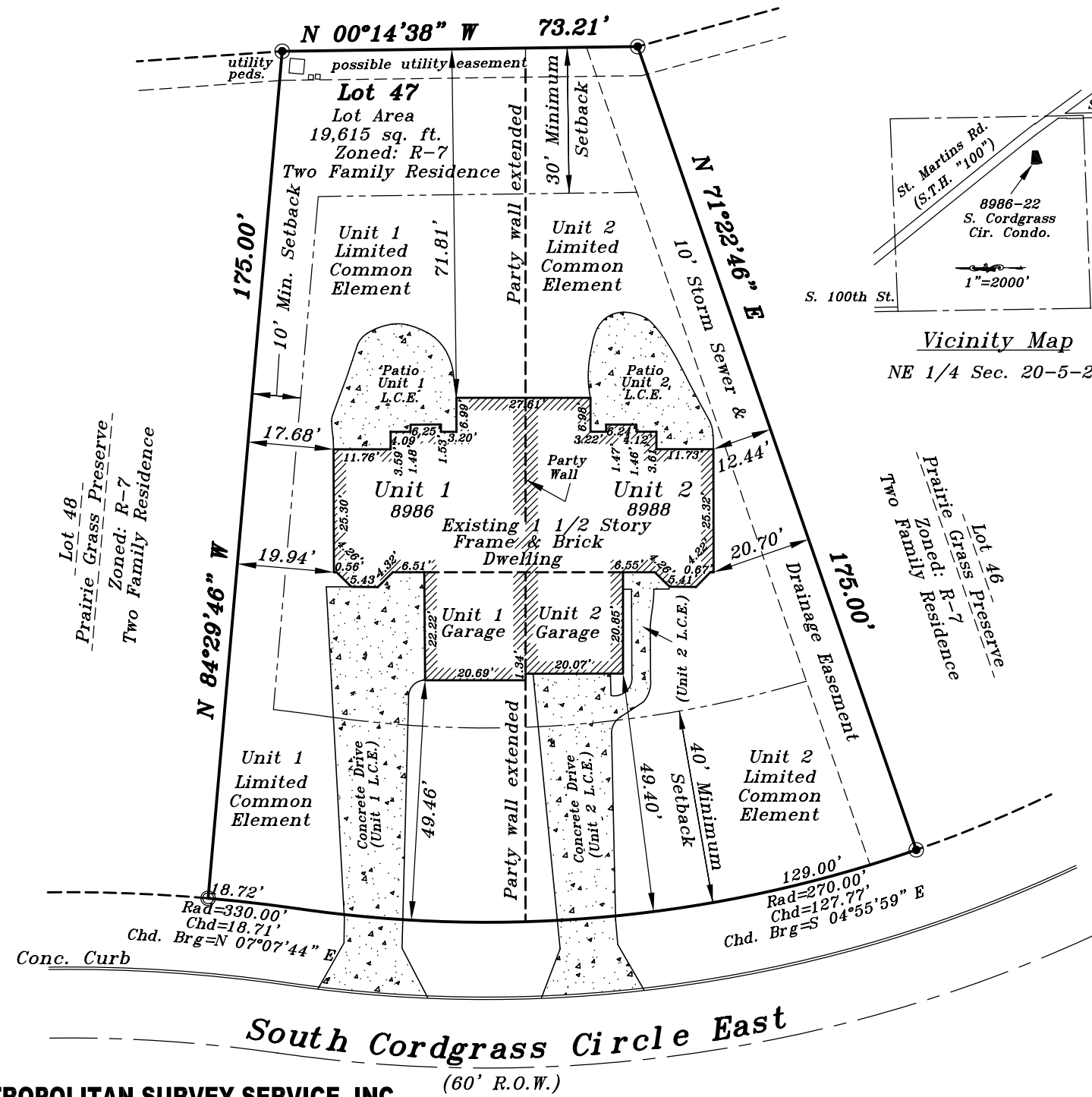
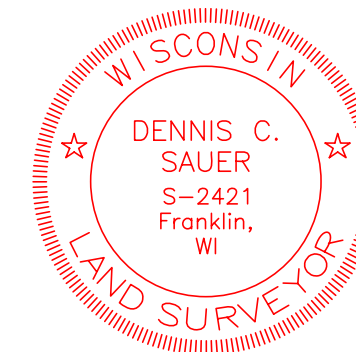
L.C.E. = Limited Common Element

I, Dennis C. Sauer, a Professional Land Surveyor, do hereby certify that I have surveyed the above described property of this condominium plat, and that this survey is an accurate representation of the exterior boundary lines and the location of the existing buildings on said property. This plat is a correct representation of 8986-88 South Cordgrass Circle Condominium, and the identification and location of each unit and the common elements can be determined from this plat.

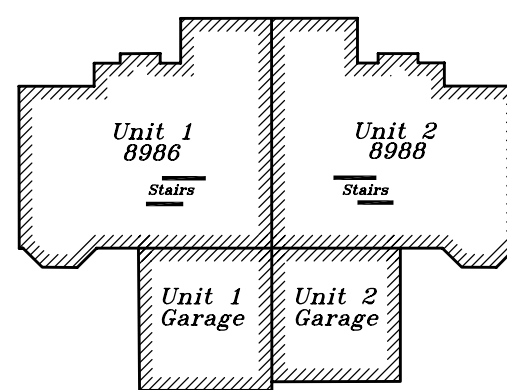
September 28, 2012

Date  
Revised this 22nd day of April, 2015

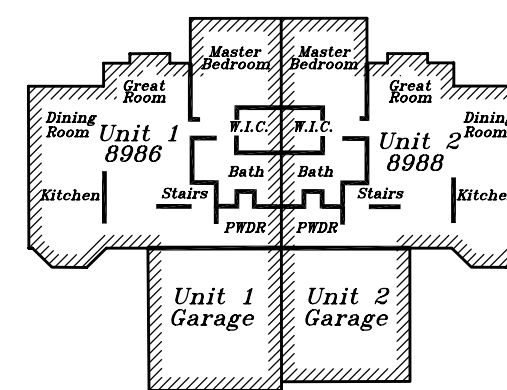
Dennis C. Sauer, P.L.S. 2421



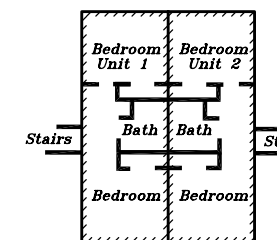
Vicinity Map  
NE 1/4 Sec. 20-5-21



Foundation Lay-out



First Floor Lay-out

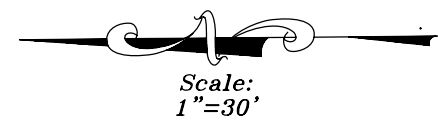


Second Floor Lay-out

**METROPOLITAN SURVEY SERVICE, INC.**

PROFESSIONAL LAND SURVEYORS AND CIVIL ENGINEERS  
9415 West Forest Home Avenue, Suite 202  
Hales Corners, WI 53130  
PH. (414) 529-5380 FAX (414) 529-9787  
email address: survey@metropolitansurvey.com

- — Denotes Iron Pipe Found
- — Denotes Iron Pipe Set



**Note:**

The location of subsurface utilities, such as gas mains, electric lines, sewer and water laterals, etc. could not be determined and shown on this plat. In the event that any utility serves both units, that utility shall be known as a Common Element and the responsibility of repair and restoration shall be shared by the owners of both units. If any utility serves a single unit but is installed or crosses an adjoining units' Limited Common Element, the owner of the unit that the utility serves shall be responsible for all repairs and restoration.

Job No. 103703

Sheet 1 of 1



REPORT TO THE PLAN COMMISSION

Meeting of May 7, 2015

Temporary Use

RECOMMENDATION: City Development staff recommends approval of the Temporary Use for Gus' Mexican Cantina, located at 6514 South Lovers Lane Road within the Garden Plaza commercial center, subject to the conditions in the attached resolution.

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

BACKGROUND AND PROJECT DESCRIPTION

Please note:

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

On April 16, 2015, Mr. Gus Hosseini of Gus' Mexican Cantina submitted an application for a Temporary Use to host car shows at 6514 South Lovers Lane Road. The applicant is proposing to host a car show every Wednesday starting May 20, 2015 to August 26, 2015. The car shows will be held from 4:30 p.m. to 9:00 p.m. There will be a total of 15 car shows.

The applicant is also planning to host a larger car show/fund raising event on August 30, 2014 from 9:00 a.m. to 3:00 p.m. This event will raise money to benefit Children's Hospital of Wisconsin. Staff has determined that this event is a Public Interest and Special Event, per Section 15-3.0804J. of the UDO, which states that a Public Interest and Special Event is an event held on a commercial property that is limited to no more than six times per year and each event shall be no longer than 14 days. Public interest events shall include but not be limited to outdoor food sale, outdoor car wash, or other gathering for the benefit of the community, a particular service or a non-profit organization.

Public Interest and Special Events are allowed without the issuance of a Temporary Use Permit per Section 15-3.0804 of the UDO.

As the car shows hosted every Wednesday will exceed six times per year, a Temporary Use, subject to Plan Commission review and approval is required. Please note a Temporary Use Application and Permit will be required each year.

Staff presented the applicant with a more permanent solution to allow the car shows to be hosted on the subject property without application each year. This could be accomplished via a Unified Development Ordinance Text Amendment to allow SIC Code No. 7389 in the B-3 Community Business District as a permitted use. The applicant would then only be required to submit a Zoning Compliance Application and could hold the event every year without any further approvals. The applicant chose to submit the Temporary Use Application.

The car show will be held within the existing parking lot, adjacent to Gus' Mexican Cantina. Staff is recommending the following conditions of approval:

1. The approval granted hereunder shall allow for such use on Wednesdays, from May 20, 2015 through August 26, 2015, from 4:30 p.m. to 9:00 p.m., and all approvals granted hereunder expiring at 9:00 p.m. on August 26, 2015.
2. The area utilized for outdoor food service and outdoor music shall be limited to the existing patio area on the north side of the building and adjacent to the entrance on the west side of the building, and shall meet all City noise ordinance requirements and standards.
3. All parking for these events (customers and show cars alike) shall be limited to the northern half of the Garden Plaza parking lot. Parking on streets and grass/open space areas is not allowed. Access into and out of the Garden Plaza shopping center shall not be obstructed at any time. Safe pedestrian access shall be maintained at all times.
4. Outdoor alcohol sales and consumption is limited to the patio on the north side of the building pursuant to the current liquor license issued to Gus's Mexican Cantina.
5. Trash receptacles shall be provided as necessary to collect all garbage and to prevent any littering generated by this event.
6. All other permits and approvals shall be obtained and complied with, including but not limited to signage, fire department requirements and health department requirements.
7. All event clean-up shall be completed by 10:00 a.m. the morning following the event.

### **STAFF RECOMMENDATION**

City Development staff recommends approval of the Temporary Use for Gus' Mexican Cantina, located at 6514 South Lovers Lane Road within the Garden Plaza commercial center, subject to the conditions in the attached resolution.

## RESOLUTION NO. 2015-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE  
APPROVAL OF A TEMPORARY USE FOR A SEASONAL, WEEKLY CAR SHOW  
UPON PROPERTY LOCATED AT APPROXIMATELY 6514 SOUTH LOVERS LANE  
ROAD (GARDEN PLAZA SHOPPING CENTER)  
(GUS'S MEXICAN CANTINA, LLC, APPLICANT)

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WHEREAS, Gus's Mexican Cantina, LLC having petitioned the City of Franklin for the approval of a Temporary Use to allow for a seasonal, weekly car show, upon property located at approximately 6514 South Lovers Lane Road (northern half of the Garden Plaza Shopping Center, adjacent to Gus's Mexican Cantina) on Wednesdays from May 20, 2015 through August 26, 2015, from 4:30 p.m. to 9:00 p.m.; and

WHEREAS, the Plan Commission having found that the proposed Temporary Use, subject to conditions, meets the standards set forth under §15-3.0804 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the petition of Gus's Mexican Cantina, LLC for the approval of a Temporary Use to allow for a seasonal, weekly car show, 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. The approval granted hereunder shall allow for such use on Wednesdays, from May 20, 2015 through August 26, 2015, from 4:30 p.m. to 9:00 p.m., and all approvals granted hereunder expiring at 9:00 p.m. on August 26, 2015.
2. The area utilized for outdoor food service and outdoor music shall be limited to the existing patio area on the north side of the building and adjacent to the entrance on the west side of the building, and shall meet all City noise ordinance requirements and standards.
3. All parking for these events (customers and show cars alike) shall be limited to the northern half of the Garden Plaza parking lot. Parking on streets and grass/open space areas is not allowed. Access into and out of the Garden Plaza shopping center shall not be obstructed at any time. Safe pedestrian access shall be maintained at all times.
4. Outdoor alcohol sales and consumption is limited to the patio on the north side of the building pursuant to the current liquor license issued to Gus's Mexican Cantina.

GUS'S MEXICAN CANTINA, LLC – TEMPORARY USE  
RESOLUTION NO. 2015-\_\_\_\_\_

Page 2

5. Trash receptacles shall be provided as necessary to collect all garbage and to prevent any littering generated by this event.
6. All other permits and approvals shall be obtained and complied with, including but not limited to signage, fire department requirements and health department requirements.
7. All event clean-up shall be completed by 10:00 a.m. the morning following the event.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Chairman

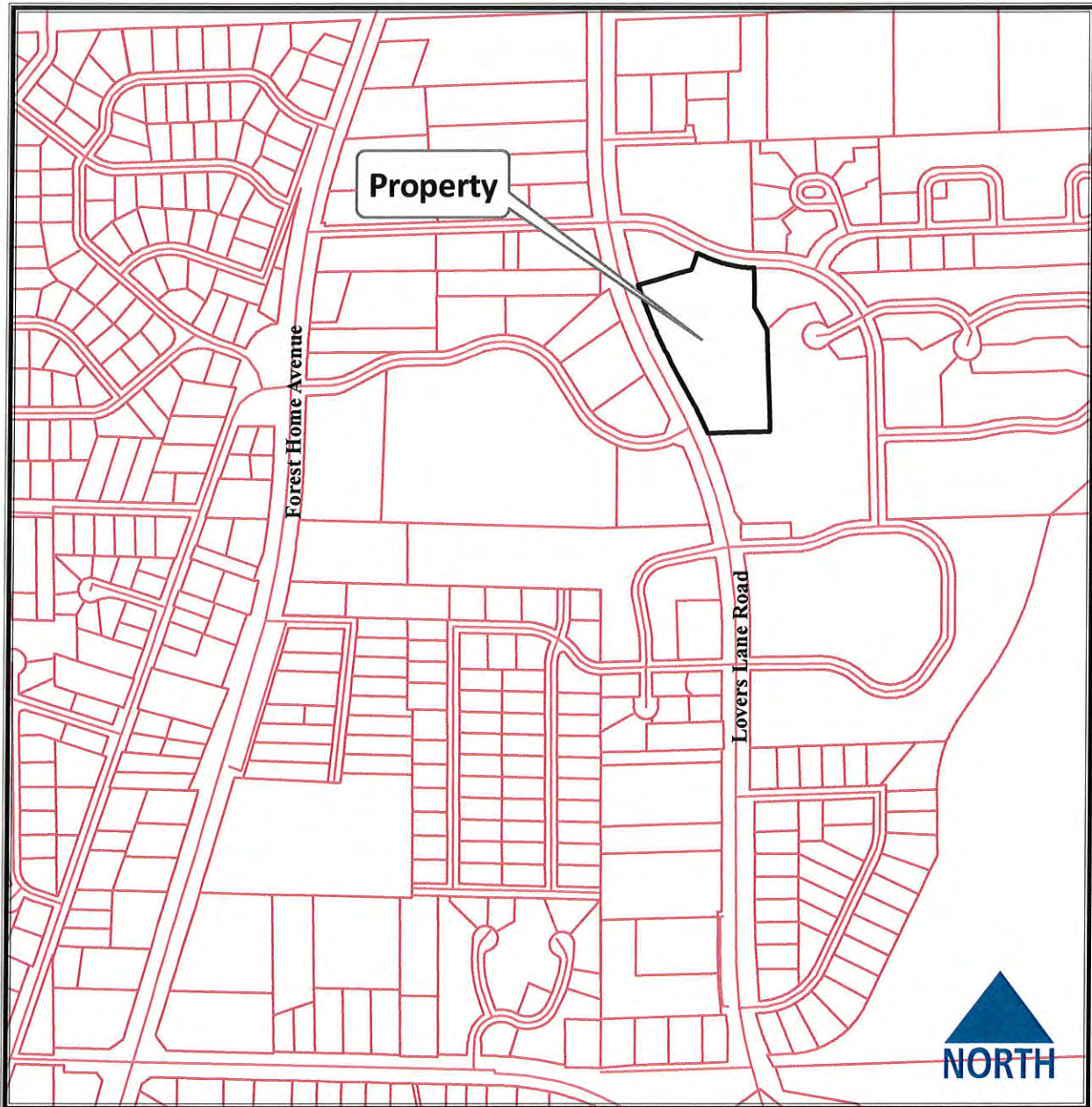
ATTEST:

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

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



## 6514 South Lovers Lane Road Gus's Mexican Cantina



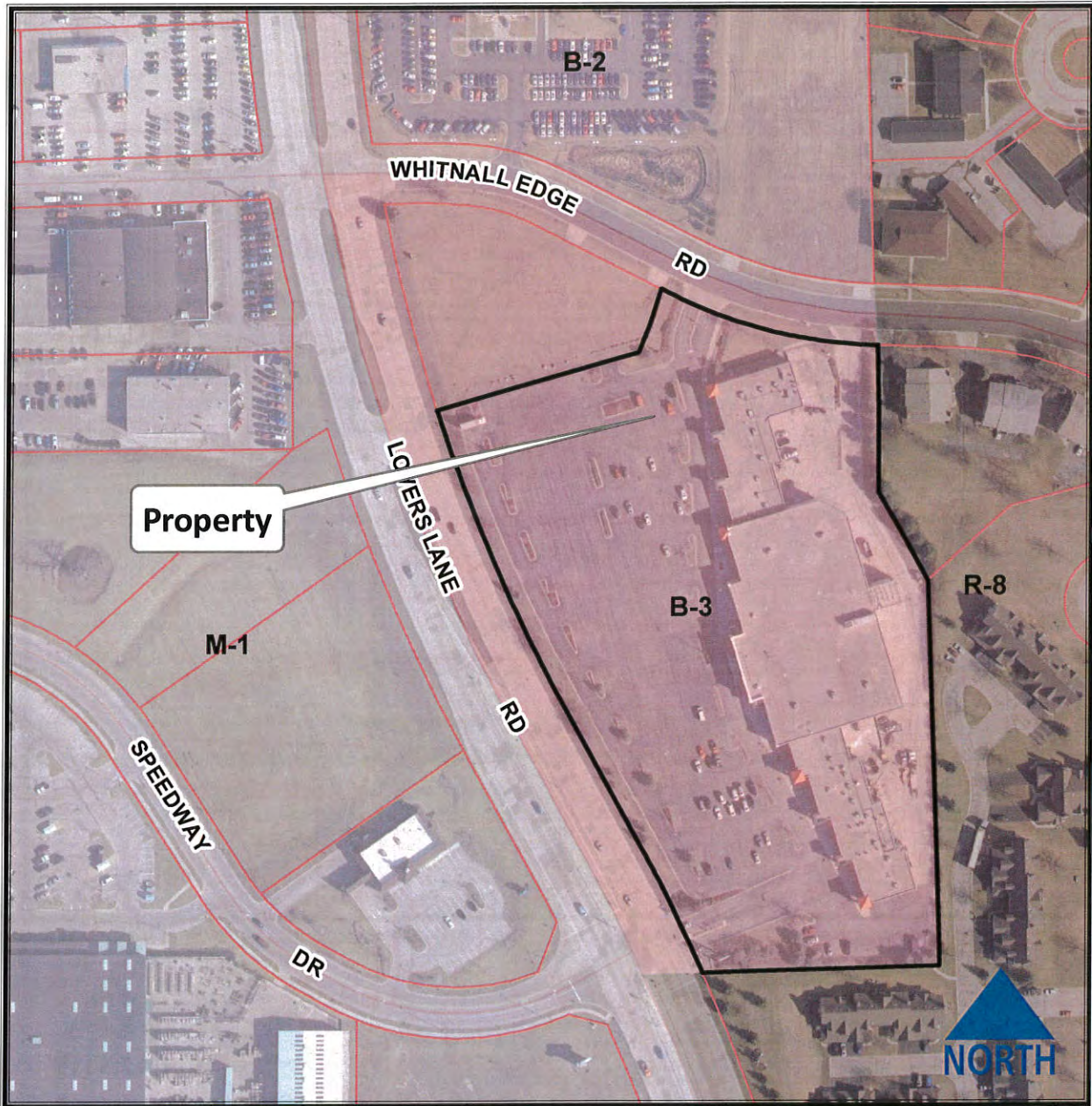
**Planning Department**  
**(414) 425-4024**



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



# 6514 South Lovers Lane Road Gus's Mexican Cantina



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



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



## Gus' Mexican Cantina

6514 S. Lovers Lane Rd • Franklin, WI 53132-1209

Phone: (414) 425-4499 • Fax: (414) 425-4459

Starting May 20<sup>th</sup> 2015 from 4:30 to 9:00 p.m. car show on every Wednesday. Every Wednesday will be a DJ, food (hot dogs, Hamburger and brats), and soda.

August 30, 2015 will be the big car show from 9:00 a.m. to 3:00 p.m. There will be DJ, food (hot dogs, Hamburger and brats), and soda.

The August 30, 2015 will be the last car show.





**THE REDMOND COMPANY**  
 CONSTRUCTION  
 MANAGEMENT

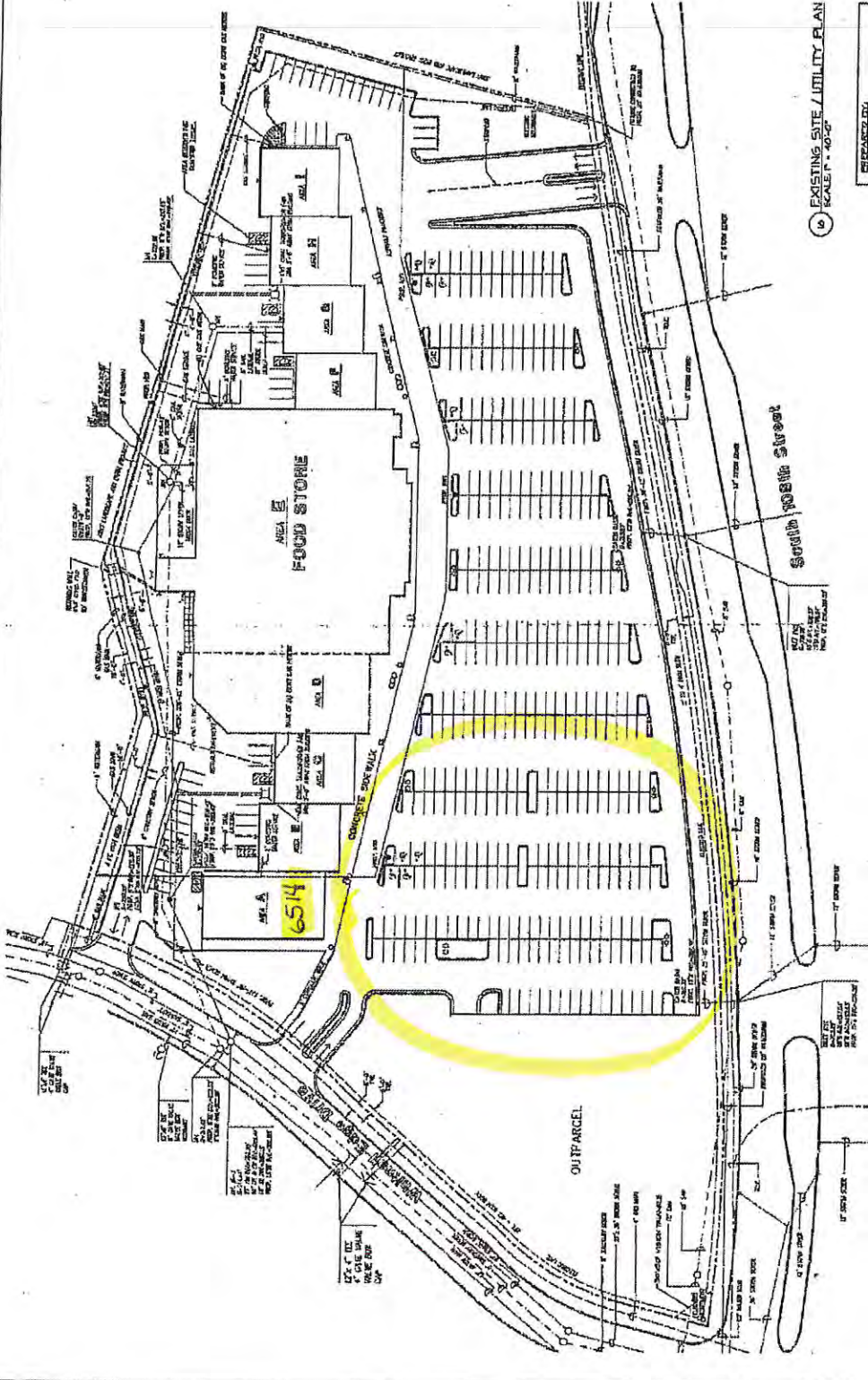
6616 South 108th Street  
 Franklin, Wisconsin

**Garden Plaza Retail Center**  
 Garden Plaza Retail Center  
 6616 South 108th Street  
 Franklin, Wisconsin

**REVISIONS**  
 1. REVISIONS - 04/20/20  
 2. REVISIONS - 04/20/20

**PROJECT DATA**  
 DATE: 04/20/20  
 JOB NO.: 1000  
 SHEET NO.: SP1.1

**SCALE: 1" = 40'-0"**  
 EXISTING SITE / UTILITY PLAN



<b>REDACTED</b> <b>SLATER ASSOCIATES, INC.</b> ARCHITECTS - 04/20/20 1000 S. 108TH ST. FRANKLIN, WISCONSIN 53125 PHONE (715) 742-7000	
<b>UTILITY PLAN</b>	
DATE: 04/20/20	SCALE: 1" = 40'-0"
JOB NO.: 1000	SHEET NO.: SP1.1

**SEVERE OCCUPANCY DISCLOSURE**  
 THE SITE WITHIN THE BOUNDARIES SHOWN IS PART OF THE GARDEN PLAZA RETAIL CENTER, A PROJECT OF SLATER ASSOCIATES, INC., 1000 S. 108TH ST., FRANKLIN, WISCONSIN 53125. SLATER ASSOCIATES, INC. IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION CONTAINED IN THIS DOCUMENT. THIS DOCUMENT IS FOR INFORMATION ONLY.

**SEE NEIGHBORHOOD**  
 ZONING DISTRICT: CITY OF FRANKLIN, D-3  
 SITE AREA: 44,270 S.F. (1.011 ACRES)  
 BELLING-AREA: 10000-3

**SETBACKS**  
 NORTH SIDE - 40' SIDE YARD  
 EAST SIDE - 30' REAR YARD  
 SOUTH SIDE - 10' SIDE YARD  
 WEST SIDE - 10' FRONT YARD

SP1.1



REPORT TO THE PLAN COMMISSION

Meeting of May 7, 2015

Certified Survey Map

RECOMMENDATION: City Development Staff recommends approval of the proposed Certified Survey Map, subject to the conditions in the draft resolution.

Table with 2 columns: Field Name and Value. Fields include Project Name, Project Address, Applicant, Owners (property), Current Zoning, 2025 Future Land Use, Use of Surrounding Properties, and Applicant Action Requested.

Project Description and Analysis:

Please note:

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

On April 13, 2015, the applicant filed a Certified Survey Map (CSM) Application with the Department of City Development, requesting to divide a 1.59-acre property into three separate lots.

Each proposed lot has an area of approximately 23,101 square feet. The existing 1.59-acre property contains several structures that are proposed to be razed. Several of these buildings do not meet building setbacks and three structures straddle the proposed property lines. In addition, if the CSM were recorded prior to razing the buildings, accessory structures would be located on lots without principal buildings, which is in violation of Section 15-2.0206 of the UDO.

Therefore, staff recommends that the existing buildings be razed prior to recording the Certified Survey Map with the Milwaukee County Register of Deeds or that the applicant shall provide a letter of credit or post a bond to the City of Franklin in the amount of \$25,000 or such lesser amount as may be provided by a bona fide demolition contractor estimate to be reasonably approved by the Building Inspector or designee, prior to the recording of the Certified Survey Map, to assure the removal of the existing structures and compliance with accessory structure building setbacks and Section 15-2.0206 of the Unified Development Ordinance, which does not permit accessory structures upon any zoning lot until an occupancy permit has been issued for a principal structure.

The proposed lots meet the minimum development standards of the R-3 District, including but not limited to, exceeding the 20,000 square foot minimum lot area and the 100-foot minimum lot width requirements. It can be noted that the adjacent lots zoned R-3 range in size from approximately 20,000 square feet to approximately 43,100 square feet.

Utilities and Infrastructure

Public sewer and water service is located adjacent to this property within the right-of-way of South 68<sup>th</sup> Street. Connection to these services will be required for any new development.

Natural Resource Protection Plan

The applicant has provided a letter, dated April 18, 2015, from Wetland & Waterway Consulting, LLC stating that the site does not contain any protected natural resources including, steep slopes, woodlands, lakes, ponds, streams, shore buffers, floodplains, and wetlands. Staff recommends that the applicant provide Southeastern Wisconsin Regional Planning Commission aeriels and environmental corridor or land use mapping to further verify that woodlands and wetlands do not exist on the property per Section 15-4.0102B.2. and 15-4.0102G.2. of the Unified Development Ordinance, for review and approval by the Department of City Development prior to the recording of the Certified Survey Map with the Milwaukee County Register of Deeds.

**Staff Recommendation:**

City Development Staff recommends approval of the proposed Certified Survey Map, subject to the conditions in the draft resolution.

## RESOLUTION NO. 2015-\_\_\_\_\_

A RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP, BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN  
(MC HOME BUILDERS, LLC, APPLICANT)  
(7979 SOUTH 68TH STREET)

---

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being a part of the Northeast 1/4 of the Northwest 1/4 of Section 15, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 7979 South 68th Street, bearing Tax Key No. 804-9991-000, MC Home Builders, LLC, applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by MC Home Builders, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or

MC HOME BUILDERS, LLC – CERTIFIED SURVEY MAP  
RESOLUTION NO. 2015-\_\_\_\_\_

Page 2

designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.

4. MC Home Builders, LLC, successors and assigns, and any developer of the MC Home Builders, LLC 3 lot certified survey map project, 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, 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.
5. The approval granted hereunder is conditional upon MC Home Builders, LLC and the 3 lot certified survey map project for the property located at 7979 South 68th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. The existing buildings shall be razed prior to the recording of the Certified Survey Map with the Milwaukee County Register of Deeds or that the applicant shall provide a letter of credit or post a bond to the City of Franklin in the amount of \$25,000 or such lesser amount as may be provided by a bona fide demolition contractor estimate to be reasonably approved by the Building Inspector or designee, prior to the recording of the Certified Survey Map, to assure the removal of the existing structures and compliance with accessory structure building setbacks and Section 15-2.0206 of the Unified Development Ordinance, which does not permit accessory structures upon any zoning lot until an occupancy permit has been issued for a principal structure.
7. The applicant shall provide Southeastern Wisconsin Regional Planning Commission aerials and environmental corridor or land use mapping to further verify that woodlands and wetlands do not exist on the property per Section 15-4.0102B.2. and 15-4.0102G.2. of the Unified Development Ordinance, for review and approval by the Department of City Development prior to the recording of the Certified Survey Map with the Milwaukee County Register of Deeds.
8. [other conditions, etc.]

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owners, Louise E. Ludwig (L/E) and Susan L. Schlueter et al., be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or

MC HOME BUILDERS, LLC – CERTIFIED SURVEY MAP  
RESOLUTION NO. 2015-\_\_\_\_\_

Page 3

more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owners, Louise E. Ludwig (L/E) and Susan L. Schlueter et al., 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 \_\_\_\_\_, 2015.

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

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

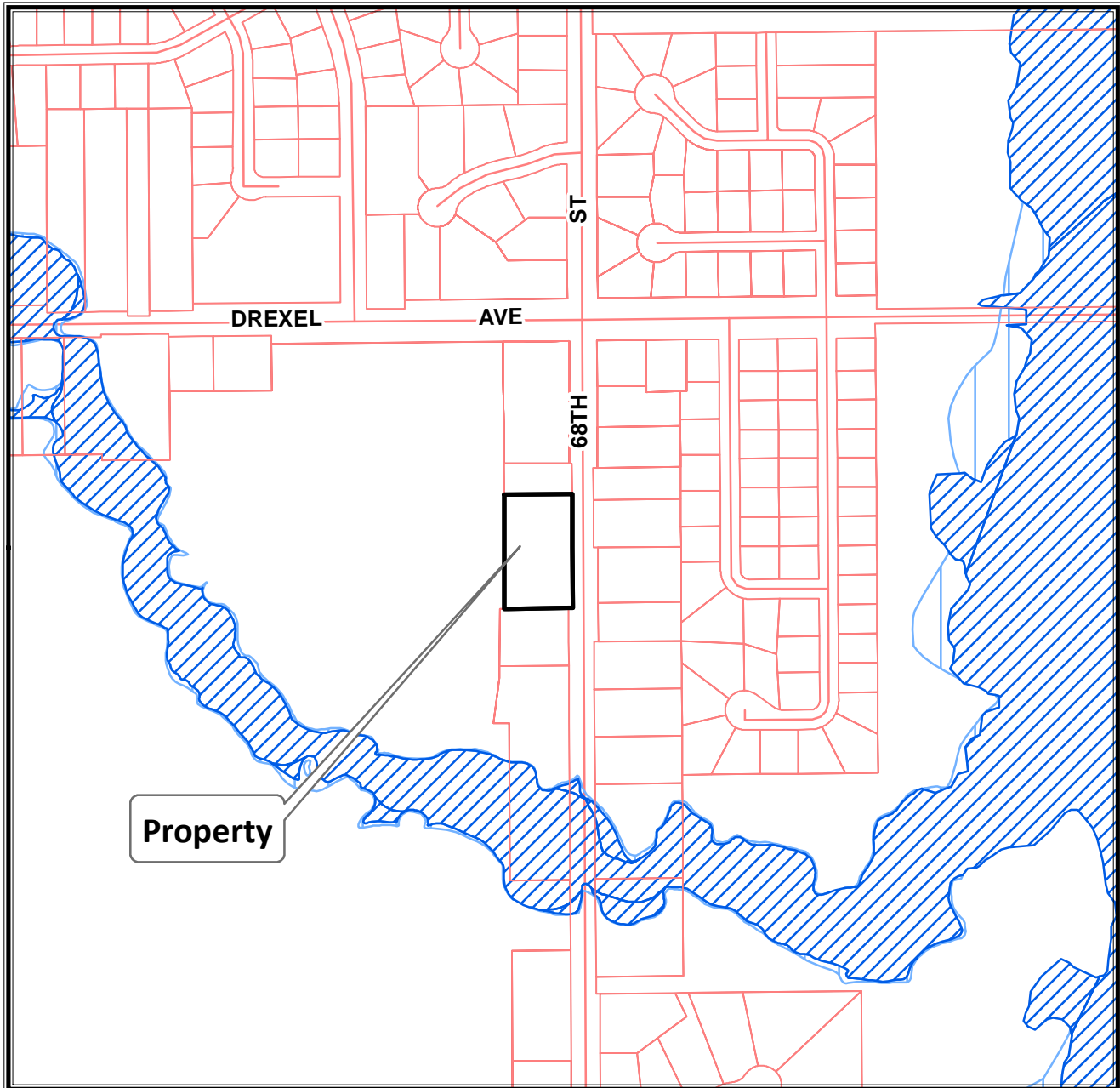
ATTEST:

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

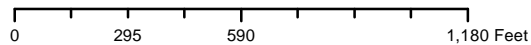
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_



# 7979 South 68th Street



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



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



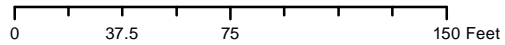
2013 Aerial Photo



# 7979 South 68th Street



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



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



2013 Aerial Photo



CERTIFIED SURVEY MAP NO.

Being a part of the Northeast 1/4 of the Northwest 1/4 of Section 15, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

o — Denotes 1" x 24" iron pipe set.

Map bearings refer to Grid North of the Wisconsin State Plane Co-ordinate System, South Zone (NAD-27), with the East line of the NW 1/4 of Sec. 15, T5N, R21E having an assumed bearing of N 0°16'59" W.

▨ — Denotes existing structure. All existing structures on this site are to be razed.

Land is served by Sanitary Sewer and Water.

North



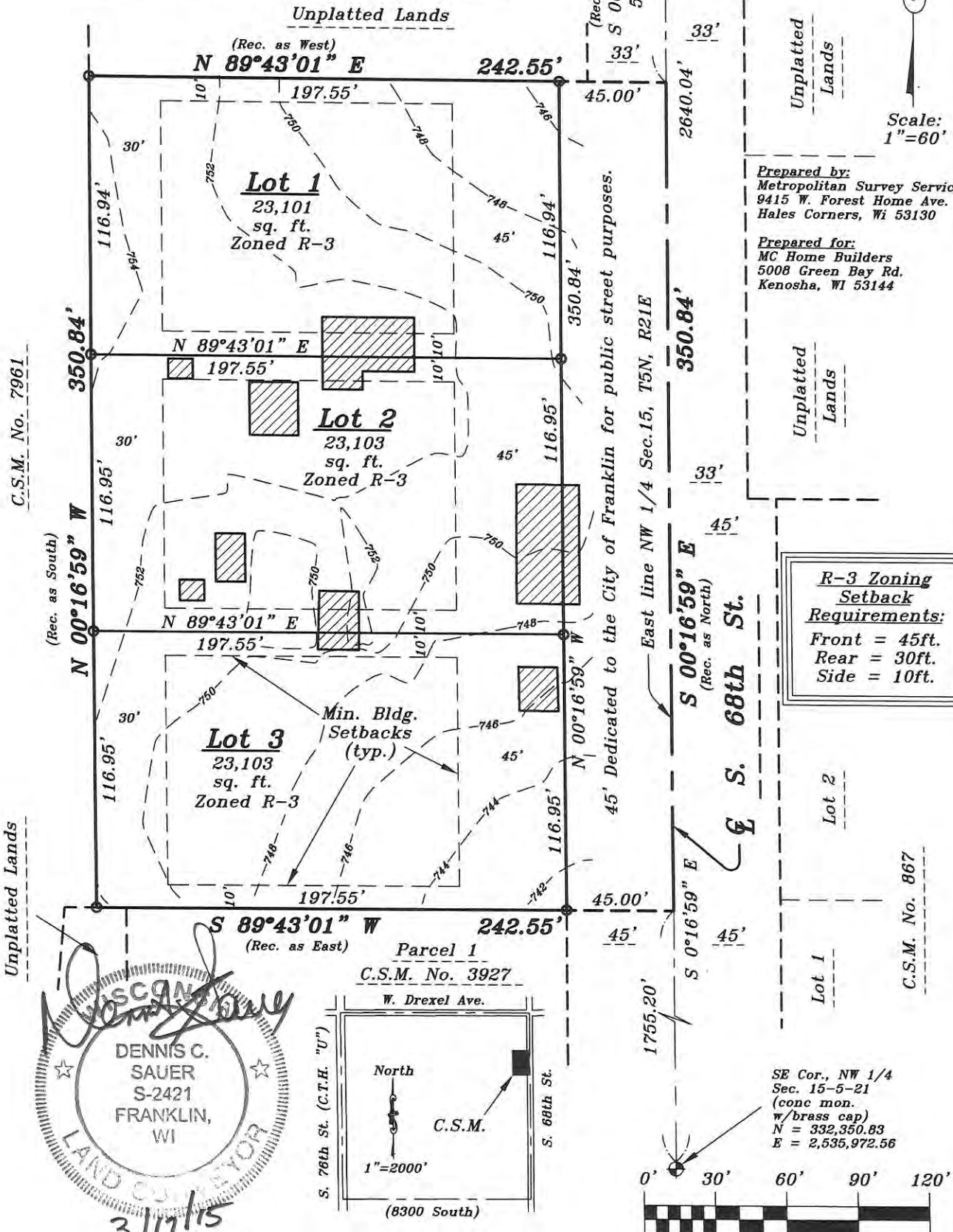
Scale: 1"=60'

NE Cor., NW 1/4 Sec. 15-5-21 (conc mon. w/brass cap) N = 334,990.67 E = 2,535,959.52

Prepared by: Metropolitan Survey Service 9415 W. Forest Home Ave. Hales Corners, WI 53130

Prepared for: MC Home Builders 5008 Green Bay Rd. Kenosha, WI 53144

R-3 Zoning Setback Requirements: Front = 45ft. Rear = 30ft. Side = 10ft.



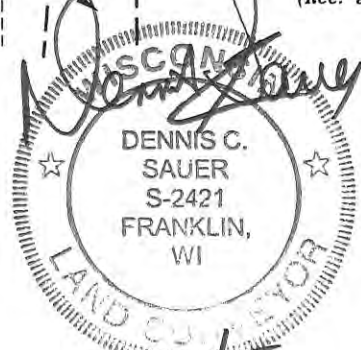
C.S.M. No. 7961

Unplatted Lands

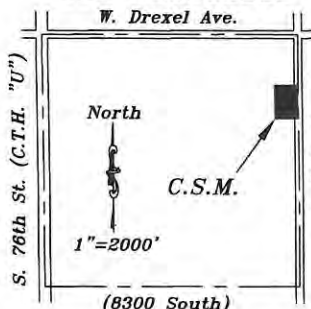
Unplatted Lands

Unplatted Lands

C.S.M. No. 867



3/17/15  
4/28/15



Vicinity Map NW 1/4 Sec. 15, T5N, R21E

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Being a part of the Northeast 1/4 of the Northwest 1/4 of Section 15, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)  
MILWAUKEE COUNTY ) SS

I, Dennis C. Sauer, registered land surveyor, do hereby certify:

That I have surveyed, a part of the Northeast 1/4 of the Northwest 1/4 of Section 15, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; bounded and described as follows: Commencing at the Northeast corner of the said Northwest 1/4; thence S 00°16'59" E along the East line of said Northwest 1/4, 534.00 to the point of beginning of the lands to be described; thence continuing S 00°16'59" E along said East line, 350.84 feet to a point; thence S 89°43'01" W, 242.55 feet to a point; thence N 00°16'59" W 350.84 feet to a point; thence N 89°43'01" E 242.55 feet to the point of beginning. Excepting the East 45.00 feet dedicated for public street purposes.  
Said lands containing 69,307 square feet (1.59 acres)

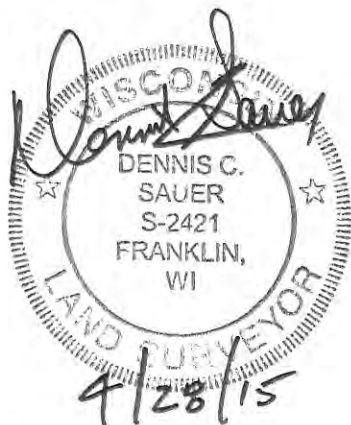
That I have made such survey, land division and map by the direction of, MC Home Builders, LLC., owner of said land.

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

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the Unified Development Ordinance - Division 15, of the City of Franklin Municipal Code in surveying, dividing and mapping the same.

MARCH 17, 2015  
Date

Dennis C. Sauer  
Dennis C. Sauer  
Professional Land Surveyor S-2421



PREPARED FOR:  
MC Home Builders  
5008 Green Bay Road  
Kenosha, WI 53144

PREPARED BY: Dennis C. Sauer  
Metropolitan Survey Service  
9415 West Forest Home Avenue  
Hales Corners, WI 53130

**CERTIFIED SURVEY MAP NO.** \_\_\_\_\_

Being a part of the Northeast 1/4 of the Northwest 1/4 of Section 15, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

As owner, MC Home Builders, LLC, do hereby certify that I have caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of Chapter 236.34 of the Wisconsin State Statutes and Unified Development Ordinance - Division 15, of the City of Franklin Municipal Code.

WITNESS the hand and seal of said owners this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
James J. Duerrwaechter,  
Managing Member

STATE OF WISCONSIN)  
MILWAUKEE COUNTY) SS

PERSONALLY came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, James J. Duerrwaechter, Managing Member, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_

CONSENT OF CORPORATE MORTGAGEE

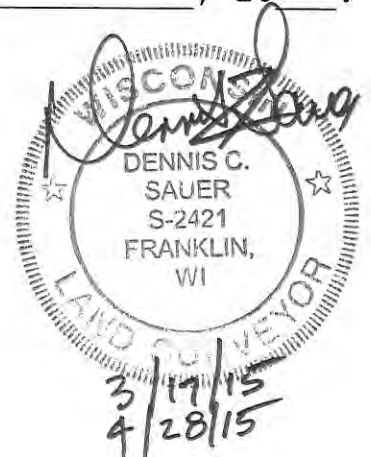
Community State Bank, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this map and does hereby consent to the above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

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

Community State Bank:

\_\_\_\_\_  
Signed  
Print Name and Title: \_\_\_\_\_

STATE OF WISCONSIN)  
MILWAUKEE COUNTY ) SS



**CERTIFIED SURVEY MAP NO.** \_\_\_\_\_

Being a part of the Northeast 1/4 of the Northwest 1/4 of Section 15, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

CONSENT OF CORPORATE MORTGAGEE CONTINUED

PERSONALLY came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_, (Title) \_\_\_\_\_, of Community State Bank, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

\_\_\_\_\_  
Signature

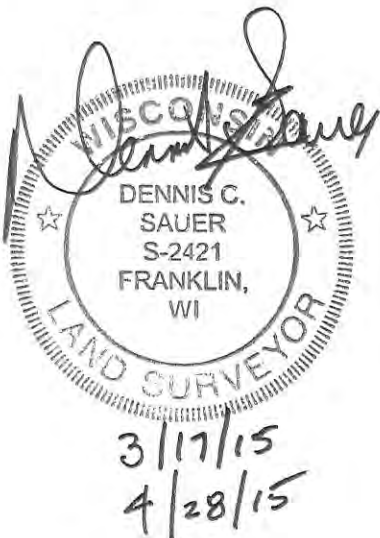
Print Name: \_\_\_\_\_  
Notary Public State of Wisconsin  
My Commission Expires: \_\_\_\_\_

COMMON COUNCIL APPROVAL

APPROVED and Dedication accepted by the Common Council of the City of Franklin, Resolution No. \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Stephen Olson, Mayor  
City of Franklin

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



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