

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, SEPTEMBER 1, 2015
AT 6:30 P.M.**

- A. Call to Order and Roll Call.
- B.
 - 1. Citizen Comment Period.
 - 2. Mayoral Announcements:
 - a) A Proclamation in Recognition of Public Health Nurse Kathryn Mary Hahn.
 - b) A Proclamation in Recognition of Inspector of Police Gaylord Hahn.
- C. Approval of Minutes:
 - 1. August 18, 2015 Common Council Meeting.
 - 2. August 20, 2015 Special Common Council Meeting.
- D. Hearings.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. Consent Agenda:
 - (a) Police Department request to accept grant funds for Crisis Intervention Training.
 - (b) Accept Donation in the amount of \$241 from the Franklin Police Department, National Night Out, for local food pantries.
 - (c) Request from Fire Department for approval to allow two vehicles no longer in service to be sold at auction.
 - 2. Kayla's Playground Status 09/01/2015.
 - 3. Professional Services Amendment for GRAEF for Kayla's Playground at Franklin Woods (3723 West Puetz Road).
 - 4. A Resolution to execute WE Energies underground easement at Franklin Woods (3723 W. Puetz Road).
 - 5. A Final Resolution Directing Installation of, Payment and Levy of Special Assessment for Installation of Water Main on West Crest Court from South 35th Street to South 36th Street.
 - 6. Conveyance to the City of Franklin by the Milwaukee Metropolitan Sewerage District with Participation by the Wisconsin Department of Natural Resources of Parcels of Land Acquired Pursuant to the Milwaukee Metropolitan Sewerage District and The Conservation Fund Greenseams® Program Participation and Potential Conveyance to the Wisconsin Department of Natural Resources by the Milwaukee Metropolitan Sewerage

District of Certain of the Program Parcels (MMSD provided prior private property owner names and approximate acreage and City Assessor file record documents information and tax key nos.: to WIDNR: Dumke/Olsen 33.24 acres 844 9997 000; Katzman 11.14 acres 844 9996 000; Franklin DC 10.05 acres 844 9996 000; to Franklin: Hack 49.89 acres 889 9990 000; Franklin DC 44.33 acres 890 9990 000; St. Sava 23.55 acres 890 9999 000; St. Nikola 17.33 acres 787 9992 000; Radicevich 15.68 acres 886-9998-000).

7. A Resolution Authorizing Acceptance of Storm Water Facilities Maintenance Agreement for Victory of the Lamb Church located at 11120 West Loomis Road.
8. Bike and Hiking Trail Status (area of West Forest Home Avenue, south of West Rawson Avenue).
9. A Resolution conditionally approving a 4 lot Certified Survey Map, being a re-division of Parcel 1 of Certified Survey Map No. 3504, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 16, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Creative Homes, Inc., Applicant) (8011 South 76th Street).
10. A Resolution to amend Resolution Nos. 1970-446, 2006-6196, 2007-6390 and 2008-6456 imposing Conditions and Restrictions for the approval of a Special Use for the Mission Hills Apartment Development located at 7711-7759 and 7811-7859 South Scepter Drive to revise parking spaces and swimming pool quantity upon the property (Franklin Mission Hills, LLC, Applicant).
11. An Ordinance to Amend the Unified Development Ordinance to Create a "General Office" Use Category in Section 15-3.0603 Table of Permitted and Special Uses in all Nonresidential Zoning Districts under the Category of "Other Uses Not Classified Under SIC Code" and to Define Such Use Category in Section 15-11.0103 Specific Words and Phrases (City of Franklin, Applicant).
12. An Ordinance to Amend the Unified Development Ordinance Text to Amend Section 15-7.0705 and Section 15-9.0309G.2. to Allow a Certified Survey Map to be Recorded Within 12 Months After the Date of the Last Approval of the Map and Within 36 Months After the Date of the First Approval of the Map, as set forth in §236.34(2)(b)1. of the Wisconsin Statutes (City of Franklin, Applicant).
13. Request from the Parks Commission for the Common Council to refer the naming of Southbrook Trail to Robinwood Elementary School students for recommendations, with the winning entry to receive a Savings Bond.
14. Approval of a Change Order for Demolition of House and Garage at 8015 West Beacon Hill Drive.
15. Reconsideration of Action Taken at the August 18, 2015 Common Council Meeting to Direct Staff to Continue with the Estimate Process for Utility Undergrounding with Regard to the Milwaukee County West St. Martins Road (CTH MM) from South North Cape Road to State Trunk Highway 100 Road Reconstruction Project.
16. AT&T Cell Contract for Locating on Tower at 8901 West Drexel Avenue.
17. An Ordinance to prohibit parking on the east side of South 31st Street from West Rawson Avenue to 400 feet south and modify west side of South 31st Street to prohibit parking 400 feet south.

18. An Ordinance to amend Ordinance No. 2014-2152, an Ordinance adopting the 2015 Annual Budget for the General Fund for the City of Franklin for Fiscal Year 2015, to Reclassify Contingency appropriations to Economic Development Expenditures.
19. July 2015 Monthly Financial Report.
20. Request for one-year waiver from Wisconsin Department of Revenue from Wis. Stats. 74.09(3)(db) requiring information displayed on property tax bills for taxing authorities with a temporary increase in tax levy approved by referendum.
21. A Resolution engaging Actuarial & Health Care Solutions, LLC to perform an Actuarial Study on the City of Franklin Other Post Employment Benefit Plan for 2015.
22. Revision to Employee Handbook modifying the benefits of the Police Inspector to match those of Police Captains.
23. Job Descriptions for the Positions of Custodian and Maintenance Custodian.
24. Population Estimate as of January 1, 2015.
25. Recommendations of the Committee of the Whole:
 - (a) Director of Finance and Treasurer Report on the Economic Development Plans presented to Common Council June 10, 2015 as Directed by Common Council.
 - (b) Status report related to the Area A Traffic Impact Analysis for the State Highway 36 (West Loomis Road), West Rawson Avenue and South 76th Street Interchange.
 - (c) Alternate concepts and strategies for Retail Development in Area A and contract prices from GRAEF.
 - (d) Status report related to Buxton Company and retail recruitment.

H. Licenses and Permits.
Miscellaneous Licenses.

I. Bills.
Vouchers and Payroll approval.

J. Adjournment.

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

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

REMINDERS:

September 7	Labor Day-City Hall Closed	
September 8	Special Recall Election- District 4	7:00 a.m.-8:00 p.m.
September 15	Common Council	6:30 p.m.
September 17	Plan Commission	7:00 p.m.

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B. 2. a.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

A PROCLAMATION IN RECOGNITION OF PUBLIC HEALTH NURSE
KATHRYN MARY HAHN
FOR HER TWO DECADES OF SERVICE TO THE PEOPLE

WHEREAS, Kathryn M. Hahn is a resident of the City of Franklin, who dedicated her adult Life to raising her children and then has spent the past two decades as a Public Health Nurse in the City of Franklin Health Department; and

WHEREAS, Kathryn M. Hahn graduated *cum laude* from Alverno College on May 19, 1974 with a Bachelor of Science Nursing degree; and

WHEREAS, Kathryn M. Hahn was appointed a Public Health Nurse with the City of Franklin Health Department on April 3, 1995 and has fulfilled a distinguished career as a public health service professional nurse for twenty years; and

WHEREAS, Kathy in her dedication to make the World a Better Place has worked with all of the People, and having eventually focused on the young and the elderly, including individuals, families, organizations and the related health systems, creating four lasting groups: *Feeding Franklin*, our local food pantry network; *Franklin Area Parents and Students United (FAPSU)*; our alcohol and other drug addiction Community support organization (AODA); and FT2 (pronounced "FT Squared") – *Franklin Teens Fighting Tobacco*, our adolescent tobacco prevention group; and

WHEREAS, Kathy was that catalyst that brought about such care for the People efforts and service creations in the City of Franklin; and

WHEREAS, Kathryn M. Hahn was appointed and confirmed as a Citizen representative on the City of Franklin Board of Health from 2014 to 2015; and

WHEREAS, Kathy was and is a kind, compassionate, devoted, thorough, respectful, client-centered (now, "client" meaning whomsoever may ask for help), inventive human being, who has and will exhibit extraordinary Grace under pressure (and only upon the most trying moment to utter: "sugar beets" for some relief); and

WHEREAS, Kathy now additionally has grandchildren that keep her duty fires and Love burning bright upon her retirement from the City of Franklin Health Department.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Stephen R. Olson, Mayor of the City of Franklin, Wisconsin, on behalf of all of the Citizens of Franklin, hereby recognize and commend the service of Kathryn Mary Hahn to the Citizens of the City of Franklin, and wish her the best in the years to come.

Presented to the City of Franklin Common Council this 1st Day of September, 2015.

Stephen R. Olson, Mayor

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B.2.b.

A PROCLAMATION IN RECOGNITION OF INSPECTOR OF POLICE
 GAYLORD M. HAHN
 FOR HIS FORTY-TWO YEARS OF DEDICATED LIFE AND SERVICE
 TO PROTECT THE HEALTH, SAFETY AND WELFARE
 OF THE COMMUNITY AND OF THE PEOPLE OF THE CITY OF FRANKLIN

WHEREAS, Gaylord M. Hahn is a life-long resident of the City of Franklin, who dedicated his Life to and has spent the past over four decades, protecting and helping his neighbors, and City visitors, and those People just passing through, from the house next door, to the City boundaries, and beyond; and

WHEREAS, Gaylord M. Hahn was appointed as an Auxiliary Officer to the Franklin Police Department in March, 1972, and his first day of work was at the Police Station which then was a converted farm house; and

WHEREAS, Gaylord M. Hahn was appointed as a Police Officer in March, 1973, and then promoted to Corporal in March, 1987, promoted to Sergeant in February, 1993, promoted to Lieutenant in April, 1995, and then to Inspector of Police, the Office of Second in Command of the Franklin Police Department, which Office includes the oversight of patrol services, special unit services, investigation services, and administration and communication services, and acts on behalf of the Chief of Police in the Chief's absence, in September, 1998; and

WHEREAS, Inspector Hahn previously served as the City of Franklin Interim Chief of Police from June, 2004 to May, 2005; and

WHEREAS, the population of the City of Franklin when Inspector Hahn was first appointed was a few over 12,247 People; the population of the City of Franklin upon Inspector Hahn's retirement from Office now in 2015 has nearly tripled to 35,655 People; Inspector Hahn having been a strong positive influence during those forty-two years in the development and betterment of the City of Franklin and the Franklin Police Department, having been a dedicated and loyal employee and having overseen the construction and development of the new Franklin Law Enforcement Center in 2001; and

WHEREAS, Gaylord spent over four decades being either in uniform or "on call" when not in uniform, a Life dedication to protect others; and whether on duty or on call, at any time of morning, noon, or night, Gaylord had to be prepared to defend and protect when what some might characterize as a "rascal" causes trouble to self or others; yet, after all of the years of duty and necessary confrontations under the Law and his job, Gaylord is one of the most kind, gentle, pleasant, self-effacing humans one may ever meet; Gaylord is as good as a Man can be.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Stephen R. Olson, Mayor of the City of Franklin, Wisconsin, on behalf of all of the Citizens of Franklin, hereby recognize and commend the service of Gaylord M. Hahn to the Citizens of the City of Franklin, and wish him the best in the years to come.

Presented to the City of Franklin Common Council this 1st Day of September, 2015.

Stephen R. Olson, Mayor

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Alderman Evans moved to adopt Ordinance No. 2015-2184, AN ORDINANCE TO AMEND THE MUNICIPAL CODE AS IT PERTAINS TO DEFERMENT OF PAYMENT OF SPECIAL ASSESSMENTS and that the return to the Common Council at the next meeting of the final resolution levying special assessment for the Crest Court water main shall include a reference to this ordinance. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

SURVEY OF S. 46TH ST.
FOR WATER SERVICE

G.3. Alderman Evans moved to authorize staff to survey South 46th Street for water service. Seconded by Alderman Dandrea. All voted Aye; motion carried.

ENGAGING JSD
PROFESSIONAL
SERVICES, INC.

G.4. Alderman S. Mayer moved to table a Resolution to engage JSD Professional Services, Inc. for design services for a trail and bridge crossing East Branch of the Root River in the amount of \$103,631. Motion died due to the lack of a second. Alderman Schmidt moved to adopt a Resolution to engage JSD Professional Services, Inc. for design services for a trail and bridge crossing East Branch of the Root River in the amount of \$103,631 contingent upon meeting with the homeowners association. Seconded by Alderman D. Mayer. Alderman Schmidt withdrew his motion and Alderman D. Mayer withdrew his second. Alderman Schmidt then moved to table a Resolution to engage JSD Professional Services, Inc. for design services for a trail and bridge crossing East Branch of the Root River in the amount of following a meeting with homeowners association and other area property owners, and then return to the Common Council meeting on September 15, 2015. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

RAWSON HOMES
DRAINAGE SOLUTION

G.5. Alderman Wilhelm moved to direct staff to further develop concepts and costs to address the Rawson Homes drainage concerns and coordinate a neighborhood meeting with the District Alderman, concluding with a survey, to present residents with the information in order for them to make an informed decision when surveyed. Seconded by Alderman Schmidt. All voted Aye; motion carried.

PROHIBIT PARKING ON
EAST SIDE OF S. 31ST ST.

G.6. Alderman Wilhelm moved to adopt an Ordinance to add to Section 245.5(D)(4) of the Municipal Code to establish no parking on the east side of S. 31st Street from W. Rawson Avenue to 400 feet south. Seconded by Alderman Evans. Alderman Wilhelm withdrew her motion and Alderman Evans withdrew her second.

Alderman Wilhelm then moved to table an Ordinance, adding to Section 245.5(D)(4) of the Municipal Code to establish no parking on the east side of S. 31st Street from W. Rawson Avenue to 400 feet south, to the Common Council meeting of September 1, 2015 and to include the west side of S. 31st Street from W. Rawson Avenue to 400 feet south. All voted Aye; motion carried.

ORD. 2015-2185
PROHIBIT PARKING ON
S. 68TH ST.

G.7. Alderwoman Evans moved to adopt Ordinance No. 2015-2185, AN ORDINANCE TO ADD TO SECTION 245.5(D)(4) OF THE MUNICIPAL CODE TO ESTABLISH NO PARKING ON BOTH SIDES OF S. 68TH STREET FROM W. RYAN ROAD TO APPROXIMATELY 4000 FEET NORTH. Seconded by Alderman Schmidt. All voted Aye; motion carried.

RES. 2015-7127
NR-208 CMAR REPORT

G.8. Alderman Dandrea moved to adopt Resolution No. 2015-7127, A RESOLUTION APPROVING THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES NR-208 COMPLIANCE MAINTENANCE REPORT FOR YEAR 2014. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

ADDITION/RELOCATION
LANDSCAPE PLAN FOR
PLEASANT VIEW
ELEMENTARY SCHOOL

G.16. Alderwoman Wilhelm moved to approve the Landscape Plan as presented by the Franklin Public Schools for the Pleasant View Elementary School, subject to that the applicant, in lieu of establishing and maintaining 1,160 square feet of new area native plantings as recommended by the Plan Commission, shall provide maintenance and restoration to and within the existing high quality natural area within the Trail area as depicted in the Comprehensive Outdoor Recreation Plan, to the extent of the cost equivalent for the prior maintenance of new plantings area and for the equivalent number of years enhancement mitigation shall consist of invasive loosestrife and buckthorn removal with control of reed canary grass as appropriate. Seconded by Alderman Dandrea.

Alderman D. Mayer moved to suspend regular order of business to allow Mark Cloutier, Franklin Public Schools, to speak. Seconded by Alderwoman Evans. All voted Aye; motion carried. Alderman D. Mayer moved to return to the regular order of business. Seconded by Alderwoman Evans. All voted Aye; motion carried.

On the vote for the main motion to approve the Landscape Plan, all voted Aye; motion carried.

STANDARDS, FINDINGS
AND DECISION FOR

G.12. Alderman Dandrea moved to adopt the Standards, Finding and Decision of the City of Franklin Common Council upon the

STARFIRE SYSTEMS,
INC.

application of Starfire Systems, Inc. (Malek Family Limited Partnership, Owner) for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance. Seconded by Alderwoman Evans. Upon voice vote, five Ayes; one Abstention (Alderman D. Mayer). Motion carried.

RES. 2015-7128
OFF-STREET PARKING
ON 9825 S. 54TH ST.
(STARFIRE SYSTEMS,
INC., APPLICANT)

G.13.

Alderwoman Evans moved to adopt Resolution No. 2015-7128, A RESOLUTION AUTHORIZING OFF-STREET PARKING UPON A PORTION OF DESIGNATED GREENSPACE ON THE STARFIRE SYSTEMS, INC. LOT (9825 SOUTH 54TH STREET) (STARFIRE SYSTEMS, INC, (MALEK FAMILY LIMITED PARTNERSHIP, OWNER, APPLICANT)). Seconded by Alderman Dandrea. Upon voice vote, five Ayes; one Abstention (Alderman D. Mayer). Motion carried.

STANDARDS, FINDINGS
AND DECISION FOR
SOUTHBROOK CHURCH,
INC.

G.14.

Alderman D. Mayer moved to adopt the Standards, Findings and Decision of the City of Franklin Common Council upon the application of Southbrook Church, Inc. for a Special Exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance. Seconded by Alderman Schmidt. All voted Aye; motion carried.

FUTURE DEVELOPMENT

G.9.a.

Alderman Dandrea moved to suspend the regular order of business to allow Mike Mooney to speak. Seconded by Alderwoman Evans. All voted Aye; motion carried.

Alderman Dandrea moved to return to the regular order of business. Seconded by Alderwoman Evans. All voted Aye; motion carried.

Alderwoman Wilhelm moved to direct staff to provide alternates for Area A. Motion died due to the lack of a second.

Alderman Schmidt moved to direct staff to secure contract prices from Graef to provide seven alternate concepts for retail development in area A and work with staff and aldermen to accomplish that. Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderwoman Wilhelm, Alderwoman Evans, Alderman Schmidt and Alderwoman S. Mayer voted Aye; Alderman D. Mayer voted No. Motion carried.

Alderwoman Wilhelm moved to direct the Director of Administration to update the Common Council on a meeting with the State. Seconded by Alderwoman S. Mayer. On roll call, Alderwoman S. Mayer, Alderman Schmidt, Alderwoman Wilhelm and Alderman D. Mayer voted Aye; Alderwoman Evans and Alderman Dandrea voted No. Motion carried.

The meeting was recessed at 9:20 p.m. and reconvened at 9:30 p.m.

Due to an indication of potential severe weather, Alderwoman Wilhelm moved to adjourn the meeting at 9:40 p.m. Seconded by Alderman D. Mayer. On roll call, Alderman D. Mayer, Alderwoman Wilhelm, Alderman Schmidt and Alderwoman S. Mayer voted Aye; Alderman Dandrea and Alderwoman Evans voted No. Motion carried.

No action was taken on the following items, which will be referred to a future Common Council meeting: G.9.b., Report on the Economic Development plans; G.10., An Ordinance to Amend the UDO to rezone a parcel of land (5621 W. Rawson Avenue); G.11., A Resolution imposing conditions and restrictions for approval of a Special Use (5621 W. Rawson Avenue); G.15., Naming of Southbrook Trail; G.17., An Ordinance to amend the UDO to create a "General Office" Use category; G.18., An Ordinance to amend the UDO relating to recording of Certified Survey Maps; G.19., Job descriptions for Custodian and Maintenance Custodian; G.20., Amend Employee Handbook relating to benefits for Police Inspector; G.21., A Resolution to engage Actuarial & Health Care Solutions, LLC; G.22., Engage ADP to aid in reporting; G.23., Request waiver of compliance with Wis. Dept. of Revenue; G.24., January 1, 2015 population estimate; H.1., Licenses and Permits; and I.1. Vouchers and Payroll.

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CITY OF FRANKLIN
SPECIAL COMMON COUNCIL MEETING
AUGUST 20, 2015
MINUTES

ROLL CALL

A. The special meeting of the Common Council was held on August 20, 2015 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderwoman Janet Evans, Alderman Doug Schmidt and Alderwoman Susanne Mayer. Also present were City Engineer Glen Morrow, Planning Manager Joel Dietl, Senior Planner Nick Fuchs, Director of Finance & Treasurer Paul Rotzenberg, Dir. of Administration Mark Lubberda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

CITIZEN COMMENT

B. Citizen comment period was opened at 6:32 p.m. and closed at 6:34 p.m.

ORD. 2015-2186
AMEND THE UDO TO
REZONE A LAND
PARCEL (STEVEN D.
SCHWEITZER,
APPLICANT)

C.1. Alderman Schmidt moved to adopt Ordinance No. 2015-2186, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM M-2 GENERAL INDUSTRIAL DISTRICT TO B-2 GENERAL INDUSTRIAL DISTRICT (5621 WEST RAWSON AVENUE) (APPROXIMATELY .971 ACRES) (STEVEN D. SCHWEITZER, APPLICANT). Seconded by Alderman D. Mayer. All voted Aye; motion carried.

RES. NO. 2015-7129
SPECIAL USE ON 5621 W.
RAWSON AVE. (RAWSON
PUB)

C.2. Alderman Schmidt moved to adopt Resolution No. 2015-7129, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE TO ALLOW FOR A BAR/RESTAURANT WITH OUTDOOR ENTERTAINMENT/CONCERTS BUSINESS USE UPON PROPERTY LOCATED AT 5621 WEST RAWSON AVENUE (RAWSON Pub) (STEVEN D. SCHWEITZER, APPLICANT). Seconded by Alderwoman Evans. All voted Aye; motion carried.

AUTHORIZATION TO
ENGAGE AUTOMATIC
DATA PROCESSING

C.3. Alderwoman Evans moved to authorize staff to engage ADP to aid in Preparing Required Annual Employee reporting under the Health Care Affordability Care Act for 2015 and beyond. Seconded by Alderman Dandrea. All voted Aye; motion carried.

LICENSES AND PERMITS D.

Alderman Dandrea moved to approve the following:

Hold for appearance the applications for 2015-2016 Operator License to Karly Jones, 2030 N. Oakland Ave. #308, Milwaukee and Kathryn Rohloff, 4121 W. Barnard Ave., Greenfield; and

Hold Operator License application to Jason Orlando, 8161 S. 76th St., Franklin pending review by City Attorney; and

Grant 2015-2016 Operator License to Janine Adamczyk, 3217 W. Verona Ct., Milwaukee; Michael Anders, S70W13749 Tess Corners Dr., Muskego; Anthony Galewski, 1410 W. Lois Ln., Oak Creek; Gloria Grabarczyk, 7467 S. 69th St., Franklin; Andrew Hushek, 5315 W. Arizona St., Milwaukee; Henry Matecki, 7350 S. Lovers Lane, #246, Franklin; Barbara Jakubczak, 5003 S. 26th St., Milwaukee; Kaitlyn Sutton, 8018 Appletree Lane, Waterford; and

Grant Temporary Class B Beer License to Franklin Lioness Club Person in Charge: Jacqueline Glanzmann, Event: St Martins Fair, Event Dates: September 6 & 7, 2015; and

Grant Temporary Class B Beer License and Temporary Entertainment & Amusement License to Hales Corners-Franklin VFW Post #10394, Person in Charge: Andrew Hushek, Event: St. Martins Fair, Location: 11300 W. Church St., Event Dates: September 6 & 7, 2015; and

Grant Temporary Class B Beer License and Temporary Entertainment & Amusement License to St Martin of Tours Parish, Person in Charge: Jeanne Johnson, Event: Oktoberfest, Location: 7963 S. 116th St., Event Dates: October 17, 2015; and

Grant Extraordinary Entertainment & Amusement License to The Rock Sports Complex, Person in Charge: Scot Johnson, Event: Summer Concert Series, Dates of Event: Saturdays, 6/06/15 through 9/12/15; and

Grant 2015-2016 Daycare License to Academy of Preschool Learning, 9501 W. Drexel Ave., Nadeen Balsis, Manager.

Seconded by Alderwoman Evans. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

E.

Alderman D. Mayer moved to approve net general checking account City vouchers in the range of Nos. 157447 through

157629 in the amount of \$616,032.89 dated August 4, 2015 through August 13, 2015. Seconded by Alderwoman Evans. On roll call, all voted Aye. Motion carried.

Alderwoman Evans moved to approve net payroll dated August 7, 2015 in the amount of \$354,150.21 and payments of the various payroll deductions in the amount of \$201,361.74 plus any City matching payments where required. Seconded by Alderman D. Mayer. On roll call, all voted Aye; motion carried.

Alderman D. Mayer moved to approve net payroll dated August 21, 2015 estimated at \$360,000.00 and payments of the various payroll deductions estimated at \$370,000.00 plus any City matching payments where required. Seconded by Alderman Schmidt. On roll call, all voted Aye. Motion carried.

Alderman D. Mayer moved to approve property tax refunds and settlements in the amount of \$8,038,597.43 dated August 4, 2015 through August 13, 2015. Seconded by Alderwoman Evans. On roll call, all voted Aye. Motion carried.

Alderman Schmidt moved to approve payment to Black Diamond Group Inc. as may be requested by the City Engineer, excluding retainage per the contract, for the contract to pave the Bike and Hiking Trail for work performed in August or scheduled in August and delayed by unforeseen circumstances but secured by a performance bond. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

Alderwoman Evans moved to approve payment to WE Energies in the amount of \$4,613.03. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderwoman S. Mayer moved to adjourn the meeting at 6:45 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>9-1-2015</p>
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<p>REPORTS & RECOMMENDATIONS</p>	<p>Police Department Request to accept grant funds for Crisis Intervention Training</p>	<p>ITEM NUMBER</p> <p><i>G. 1. a.</i></p>
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BACKGROUND:

The Greenfield Police Department requested and received a grant from the State of Wisconsin to have several Milwaukee County Suburban agencies, including Franklin, to receive funds for personnel to receive Crisis Intervention Training.

Currently, the Franklin Police Department has 4 officers who have received this training. Because of the number and frequency of officer involved critical incidents involving mentally ill persons, the Police Chief's intent is to eventually train all department patrol personnel in Crisis Intervention for the mentally ill. Having officers so trained will substantially reduce the risk for confrontations between officers and affected persons which could likely lead to serious bodily injury or death to both the officer and the citizen.

Grant funds are applied to overtime and under filling of officers to account for officers sent to training during their shift.

FISCAL NOTE:

Franklin Police Department's share of the grant is \$7,128.

OPTIONS:

Approve or deny.

COUNCIL ACTION REQUESTED:

Motion to accept the grant funds to send Police Department personnel to Crisis Intervention Training.

WISCONSIN DEPARTMENT OF JUSTICE

DOJ USE ONLY

Applicant Hereby Applies to the DOJ for Financial Support for the Within-Described Project:

Receipt Date	Award Date	Subgrant Number(s)
11/10/2014	4/29/2015 12:00 AM	2011-DJ-01X 11074

SUBGRANT #: 11074

SHORT TITLE: Greenfield/Greendale/Franklin/Hales Corners CIT

1. Type of Funds for which you are applying.	() JAG Crisis Intervention Team and Crisis Intervention Partners (CIT/CIP) Training 2011		
2. Applicant	Name Of Applicant: Greenfield Police Department		County: Milwaukee
	Street Address Line 1: 5300 West Layton Avenue		
	Address Line 2:		Address Line 3:
	City: Greenfield	State: WI	Zip: 53220-4098
	3. Recipient Agencies Greenfield Police Department		
4. Signatory	Name: Mayor Michael Neitzke		Title: Mayor Agency: City of Greenfield
	Address Line 1: 7325 West Forest Home Avenue		
	Address Line 2:		Addr Line 3:
	City: Greenfield	State: WI	Zip: 53220
	Phone: 414-329-5200	Fax:	Email: mayor@ci.greenfield.wi.us
5. Financial Officer	Name: Ms. Paula Schaefer		Title: Director Agency: Greenfield Police Department
	Address Line 1: 7325 West Forest Home Avenue		
	Address Line 2:		Addr Line 3:
	City: Greenfield	State: WI	Zip: 53220
	Phone: 414-329-5281	Fax:	Email: Paula_S@ci.greenfield.wi.us
6. Project Director	Name: Chief Bradley R Wentlandt		Title: Chief Agency: Greenfield Police Department
	Address Line 1: 5300 West Layton Avenue		
	Address Line 2:		Addr Line 3:
	City: Greenfield	State: WI	Zip: 53220-4098
	Phone: 414-761-5358	Fax:	Email: brad.wentlandt@gfpd.org
7. Brief Summary of Project (Do Not Exceed Space Provided)	<p>Short Title (may not exceed 50 characters) Greenfield/Greendale/Franklin/Hales Corners CIT</p> <p>Funds will be used by the Greenfield, Greendale, Hales Corners and Franklin police departments to train up to 160 police officers and dispatchers in the 40-hour NAMI CIT curriculum. This effort will benefit the nearly 100,000 residents of these four communities and the southwest region of Milwaukee County by reducing injuries to public, mental health consumers, and officer; reducing repeat contacts with the mental health consumer; reducing criminalization of those persons with mental illness that come in contact with the criminal justice system and enhancing relationships with the mental health care providers in the community.</p> <ul style="list-style-type: none"> • Increased involvement of the families and friends of the mental health consumers. • Reduction in civil commitments through diversion to safe and less restrictive settings. • Reduction in the costs of overall services through better utilization of said services and diversion to less costly services. 		

8. SubGrant Budget

Sources

Categories	Federal	Category Total
Personnel	19,800.00	19,800.00
Employee Benefits	0.00	0.00
Travel (Including Training)	0.00	0.00
Consultants/Contractual	0.00	0.00
Source Total	19,800.00	19,800.00

9. Project Start Date: 12/1/2014 Project End Date: 12/31/2015

10. BUDGET DETAILS:

A. MASTER BUDGETS:

BY RECIPIENT AGENCY	YEAR 1	Total
Greenfield Police Department	19,800.00	19,800.00
Total:	19,800.00	19,800.00

Allocation/Recipient Agency: Greenfield Police Department

Category:	YEAR 1	Total
Personnel	19,800.00	19,800.00
Total	19,800.00	19,800.00

11. BUDGET DETAILS:

A. MASTER BUDGETS:

Line Item Details for Greenfield Police Department

YEAR 1

PERSONNEL

Justification: Back-fill overtime for police officers to attend training. Funds availability will be split among each agency as a percentage of sworn members. COST

Position Police Officer

Name

Description of your computation: 440 hours of back-fill overtime at \$45 per hour

Source: Federal 19,800.00

Personnel Year 1 Total: 19,800.00

CONSULTANTS/CONTRACTUAL - CONSULTANT

Justification: COST

Name / Position NAMI - Milwaukee

Service Provided Training delivery, instructors, textbooks.

Description of your computation: Four sessions @ \$5,000 each

Source: Federal 0.00

Consultants/Contractual - Consultant Year 1 Total: 0.00

YEAR 1 TOTAL: 19,800.00

12. Sections:

A BUDGET NARRATIVE

Please describe how your budget relates to the overall program/project strategy or implementation plan.

RESPONSE:

The National Alliance for Mental Illness will facilitate four (4) 40-hour Crisis Intervention Team training sessions allowing up to 160 officers and dispatchers to attend. The cost to facilitate each session is \$5,000 with the additional funds intended to mitigate the agency cost of overtime/backfill.

BUDGET NARRATIVE - RELATED ATTACHMENTS:

File Name	File Description
------------------	-------------------------

B AGENCY PROFILE

Briefly describe your agency in terms of population served, number of staff (Sworn/Non-sworn), whether there is normally 24/7 coverage, and any other relevant details.

RESPONSE:

This grant is a joint application by the police departments of Greenfield, Greendale, Franklin and Hales Corners. Together, these agencies represent 160 sworn and 50 non-sworn and serve a population of more than 96,000 people. These agencies provide 24/7 law enforcement service to an area of more than 55 square miles.

AGENCY PROFILE - RELATED ATTACHMENTS:

File Name	File Description
------------------	-------------------------

C PROJECT NARRATIVE

Briefly describe how the training will be conducted. Describe any previous training in CIT/CIP for your agency or officers. Include collaborations with other agencies and partnerships with the mental health community if applicable. Describe other projects implemented by your agency or your county to address mental illness in the criminal justice system.

RESPONSE:

Training will be presented by National Alliance on Mental Illness (NAMI) Greater Milwaukee in four (4) 40-hour training sessions of up to forty (40) officers each. All training will be delivered "live" at one of the four host agencies. NAMI staff will coordinate instructors, texts and materials. Host agencies will handle logistics.

CIT Training will involve Milwaukee County Mental Health staff which will provide a much needed link between law enforcement officers and mental health practitioners.

Multi-jurisdictional training will allow participating agencies to meet, train and network which will allow for the development of non-arrest strategies for dealing with the mentally ill. Most importantly, CIT Training will forge a strong bond with NAMI which will create a relationship dedicated to non-incarceration strategies.

Agencies will appoint members to a CIT Planning Team to meet and develop changes to policy and procedures and develop and implement uniform CIT strategies and guidelines.

PROJECT NARRATIVE - RELATED ATTACHMENTS:

File Name	File Description
------------------	-------------------------

D GOALS AND OBJECTIVES

Identify your agency's goals surrounding improved officer/partner training and/or responses to persons with mental illnesses. Goals should include the number of officers and partners you expect to have trained, as well as the number of diverted arrests you expect due to having officers and partners trained in CIT/CIP. Provide other anticipated benefits you expect to see as a result of these trainings.

RESPONSE:

CIT Training will involve up to 160 sworn officers and dispatchers trained over four 40-hour sessions. The four communities of Greenfield, Greendale, Franklin and Hales Corners together were involved in more than 400 involuntary commitments to Milwaukee Mental Health in 2013 alone. One goal of CIT Training is to reduce the number of involuntary mental health commitments.

The primary goal of CIT Training will be to reduce the number of arrests related to behaviors associated with mental health crisis. CIT will allow officers to appropriately evaluate behaviors and determine the best course of action based on the emergency mental health needs of the individual. CIT gives officers the strategies and resources to make these decisions. It is anticipated that up to 10% of all arrests in the four municipalities may be diverted to mental health services as a result of CIT.

The CIT Planning Team will develop changes to policy and procedures and develop uniform CIT strategies and protocols to be shared across all participating agencies.

GOALS AND OBJECTIVES - RELATED ATTACHMENTS:

File Name	File Description
------------------	-------------------------

E IMPLEMENTATION PLAN

Provide a brief and concise timeline of activities required to implement this training.

RESPONSE:

October 2014: Teleconference with NAMI Greater Milwaukee to plan training for 2015 (Complete)

November 2014: Meet with Chief Executives from Greenfield, Greendale, Franklin and Hales Corners to determine training locations, logistics and potential schedules.

November 2014: Teleconference with NAMI Greater Milwaukee to set specific training sessions and locations for first and second quarter 2015.

December 2014: Meet with NAMI staff to finalize plans for training dates, locations, materials and instructors.

December 2014: Appoint planning team with representatives from each agency to review and develop changes to policy and procedures and a uniform CIT Protocol.

February 2015: Implement 40-hour training sessions. One session each in February, March, April and May.

May 2015: Meet with planning team to finalize policy and procedure changes and implement CIT protocols.

June 2015: Meet with NAMI staff to critique training and further develop CIT protocols and strategies.

IMPLEMENTATION PLAN - RELATED ATTACHMENTS:

File Name	File Description
------------------	-------------------------

F OTHER FUNDING

Describe other grants or resources your agency intends to leverage in order to successfully implement CIT/CIP training.

RESPONSE:

Agencies will use existing operational and training resources to fund participation in CIT.

OTHER FUNDING - RELATED ATTACHMENTS:

File Name

File Description

13. PERFORMANCE MEASURES:

Subgrantee Added:

<u>Measure Title</u>	<u>Measure Type</u>	<u>Target</u>	<u>Target Type</u>	<u>Description</u>
Training Delivery	Outcome	150.00	Unit Count	Deliver 40-Hour CIT training program to 160 dispatchers and police officers.

14. Approval Checklist:

- A. Have you, the grant recipient, had any discrimination findings after a due process hearing on the basis of race, color, religion, national origin or sex within the last 5 years?
- Yes
 No
- B. If yes, have the discrimination findings been reported to the Office of Civil Rights as required for all recipients of Federal funds? (see <http://www.ojp.usdoj.gov/ocr/>). If no, a copy should be forwarded to: Wisconsin Department of Justice Assistance, Attn: EEOP, 17 West Main Street, PO Box 7857, Madison, WI 53707-7857
- Yes
 No
 N/A
- C. Do you have technical assistance needs regarding the financial process at DOJ that you would like contacted about?
- Yes
 No
- D. Have you utilized the DOJ Administrative Guide located on the DOJ website? (<http://www.doj.state.wi.us>)
- Yes
 No
- E. Would you like someone from DOJ to contact you?
- Yes
 No
- F. Are you a state or local government agency; AND have 50 or more employees; AND applying for \$25,000 or more? If yes, you are required to prepare and implement an Equal Employment Opportunity Plan (EEO Plan) or Certification form (if applicable). A copy of your EEO Plan federal approval letter must be submitted to DOJ. (More information may be found at <http://www.doj.state.wi.us>, Grants, Grantee Civil Rights Information.)
- Yes
 No
 N/A
- G. If this application is \$25,000 or more, did your business or organization (including parent organization, all branches, and all affiliates worldwide) receive in the previous fiscal year (1) 80% or more of your annual gross revenues in US federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?; AND (2) \$25,000,000 or more in annual gross revenues from US federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?
- Yes
 No
 N/A
- H. If you answered yes to the previous question, does the public have access to information about the compensation of the senior executives in your business or organization (including parent organization, all branches, and all affiliates worldwide) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986? If you answered no to the first part of this question; you must attach to this application the full names and compensation of the top 5 highly compensated individuals of your organization as required by The Federal Funding Accountability and Transparency Act (FFATA or Transparency Act).
- Yes
 No
 N/A

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>August 18, 2015</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>\$241 Donation from the Franklin Police Department from National Night Out for Local Food Pantries</p>	<p>ITEM NUMBER</p> <p><i>G.I.B.</i></p>
<p>The Health Officer requests to accept the \$241.00 donation from the Franklin Police Department for local food pantries.</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to accept the \$241.00 donation</p>		

FRANKLIN POLICE DEPARTMENT

MATTER OF REPORT

IN THE MATTER OF: Food Pantry Donation

TO: Captain Joseph Spak

INCIDENT:

OFFICER: Jon Czerwinski

DATE: 08/05/15

PAGE: - 1 -

Sir,

On Monday, 08/03/15, I received \$241.00 in donations from the Midwest Speleo Cave from our 2015 National Night Out to be turned over to the City of Franklin food pantry. The money was turned over to Bill Wucherer, City Of Franklin Health & Human Service Director on Wednesday, 08/05/15.

Respectfully,

PO Jon Czerwinski #45 08/05/15
Officer / Badge # Date

Supervisor's Signature Date

William M. Wucherer 08/05/15

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;"><i>9/01/2015</i></p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>Request Common Council approval to allow the Fire Department to dispose of two vehicles that are no longer in service by sending them to auction.</p>	<p>ITEM NUMBER</p> <p style="text-align: center;"><i>G.I.C.</i></p>

The Fire Department is seeking council approval to dispose of two older vehicles that are not currently in service with the Department. The vehicles would be sent to auction, and any funds recovered through their sale would be returned to the general fund.

Vehicle #1 is a 2003 Ford E-450 McCoy-Miller ambulance. This ambulance has over 142,000 miles on it and has a long list of significant mechanical problems. Repair costs would likely exceed the current value of the vehicle. A replacement ambulance was ordered and delivered in 2015. This vehicle, being the oldest in the fleet, was rotated out of service at that time.

Vehicle #2 is a 2011 Chevrolet Tahoe that was acquired from the Police Department and used as a staff vehicle by the fire marshal. This vehicle has approximately 180,000 miles on it, and it saw nearly 24/7 service with the PD. The Fire Department has acquired a newer Ford Explorer that the police department recently took out of service.

COUNCIL ACTION REQUESTED

Motion to approve Fire Department request to dispose of a 2003 Ford E-450 ambulance and a 2011 Chevrolet Tahoe staff vehicle by sending them to auction, with proceeds returned to the general fund.

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">09/01/2015</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">KAYLA'S PLAYGROUND STATUS 09/01/2015</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.2.</i></p>

STATUS

Construction is finally here! Everything is coming together for "pre-build" to occur from Wednesday (9/2) to Friday (9/4).

Materials have been delivered, tools have been loaned, and volunteers are in place. However, still plenty of opportunity for volunteering, donations, and involvement.

Willkomm has essentially completed the utility work. Rest of work will occur after the community build.

MJDs has met with Kaylas Krew on the surface design.

WE Energies has been diligently working with staff and electric power is expected to be available.

Upcoming Schedule

- Sept 2-4 Pre-Build
- Sept 22-27 Community Build
- 9/28 – 10-9 Play surface construction
- 10/09 Ribbon Cutting
- End of Oct. Restroom installation
- Nov DPW will do aggregate bed under paver area
- ?? Completion of asphalt, concrete, and pavers.

RECOMMENDATIONS

None Needed

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 09/01/2015
REPORTS & RECOMMENDATIONS	Professional Services Amendment for GRAEF for Kayla's Playground at Franklin Woods (3723 W. Puetz Road)	ITEM NUMBER G.3.

BACKGROUND

As directed by Common Council on April 7, 2015, the City signed a contract with Graef in an amount not to exceed \$55,000. This was based on the following table:

Graef Contract	Proposed	Select?	
Topo Survey Of Park	\$ 1,950	No	\$ -
Topo Survey For Water	\$ 2,200	Yes	\$ 2,200
P&P For Sanitary And Water And Permits	\$ 6,500	Yes	\$ 6,500
Parking Lot Design	\$ 4,500	No	\$ -
Landscaping Plan	\$ 4,000	No	\$ -
Park Site Grading Plan	\$ 6,000	No	\$ -
Paver Design	\$ 5,500	No	\$ -
Splash Pad Coordination	\$ 5,000	No	\$ -
Wetland Delineation	\$ 3,500	No	\$ -
Soil Boring Coordination	\$ 2,000	Yes	\$ 2,000
Prepare Stormwater Management Plan And NOI	\$ 4,500	Yes	\$ 4,500
Foundation And Slab Design	\$ 4,000	Yes	\$ 4,000
Electrical	\$ 4,500	Yes	\$ 4,500
Opinion Of Probable Cost	\$ -	Yes	\$ -
Specs And Bidding	\$ 8,500	Yes	\$ 8,500
Erosion Control Plan	\$ 1,500	Yes	\$ 1,500
Demolition Plan	\$ 1,500	No	\$ -
Hvac	\$ 5,000	Yes	\$ 5,000
Architectural For Precast	\$ 12,000	Yes	\$ 12,000
Soil Borings	\$ 4,000	Yes	\$ 4,000
Totals	\$ 86,650		\$ 54,700

ANALYSIS

As discussed in status reports at every Common Council meeting since April 7, staff has needed additional assistance from GRAEF to ensure that the project is ready for construction in September. As justified in the attached correspondence with Staff, there was \$5,129.35 in reimbursable expenses. The remainder of the \$15,500 was additional efforts performed and yet to be performed. GRAEF has been submitting justification of detailed hours with invoices.

FISCAL NOTES

Project is still under budget.

REMMENDATIONS

Motion to sign Professional Services Amendment with Graef for \$15,500.

Below is relevant correspondence between Staff and GRAEF justifying additional professional fees for Kayla's Playground at Franklin Woods

From: Paulos, Mike [mailto:mike.paulos@graef-usa.com]

Sent: Thursday, July 30, 2015 3:36 PM

To: Glen Morrow

Cc: Ron Romeis; Tillmann, Wayne

Subject: RE: kaylas

Hi Glen,

Our contract is for \$55,000 plus reimbursable expenses. The project has incurred \$5,880.43 in reimbursable expenses. Please keep in mind that the \$55,000 had an estimated \$4,000 for soil borings.

The \$5,129.35 in reimbursable expenses includes:

- Soil borings \$3,970
- Mileage \$79.35
- Department of Safety and Professional Services for Sewer & Water \$350
- Department of Safety and Professional Services for Restroom \$590
- WDNR Permit Fee \$140
- Printing and online bidding service \$751.08

We did not exceed our original agreement, but the additional scope is the reason for the amendment. The first agreement that was submitted included parking lot design (\$4,500), park site grading plan (\$6,000) and the paver design (\$5,500) that was eliminated from our agreement (scope and fee), but later added back in and was performed by us. The grading plan was designed twice (we raised the bathroom facility by about 9-inches and adjusted the flow path of the drainage), eliminated a retaining wall (saving construction dollars), reworked the parking lot layout and storm sewer and completed the paver design, technical specifications, and bid form. We also incorporated all of the City design sheets into one coherent bid package, prepared the bid form (including quantities) for the entire project, including all technical spec sections that were not part of our original scope. At the end, I believe the City received a quality bid package and received an excellent bid that was well below the engineer's estimate.

We also prepared the contracts, arranged the preconstruction meeting, and will attend the preconstruction meeting.

To summarize to date:

Total Labor: \$69,000 (\$16,000 is for the parking lot plan, grading plan, paver design and pulling all of the City work into one bid package additional scope and \$2,000 is for preparing the contracts, and CA already accrued)

Total Expenses: \$5,880.43

Total: \$74,880.43

Typically, once the bids are received and we prepare the recommendation of award letter, our lump sum portion of the agreement is satisfied. After that, we have worked on an hourly basis for contract administration, shop drawing review, contractor questions, clarifications, progress meetings, construction staking, inspection, contractor pay requests, change orders, as-built preparation, etc.

I also have included an email from Wayne below regarding the issue of CA moving forward. You mentioned that due to budgetary concerns that the City would perform the staking, inspection, and CA moving forward. Please note the concern raised by Wayne regarding being the designated registered supervising professional. We can discuss this tomorrow if you wish too. Sorry for the long email, but hopefully I answered your question. As I mentioned, I could attend Tuesday night if you think it would help.

Thanks,
Mike

Mike,

C:\Users\ \AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\NGT8TP1N\CA Kaylas Graef Additional.doc

When I submitted the drawings to the State for review/approval, I submitted them as the building designer.

As an architect in Wisconsin, my registration actually covers both the architectural and structural aspects of the project.

However, Rich Grabowski did the structural engineering and like myself, sealed the title sheet of the drawing construction documents.

In addition to the designer responsibility, the State requires a registered professional to review the construction. I'm the designated registered supervising professional.

At the completion of the project, I need to submit a Compliance Statement that either states the project complies with the approved construction documents and code, or identify those items that aren't code compliant. This requires more than a one stop by at the end of construction visit, but ongoing observations.

I don't have to do any Construction Administration or supervision. If Franklin would like to perform those functions, I will need the name, registration number and signature of the supervising professional that will perform that function. I will forward that information on to the State and they will change the supervising responsibility to that individual.

If that's not desired, Rich and myself can do the reviews but none of the CA.

However, remember I will need to write up a list of non-compliance items required by the State to be corrected. Since I wouldn't be doing any shop drawing review, I wouldn't know about those materials until after they were installed.

The submittal of the precast building drawings need to go through me and to the State because I'm the designer. They need to be structurally reviewed before submittal. That will be additional time whether I'm the supervising professional or not. That would be both structural and architectural. The review fee for that submittal is approximately \$200, which doesn't include GRAEF's review and submittal time.

I don't assume a ton of time for CA services.

Structural and architectural time should be no more than 25 hours.

That assumes no unforeseen or extraordinary conditions.

Wayne P. Tillmann AIA

RECEIVED

AUG 24 2015

City of Franklin
Engineering Department

One Honey Creek Corporate Center
125 South 84th Street, Suite 401
Milwaukee, WI 53214-1470
414 / 259 1500
414 / 259 0037 fax
www.graef-usa.com



collaborate / formulate / innovate

August 18, 2015

Mr. Glen E. Morrow, P.E.
Director of Public Works/City Engineer
City of Franklin
9229 West Loomis Road
Franklin, WI 53132

Subject: **Franklin Woods Park
Professional Services Amendment
GRAEF Project No. 2015-0500.00**

Dear Mr. Morrow:

Per your request, Graef-USA Inc. (GRAEF) is pleased to provide this proposal to amend our agreement for the parking lot design, park site grading plan, and paver design in addition to the incorporation of the City design sheets in to one coherent bid package and preparation of the technical specifications, project manual and bid form for the above referenced project. This amendment is subject to GRAEF's Standard Terms and Conditions, which were attached to our original agreement dated April 17, 2015.

Total amendment for the above out of scope services is \$15,500. To accept this amendment, please sign and date this proposal and return one copy to GRAEF. Please feel free to contact me to discuss any details of this amendment.

Sincerely,
Graef-USA Inc.

Michael N. Paulos, P.E.
Principal

Accepted by: City of Franklin

(Signature)

(Name Printed)

(Title)

Date: _____

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">09/01/2015</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Resolution to execute WE Energies underground easement at Franklin Woods (3723 W. Puetz Road)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.4.</i></p>

BACKGROUND

WE Energies has been working with Staff to provide permanent electric service to Franklin Woods Nature Park for a new restroom and temporary service for the community build of Kayla's Playground. WE has been very cooperative in adjusting location and schedule as necessary to accommodate site work and meet the deadlines for the community build. Underground electric service is expected to be in place by September 2, 2015.

ANALYSIS

The proposed WE Energies easement has been adjusted and staff confirms that it is in a proper location. The service will be underground and installed with trenchless technology.

FISCAL NOTES

WE Energies fee was paid by City in June.

This location is a \$200 increase from the previous location but was graciously waived by WE Energies-
Thank-You's to WE Energies are in order for multiple reasons.

REMMENDATIONS

Motion to sign resolution to grant WE Energies underground easement for Franklin Woods at 3723 W. Puetz Road.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2015- _____

A RESOLUTION GRANTING EASEMENT TO WE ENERGIES AN UNDERGROUND
EASEMENT FOR FRANKLIN WOODS AT 3723 W. PUETZ ROAD

WHEREAS, City has a need for permanent and temporary electric service at Franklin Woods Nature Preserve at 3723 W. Puetz Road; and

WHEREAS, WE Energies is the provider of electric service; and

WHEREAS, an appropriate location has been determined for the permanent location of an underground service; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that the Mayor and City Clerk are hereby authorized to grant a permanent easement to WE Energies at 3723 W. Puetz Road.

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

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2015.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

**DISTRIBUTION EASEMENT
UNDERGROUND**

Document Number

WR NO. **3767434** IO NO. **5450**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the **City of Franklin, a municipal body corporate**, hereinafter referred to as "Grantor", owner of land, hereby grants and warrants to **WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as We Energies**, hereinafter referred to as "Grantee", a permanent easement upon, within, beneath, over and across a part of Grantor's land hereinafter referred to as "easement area".

The easement area is described as a strip of land 12 feet in width, being a part of premises described as the North 1/2 of the North 1/2 of the **Northwest 1/4 of Section 24, Township 5 North, Range 21 East, City of Franklin, County of Milwaukee, State of Wisconsin**; except those lands previously dedicated or reserved for street or highway purposes; said lands being further described in that certain **Quit Claim Deed** recorded at the Milwaukee County Register of Deeds Office on March 12, 1992, on Reel 2734, as Image 518 as **Document No. 6581578**.

The location of the easement area with respect to Grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

RETURN TO:
We Energies
PROPERTY RIGHTS & INFORMATION GROUP
231 W. MICHIGAN STREET, ROOM A252
PO BOX 2046
MILWAUKEE, WI 53201-2046

854-9936-000
(Parcel Identification Number)

1. **Purpose:** The purpose of this easement is to install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, manhole, electric pad-mounted switch-fuse units, electric pad-mounted vacuum fault interrupter, concrete slabs, power pedestals, riser equipment, terminals and markers, together with all necessary and appurtenant equipment under and above ground as deemed necessary by Grantee, all to transmit electric energy, signals, television and telecommunication services, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Grantee's use of the easement area.
2. **Access:** Grantee or its agents shall have the right to enter and use Grantor's land with full right of ingress and egress over and across the easement area and adjacent lands of Grantor for the purpose of exercising its rights in the easement area.
3. **Buildings or Other Structures:** Grantor agrees that no structures will be erected in the easement area or in such close proximity to Grantee's facilities as to create a violation of all applicable State of Wisconsin electric codes or any amendments thereto.
4. **Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.
5. **Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to the initial installation of said facilities or any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.
6. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.
7. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Grantor:

City of Franklin, a municipal body corporate

By _____

(Print name and title): _____

By _____

(Print name and title): _____

Personally came before me in _____ County, Wisconsin on _____,

the above named _____, the _____

and _____, the _____

of the City of Franklin, a municipal body corporate, for the municipal corporation, by its authority, and pursuant to Resolution File

No. _____ adopted by its _____, on _____.

Notary Public Signature, State of Wisconsin

Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires _____

This instrument was drafted by Maria Koerner on behalf of Wisconsin Electric Power Company, PO Box 2046, Milwaukee, Wisconsin 53201-2046.

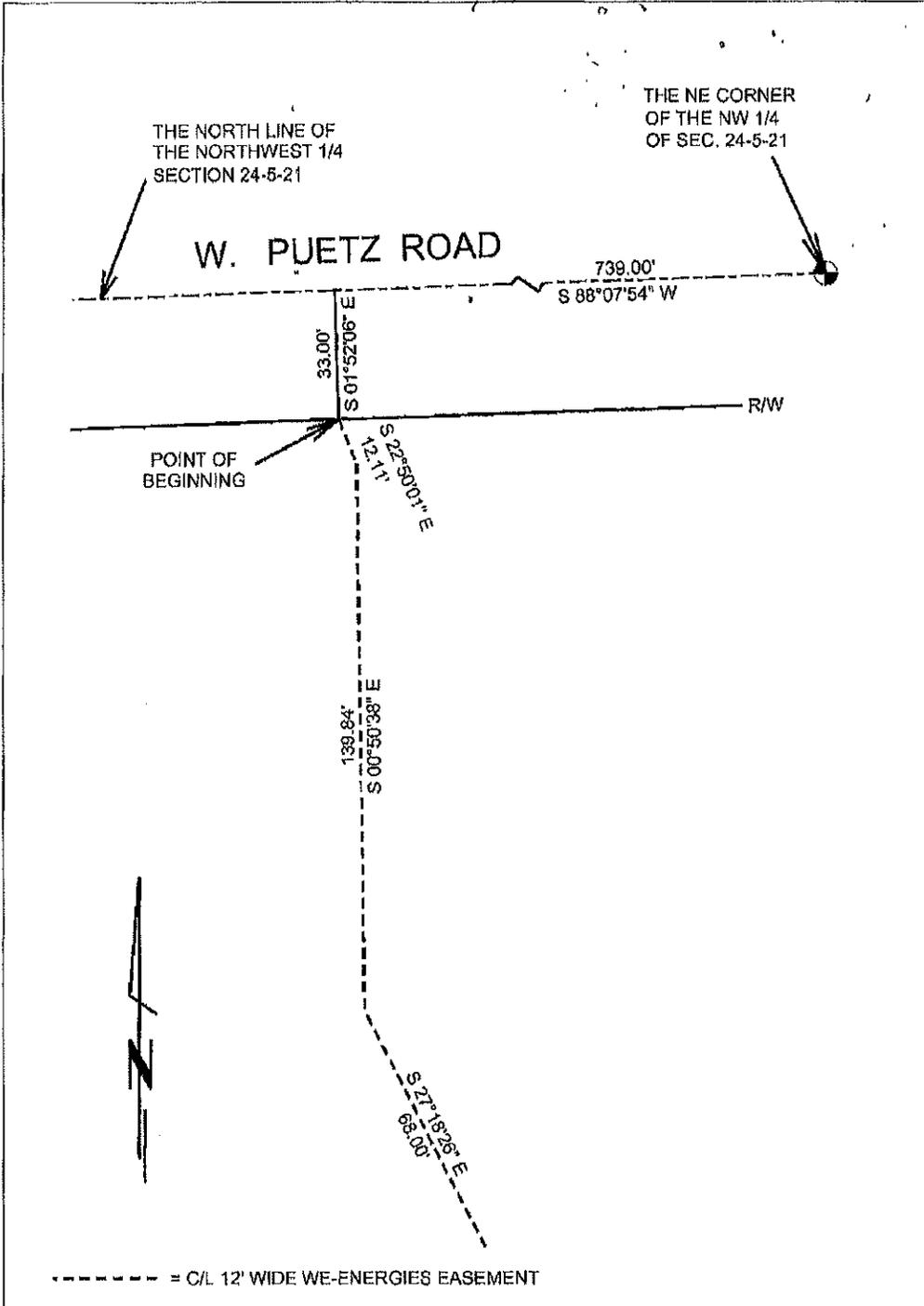


EXHIBIT "A"		we energies 
PART OF THE NORTHWEST 1/4 OF SECTION 24 TOWNSHIP 5 NORTH, RANGE 21 EAST CITY OF FRANKLIN, MILWAUKEE COUNTY WISCONSIN		DRAWN BY: BILL KARPEN
		DATE: 8-25-2015
		WR NUMBER: 3767434
		REVISIONS: _____

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>September 1, 2015</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>A Final Resolution Directing Installation of, Payment and Levy of Special Assessment for Installation of Water Main on West Crest Court from South 35th Street to South 36th Street</p>	<p>ITEM NUMBER</p> <p><i>G.5.</i></p>

A public hearing was held on the above subject matter on July 21, 2015. Following public comment and the return of the subject matter to the Council on August 4, 2015, the Council directed the preparation of an amendment to the deferments provisions of § 207-15. of the Franklin Municipal Code applicable to unique regional public service subject projects. On August 18, 2015, the Common Council adopted An Ordinance to Amend the Municipal Code as it Pertains to Deferment of Payment of Special Assessments, which provides a deferment of the principal and interest of a special assessment until such time as the subject benefitted property is connected to the subject public water facility, under the circumstances of a public project undertaken to develop and provide an all-accessible and all-inclusive playground public park of regional public service value. The attached draft resolution provides three choices for a benefitted property owner: i) pay the special assessment as set forth therein; ii) apply to the Clerk for a deferment until the property is connected to the water system or it is sold, or iii) apply to the Clerk for a deferment until the property is connected to the water system. The Engineer's Report has been revised (also attached) to include the actual project bid numbers and to include the deferments referenced in the attached draft resolution.

COUNCIL ACTION REQUESTED

A motion to adopt A Final Resolution Directing Installation of, Payment and Levy of Special Assessment for Installation of Water Main on West Crest Court from South 35th Street to South 36th Street.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2015-____

A FINAL RESOLUTION DIRECTING INSTALLATION OF, PAYMENT AND LEVY OF
SPECIAL ASSESSMENT FOR INSTALLATION OF WATER MAIN ON WEST CREST
COURT FROM SOUTH 35TH STREET TO SOUTH 36TH STREET

WHEREAS, the installation of public improvements in the location stated below is in the interest of the public and in improving a City park will benefit the abutting property owners; and

WHEREAS, the Franklin Common Council declares its intent to exercise its police powers granted to it by law and adjudge that it is necessary for the health, safety and welfare of the public and affected property owners that a public work of improvement be made for the installation of water main on West Crest Court from South 35th Street to South 36th street; and

WHEREAS, the Office of the City Engineer caused a report to be made consisting of plans and specifications, an estimate of the entire cost of the project and assessment to each affected parcel of property and filed its report in the Office of the City Clerk for public inspection; and

WHEREAS, the Office of the City Clerk gave notice to affected persons by mail on July 8, 2015, and to all persons by publication in the official newspaper on July 9, 2015; and

WHEREAS, the estimated costs as part of the Engineer's Assessment Report were revised on July 16, 2015 to reflect bids received; and

WHEREAS, the Franklin Common Council held a public hearing on July 21, 2015 on said improvements, at which time the Council heard all persons who wished to speak.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the work and improvements for installing water main on West Crest Court are directed to be carried out.

BE IT FURTHER RESOLVED, that the City Engineer's Report on this matter, as revised to reflect bids received as set forth above, and also revised to reflect the adoption by the Common Council of Ordinance No. 2015-____ on August 18, 2015, providing for a special assessment deferment applicable to the West Crest Court water main project, including plans and specifications, is hereby approved and that the work and improvements shall be carried out in accordance with the Report.

BE IT FURTHER RESOLVED, that payment for the improvements be made by assessing the cost to the abutting property as indicated in the Report of the City Engineer; that assessments may be paid in full in one (1) payment or in twelve (12) annual installments together with interest at the rate of 6% per annum to the City Treasurer; that pursuant to §207-15.K.(1) of the Municipal code, upon application to the City Clerk within 30 days of the date of the special assessment notice by a property owner(s), the special assessment levied by this Final Resolution may be deferred: pursuant to §207-15.K.(2)(g) for this primary general benefit purpose improvements project specially assessed under this Resolution until such time as the subject benefitted property is sold, transferred or otherwise conveyed, or the property owner connects to the water system, whichever is sooner; or pursuant to §207-15.K.(2)(h) for this public project undertaken to develop and provide an all-accessible and all-inclusive playground public park of regional public service value, until such time as the subject benefitted property is connected to the water system; that the special assessments which are not paid when due shall be placed upon the tax roll as a delinquent tax.

BE IT FURTHER RESOLVED, that the City Clerk is directed to publish this Resolution as a Class I notice under Chapter 985 of the Wisconsin Statutes and to mail a copy of this Resolution to every property owner whose name appears on the assessment roll and whose post office address is known or can be ascertained with reasonable diligence.

BE IT FINALLY RESOLVED, that any person who has an interest in property affected by this action who feels aggrieved thereby may, within 40 days after the date of adoption of this Resolution, appeal to the Circuit Court for Milwaukee County as set forth in § 66.0701 of the Wisconsin Statutes and § 207-15. of the Franklin Municipal Code.

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:

ATTEST:

Stephen R. Olson, Mayor

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

REPORT ON SPECIAL ASSESSMENTS

**W. CREST CT.
FROM S. 35TH STREET TO S. 36TH STREET**

WATER MAIN CONSTRUCTION

PROJECT NO. 2015-WU-6

JULY 2, 2015

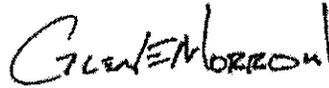
REVISED JULY 16, 2015

Based on Actual Bids

The Common Council of the City of Franklin directed Engineering staff to prepare the Report on Special Assessments for the installation of water main on the north side of W. Crest Court from S. 35th Street to S. 36th Street in the City of Franklin, as included in Resolution No. 2015-7100, adopted on June 16, 2015.

Herewith is the report, consisting of Schedules A through D, a reference map and bid tabulation, attached.

FRANKLIN ENGINEERING DEPARTMENT



Glen E. Morrow
City Engineer

SCHEDULE A – CONSTRUCTION PLANS AND SPECIFICATIONS

SCHEDULE B – TOTAL PROJECT COSTS

Net estimated Construction Costs	\$81,036.00
20 Percent Overhead	\$16,207.20
Assessable Construction Costs	\$97,243.20

TOTAL PROJECT COST **\$97,243.20**

ASSESSMENT TOTAL **\$16,776.63**

PROJECT COST PAID BY CITY **\$80,466.57**

SCHEDULE C – ASSESSMENTS COSTS

Total Frontage (lineal feet)	385.0
Total Assessable Frontage (lineal feet)	244.70

Water Main Assessment Rate $\$97,243.20/244.70 = \$397.40/L.F.$
\$397.40 per front foot for single family zoned property.
However: Maximum assessment rate is \$68.56/per front foot for 2015

No land is to be taken nor damages contemplated on this project.

Properties Served By Water Main

The properties which are subject to the assessment are benefited by public water service in the following seven ways:

- Increased fire protection
- Reliability of water supply
- Assurance of a water supply which has been routinely tested for potability (lack of contamination)
- Elimination of the reliance on maintenance and repair of individual wells
- The develop ability of vacant, under-developed or partially-developed properties which are deferred from development by the lack of municipal water supply causing a negative impact on the fair market value
- The elimination of the potential for cross-contamination between individual limestone wells
- The elimination of the use of the limestone aquifer in the vicinity of outcropping which are more susceptible to contamination by pollution from surface contaminants including fertilizers, pesticides and spills.

SCHEDULE D

The properties, against which the assessments are proposed, are benefited. The schedule of special assessments lists property descriptions, ownership of record and assessments.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE September 1, 2015
REPORTS AND RECOMMENDATIONS	Conveyance to the City of Franklin by the Milwaukee Metropolitan Sewerage District with Participation by the Wisconsin Department of Natural Resources of Parcels of Land Acquired Pursuant to the Milwaukee Metropolitan Sewerage District and The Conservation Fund Greenseams® Program Participation and Potential Conveyance to the Wisconsin Department of Natural Resources by the Milwaukee Metropolitan Sewerage District of Certain of the Program Parcels (MMSD provided prior private property owner names and approximate acreage and City Assessor file record documents information and tax key nos.: to WIDNR: Dumke/Olsen 33.24 acres 844 9997 000; Katzman 11.14 acres 844 9996 000; Franklin DC 10.05 acres 844 9996 000; to Franklin: Hack 49.89 acres 889 9990 000; Franklin DC 44.33 acres 890 9990 000; St. Sava 23.55 acres 890 9999 000; St. Nikola 17.33 acres 787 9992 000; Radicevich 15.68 acres 886-9998-000)	ITEM NUMBER <i>G.6.</i>

Wisconsin Department of Natural Resources staff representatives will be present at the meeting to provide information and discuss with the Common Council the potential conveyances of lands currently owned by the Milwaukee Metropolitan Sewerage District which were acquired with Knowles-Nelson Stewardship Program grant funding. The Mayor, Senior Planner and City Attorney met with WIDNR staff, MMSD staff and the Milwaukee County Park System Landscape Architect Kevin Haley, at the WIDNR office on August 5, 2015. Attached is a copy of meeting follow-up correspondence from Diane Robinson of WIDNR dated August 12, 2015, which highlights points of discussion and consideration for this Common Council meeting. Also attached is a copy of a City-wide map depicting all of the parcels owned by MMSD earlier this year (three of the parcels, Leung 9.15 acres 787-9990-004, Dilworth 8.89 acres prior 787-9991-000 and 787-9993-000 and Robarge 0.88 acres 788-9994-000, were conveyed by MMSD to the City upon closing on July 31, 2015). A listing of the properties received from MMSD earlier this year, including those now owned by the City is as follows:

Property Name	Acres	Purchase Price	WIDNR Grant Funds	Tax Key Number
Robarge	0.88	\$69,000	\$0.00	788-9994
Derouin	3.48	\$16,636	\$0.00	787-9991
Dilworth	5.41	\$32,623	\$0.00	787-9991
Hack	49.89	\$765,000	\$253,447.00	889-9990
Dumke/Olsen	33.24	\$290,000	\$148,675.00	844-9997
Radicevich	15.62	\$280,000	\$130,163.66	886-9998
Katzman	11.14	\$195,000	\$100,901.00	844-9996
Franklin DC	52.54	\$315,000	\$160,765.13	844-9998, 890-9990
St. Nikola	17	\$300,000	\$152,312.50	787-9992
St. Sava	24	\$200,000	\$105,044.98	890-9999

In addition thereto is the Leung 9.15 acre property with a prior \$190,000.00 purchase price not Grant funded.

Page 2

Attached is a copy of a map of a proposed boundary for the Big Muskego Lake Wildlife Area received from the WIDNR. The three orange colored parcels (the fourth one to the west is in Muskego) are those in which WIDNR has expressed interest in their acquisition by the Department. The green colored parcels are those available for conveyance to the City, as discussed in the August 12, 2015 attached correspondence.

Finally, attached is a copy of the Common Council action sheet from the July 7, 2015 meeting at which authorization for the conveyance of the five parcels listed thereon was granted (only three have been conveyed to date as set forth above).

City staff will also be present at the meeting for information purposes and the receipt of Common Council directions.

COUNCIL ACTION REQUESTED

As the Common Council may deem appropriate.

Sandi Wesolowski

From: Jesse Wesolowski [jweslaw@aol.com]
Sent: Friday, August 28, 2015 1:22 PM
To: Sandi Wesolowski; Shirley Roberts
Subject: Fwd: Follow-up: Ryan Creek Parcels

Begin forwarded message:

From: "Robinson, Dianne H - DNR" <Dianne.Robinson@wisconsin.gov>
Subject: Follow-up: Ryan Creek Parcels
Date: August 12, 2015 at 9:28:01 PM CDT
To: "Jesse Wesolowski (jweslaw@aol.com)" <jweslaw@aol.com>, Steve Olson <Solson@franklinwi.gov>, "Nick Fuchs (NFuchs@franklinwi.gov)" <NFuchs@franklinwi.gov>, "Grusznski, David (dgrusznski@conservationfund.org)" <dgrusznski@conservationfund.org>, "Steve McCarthy (smccarthy@mmsd.com)" <smccarthy@mmsd.com>, "Steve Jacquart (sjacquart@mmsd.com)" <sjacquart@mmsd.com>, "Ritchie, Jim M - DNR" <Jim.Ritchie@wisconsin.gov>, "Jackley, James J - DNR" <James.Jackley@wisconsin.gov>
Cc: "Haag, Douglas J - DNR" <DouglasJ.Haag@wisconsin.gov>, "Lizotte, Timothy E - DNR" <Timothy.Lizotte@wisconsin.gov>

Good evening, everyone. Thank you very much for meeting with us last week, to discuss the Ryan Creek Parcels. It was great to get everyone on the same page. Below are some of the primary points that came out of the meeting, and suggested action items.

PRIMARY POINTS

- The City of Franklin's primary concerns associated with these parcels include:
 - 1) Safety associated with the use of firearms
 - 2) Trespassing issues from these public lands onto adjacent private lands
 - 3) Consistent regulations and enforcement across all parcels
- Whether owned by State or City, the future of the Ryan Creek Parcels must be consistent with the Habitat Areas subprogram of the Stewardship Program, of which the primary purpose is to conserve and restore wildlife habitat and provide for nature and wildlife based recreation. Property acquired through this program must include:
 - 1) Minimal development to the property
 - 2) No hunting prohibition (allowance of both archery and firearm)
 - 3) Compliance with a land management plan, as developed by MMSD/TCF and approved by WDNR
- The Ryan Creek Prairie/Hack parcel may be exempt from hunting as a result of the neighboring parcel, as state law restricts hunting access near schools.
- As originally discussed in 2010 with the change in the city municipal code, the WDNR would be interested in acquiring Blattner (Waukesha County), Dumke, and Katzman, as well as the NW parcel of Franklin DC into the Big Muskego Lake Wildlife Area. This would likely occur by October, 2015.
- Both WDNR and the City of Franklin are interested in acquiring the remaining Ryan Creek parcels (Franklin DC, St. Sava, Ryan Creek Prairie/Hack). WDNR would not be able to accept these parcels until after the master planning process, likely not before mid-late 2016.
- WDNR and the City of Franklin will further evaluate the potential transfer of the separate Radicevich and St. Nikola (Victory Creek) properties to the City of Franklin.

ACTION ITEMS

- City of Franklin will determine school status for Victory of the Lamb and its relation on the state statute regarding use of weapons.
- WDNR will provide to the City of Franklin approximate estimates typically associated with managing and maintaining natural woodlands and grasslands.
- Gauge interest from the Franklin City Council on the following:
 - 1) Allow hunting (firearm and archery) on all Ryan Creek Stewardship parcels.
 - 2) Accept WDNR ownership of Dumke, Katzman and NW Franklin DC parcel (this would require adding Franklin DC into the City Ordinance hunting restriction).
 - 3) Claim ownership of southeast parcels (Franklin DC, St. Sava, Ryan Creek Prairie/Hack), including management and maintenance costs.

The WDNR would be happy to attend an informational meeting with the Franklin City Council to discuss these action items in more detail, and to discuss future steps. Thank you for your time, and we look forward to hearing from you.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Dianne Robinson

Milwaukee County Wildlife Biologist

Bureau of Wildlife Management, Division of Lands

Wisconsin Department of Natural Resources

141 NW Barstow St. Room 180

Waukesha, WI 53188

Cell Phone: (262) 424-9827

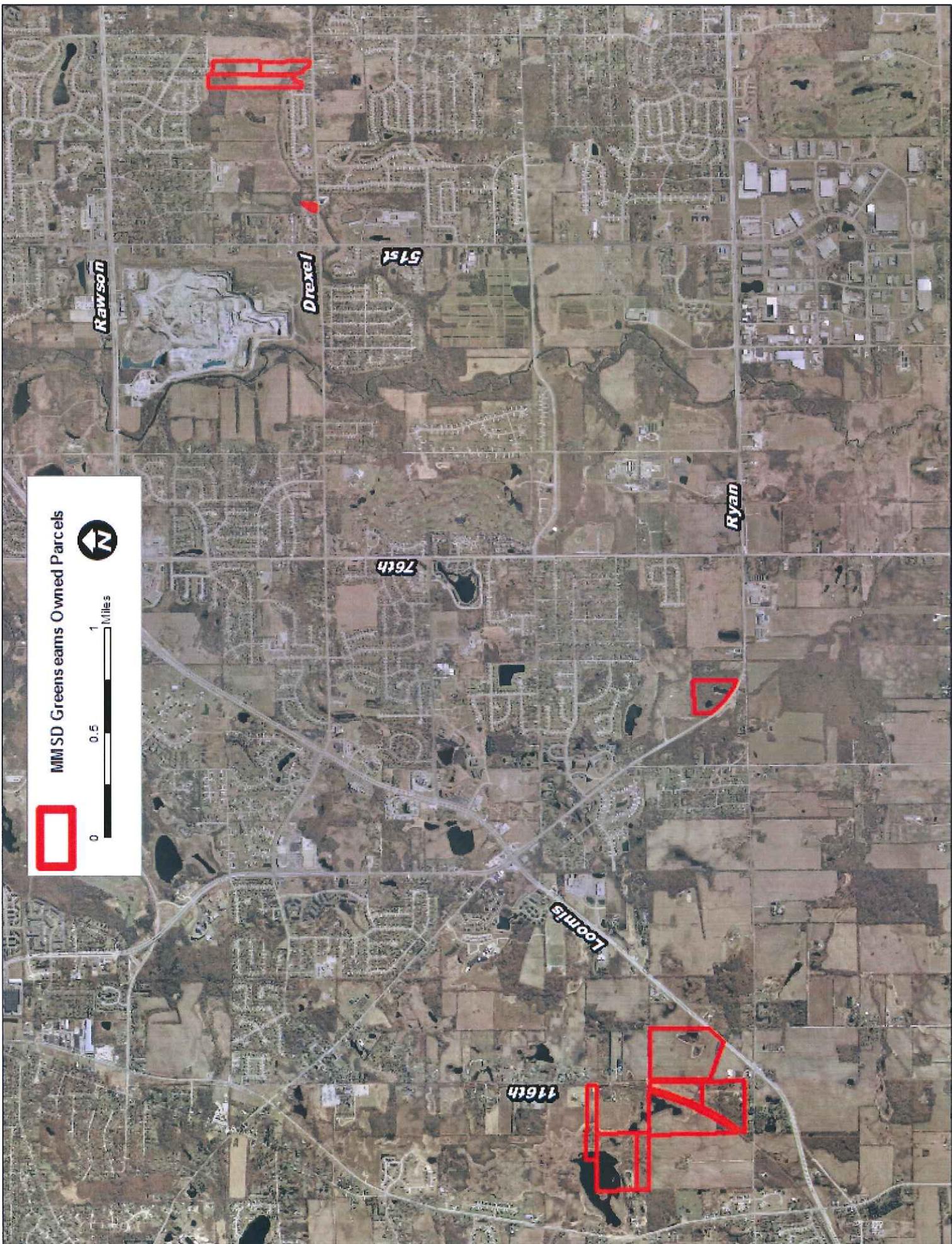
Fax: (262) 574-2117

Dianne.robinson@wisconsin.gov



dnr.wi.gov



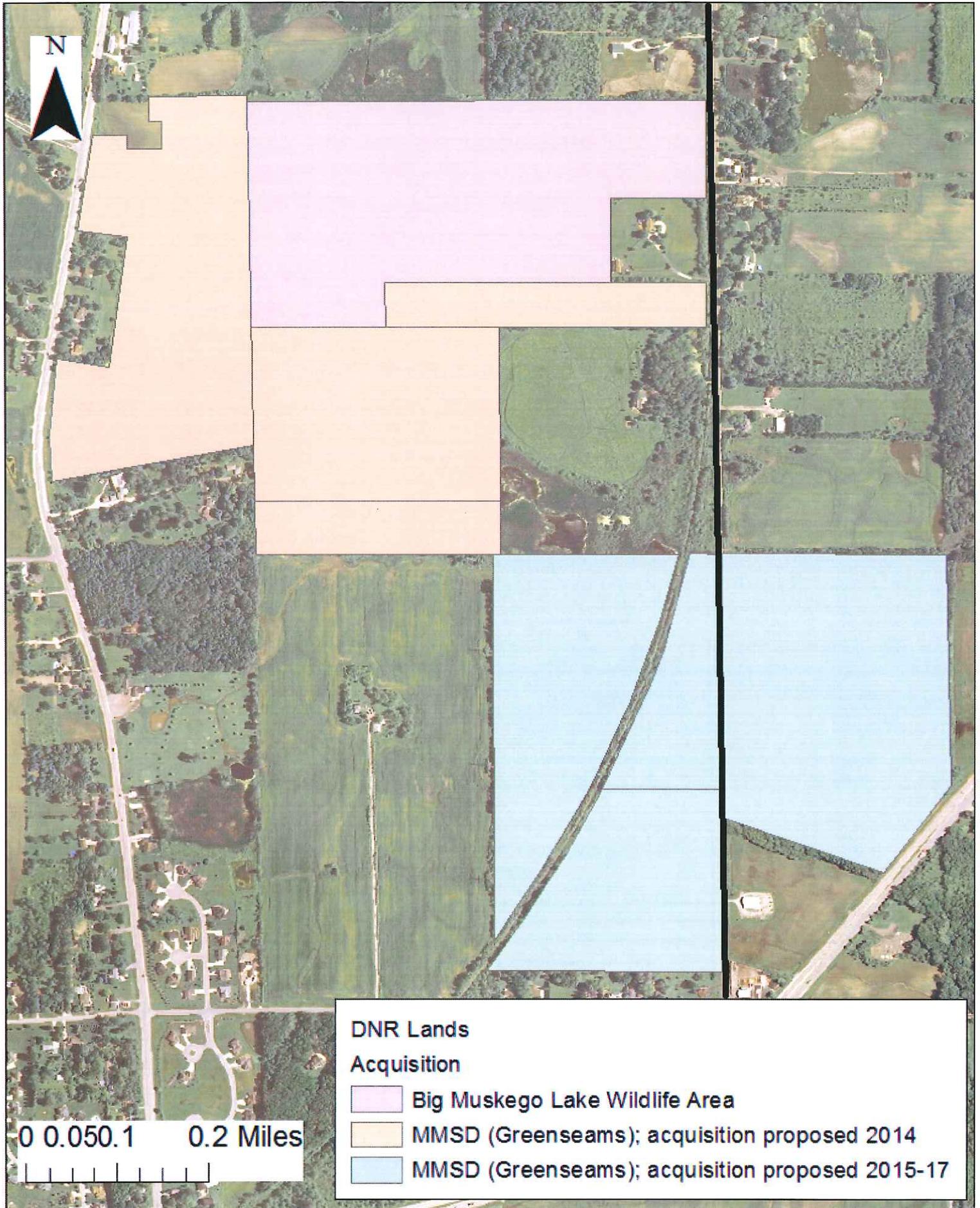


 MMSD Greens eams Owned Parcels



0 0.5 1 Miles

Proposed Boundary for Big Muskego Lake Wildlife Area



APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE July 7, 2015
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REPORTS AND RECOMMENDATIONS	A Resolution Accepting the Conveyance to the City of Franklin by the Milwaukee Metropolitan Sewerage District of Five Parcels of Land Acquired Pursuant to the Milwaukee Metropolitan Sewerage District and The Conservation Fund Greenseams® Program Participation and Authorizing Certain Officials to Execute All Documents Necessary to Complete Such Conveyance and to Enter Into and Deliver Conservation Easements to Further Protect and Promote the Conservation of Such Valuable Natural Resources for the Betterment of the Environment and Humanity by Way of Declarations Therein that Such Properties Shall be Maintained and Protected for Nature Conservation and Public Park Purposes in Perpetuity (MMSD provided prior private property owner names and approximate acreage and City Assessor file record documents tax key nos.: St. Nikola 17 acres 787-9992-000; Leung 9.15 acres 787-9990-004; Dilworth 8.89 acres 787-9991-000 and 787-9993-000; Robarge 0.88 acres 788-9994-000; Radicevich 15.68 acres 886-9998-000)	ITEM NUMBER
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At the time of this writing, the above subject matter remains in draft preparation, a copy of which will be delivered to the Common Council members and City staff upon completion and prior to the meeting. The subject conveyance documents remain in preparation by Milwaukee Metropolitan Sewerage Commission staff, and the subject matter is scheduled to be before the Commission for conveyance to the City authorization on July 20, 2015. The parcels to be conveyed upon the anticipated July 20, 2015 Commission approval are described as follows from correspondence from MMSD staff:

To Franklin:	Acres	Purchase Price
St. Nikola	17	\$187,000
Leung	9.15	\$190,000
Dilworth	8.89	\$49,260
Robarge	0.88	\$69,000
Radicevich	15.68	\$275,000
	51.6	\$770,260

The remaining parcels previously described as available for conveyance to the City are of late awaiting review and discussion among the City, MMSD and the Wisconsin Department of Natural Resources, as the information provided is that WIDNR is now considering reacquiring some of those properties as part of the Big Muskego Lake Wildlife Area, recognizing its knowledge that the City has been appreciatively extremely

interested in
Page 2

receiving those properties from the MMSD and The Conservation Fund Greenseams® Program dating back to approximately last Summer.

COUNCIL ACTION REQUESTED

A motion to adopt A Resolution Accepting the Conveyance to the City of Franklin by the Milwaukee Metropolitan Sewerage District of Five Parcels of Land Acquired Pursuant to the Milwaukee Metropolitan Sewerage District and The Conservation Fund Greenseams® Program Participation and Authorizing Certain Officials to Execute All Documents Necessary to Complete Such Conveyance and to Enter Into and Deliver Conservation Easements to Further Protect and Promote the Conservation of Such Valuable Natural Resources for the Betterment of the Environment and Humanity by Way of Declarations Therein that Such Properties Shall be Maintained and Protected for Nature Conservation and Public Park Purposes in Perpetuity.

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 9/1/15
Reports & Recommendations	SUBJECT: Resolution authorizing acceptance of Storm Water Facilities Maintenance Agreement for Victory of the Lamb Church located at 11120 W. Loomis Road.	ITEM NO. <i>G.7.</i>

BACKGROUND

The City of Franklin and MMSD require that developments which add a 0.5 acre or more impervious surface to install storm water management facilities, typically a pond(s). The DNR requires municipalities to meet quality standards as found in NR216. It is the responsibility of the development owner, or for subdivision; the homeowners association, to maintain the storm water facilities per a prescribed maintenance agreement.

ANALYSIS

A maintenance agreement has been received from Victory of the Lamb, Inc. In order to assure complete understanding of requirements, the City has developed a Storm Water Facilities Maintenance Agreement form (see attached).

OPTIONS

It is important to adopt and execute the development agreement to provide the proper ongoing maintenance of storm water facilities.

FISCAL NOTE

All costs associated with storm water facility maintenance are to be paid by the developer, owner or homeowners association per agreement.

RECOMMENDATION

Motion to adopt Resolution No. 2015-_____, a resolution authorizing acceptance of Storm Water Facilities Maintenance Agreement for Victory of the Lamb Church located at 11120 W. Loomis Road.

ML/db
Encl.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2015- _____

A RESOLUTION ACCEPTING A STORM WATER MAINTENANCE
AGREEMENT FROM VICTORY OF THE LAMB CHURCH

WHEREAS, a maintenance agreement is required to maintain and operate storm water facilities; and

WHEREAS, Victory of the Lamb, Inc. has executed and submitted to the City of Franklin a Storm Water Facilities Maintenance Agreement for Victory of the Lamb Church located at 11120 W. Loomis Road; and

WHEREAS, it would be in the best interests of the City to accept this agreement.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that the Mayor and City Clerk are hereby authorized to accept this agreement and therefore the Mayor and City Clerk are hereby authorized and directed to execute and accept this agreement on behalf of the City.

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

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2015.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____

NOES _____

ABSENT _____

ML/sg

STORM WATER FACILITIES MAINTENANCE AGREEMENT

This AGREEMENT, made and entered into this 18th day of May, 2015, by and between Victory of the Lamb, Inc., hereinafter called the "Owner", and the City of Franklin, hereinafter called the "City".

WITNESSETH:

WHEREAS, the Owner is the owner of the following described lands situated in the City of Franklin, County of Milwaukee, State of Wisconsin, to-wit:

That part of the East ½ of the SE ¼ of Section 19, in Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at a point on the North line of the SE ¼ of Section 19 which point is 661.57 feet West of the NE corner of said SE ¼; thence continuing West on said North line 661.57 feet to a point; thence South on the North and South 1/8 line 1535.25 feet to a point in the center line of Loomis Road; thence North 41° 55' East along the center line 163.03 feet to a point; thence North 40° 56' East along the said center line 838.70 feet to a point; thence North 765.80 feet to the point of beginning; excepting therefrom those lands conveyed to the State of Wisconsin Department of Transportation by Warranty Deed recorded January 15, 1997 in Reel 3968, Image 1134 as document No. 7314748.

Hereinafter called the "Property".

WHEREAS, the Owner is developing the Property; and

WHEREAS, the Site Plan/Subdivision (Site Plan, Special Use, P.D.D., CSM or Subdivision) known as Victory of the Lamb, Inc. hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the city, provides for on-site Storm Water Facilities within the confines of the Property; and

WHEREAS, the City and the Owner, its successors and assigns ("successors and assigns" meaning to include any homeowners' association and all owners of the property or any portion thereof), including any homeowners association, agree that the health, safety, and welfare of the residents of the City of Franklin, require that on-site Storm Water Facilities as defined in Section 5-8.0600 Unified Development Ordinance of the City of Franklin be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site storm water management practices as shown on the Plan be constructed and adequately maintained by the Owner, its successors and assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site storm water facilities shall be constructed by Owner in accordance with the plans and specifications which are identified as part of the storm water system plan and erosion control plan approved by the City Engineer and submitted as part of the as-built drawings approved by the City Engineer.
2. The Owner, its successors and assigns, shall comply with the ordinances and regulations which require that the Storm Water Facilities shall be regularly inspected and maintained as often as conditions may require, but in any event, at least once each year. The Standard Operation and Maintenance Report attached to this agreement as Exhibit "A" and by this reference made a part hereof shall be used for the purpose of the regular inspections of the Storm Water Facilities. The Owners, its successors and assigns, shall keep the Operation and Maintenance Reports from past inspections, as well as a log of

maintenance activity indicating the date and type of maintenance completed of the Storm Water Facilities. The purpose of the inspections is to assure safe and proper functioning of the facilities. The inspections shall cover all storm water facilities, including but not limited to berms, outlet structures, pond areas and access roads. Deficiencies shall be noted in the Operation and Maintenance Report. The Reports and maintenance log shall be made available to the City for review.

3. The Owner, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the Storm Water Facilities, whenever the City deems necessary. The purpose of inspection is to provide periodic review by City staff, to investigate reported deficiencies and/or to respond to citizen complaints. The City shall provide the Owner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary. Corrective actions shall be taken within a reasonable time frame as established by the City Engineer.
4. The Owner, its successors and assigns, shall adequately maintain the Storm Water Facilities, including but not limited to all pipes and channels built to convey storm water to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the storm water. Adequate maintenance is herein defined as keeping the Storm Water Facilities in good working condition so that these storm water facilities are performing their design functions and are in accordance with the Stormwater Basin Maintenance Standards as detailed in Section 15.8.0600 of the City of Franklin Unified Development Ordinance, and Section 13.12 (2) of the Milwaukee Metropolitan Sewerage District (MMSD) rules, and by this reference made a part hereof.
5. If the Owner, its successors and assigns fails to maintain the Storm Water Facilities in good working condition acceptable to the City and does not perform the required corrective actions in a time as established by the City Engineer in written notice, the City may:
 - a) Issue a citation to the Owner, its successors and assigns. Such failure constitutes a violation of Section 15.8.0600 of the Unified Development Ordinance of the City of Franklin. The penalty for such violation of Section 15.8.0600 shall be not less than \$100 nor more than \$2500 for each offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense, and
 - b) Perform the corrective actions identified in the inspection report and assess the Owner, its successors and assigns, for the cost of such work. The cost of such work shall be specially charged against the Property pursuant to Wisconsin Statutes Section 66.0627. If the facilities are located on an outlot owned collectively by a homeowners association, the City may specially charge each member of the homeowners association according to the ownership interest in the facilities located on the property. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Owner outside of the easement for the Storm Water Facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said storm water management practices and in no event shall this Agreement be construed to impose any such obligation on the City.
6. In the event the City, pursuant to this Agreement and applicable easements performs work of an emergency nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Owner, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder.

7. This Agreement imposes no liability of any kind whatsoever on the City and the Owner agrees to indemnify and hold the City harmless from any liability in the event the Storm Water Facilities fail to operate properly.
8. This Agreement shall be attached as an exhibit to any document which creates a homeowners association that is responsible for maintenance of the Storm Water Facilities and shall be recorded at the Milwaukee County Register of Deeds, and shall constitute a covenant running with the land, and shall be binding on the Owner, its administrators, executors, assigns, heirs and any other successors in interest, including any homeowners association and all owners of the property or any portion thereof. The owner shall provide the City with a copy of any document which creates a homeowners association that is responsible for the Storm Water Facilities.
9. The owner, its successors and assigns, is prohibited from building structures, installing play equipment, installing plants, changing grades or performing any function that inhibits care and maintenance of any Storm Water Facilities.
10. The owner, its successor and assigns shall maintain, at all times, an individual(s) who will serve as a contact person(s).

IN WITNESS WHEREOF, the City and Owner have set forth their hands and seals, effective the date first above written.

SEALED IN PRESENCE OF:

By:

Name:

Victory of the Lamb, Inc
Victory of the Lamb, Inc
Owner
-Vice President (Seal)
Andrea M Stormoen
ANDREA M. STORMOEN
NOTARY
PUBLIC
STATE OF WISCONSIN

STATE OF WISCONSIN)ss.
Milwaukee COUNTY)

Personally came before me this 18th day of May, 2015, the above named *Victory of the Lamb, Inc*
Jeffrey Guenther, Inc., to me known to be the person who executed the foregoing instrument and acknowledged the same in the capacity indicated.

Andrea M Stormoen
Notary Public, Milwaukee County, WI
My commission expires: 08-04-2018

CITY OF FRANKLIN

By: _____ (Seal)
Name: Stephen R. Olson
Title: Mayor

COUNTERSIGNED:

By: _____ (Seal)
Name: Sandra L. Wesolowski
Title: City Clerk

STATE OF WISCONSIN)ss.
MILWAUKEE COUNTY)

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

Notary Public, Milwaukee County, WI
My commission expires: _____

This instrument was drafted by the City Engineer for the City of Franklin.

Form approved:

Jesse A. Wesolowski, City Attorney

EXHIBIT "A"

**OPERATION AND MAINTENANCE INSPECTION REPORT
STORMWATER MANAGEMENT PONDS
City of Franklin**

Name of Development _____

Responsible Party Name _____ Address _____

Telephone No. _____ Fax No. _____ E-mail _____

Inspector Name _____ Address _____

Telephone No. _____ Fax No. _____ E-mail _____

Basin Location General Address _____ Section No. _____

Normal Pool Yes No

Items inspected (Pond components)	Checked (Yes/No/NA)	Maintenance Needed (Yes/No/NA)	Remarks
1. Embankment and Emergency spillway			
1. Vegetation and ground cover adequate			
2. Embankment erosion			
3. Animal burrows			
4. Unauthorized plantings			
5. Cracking, bulging, or sliding of darn			
1. Upstream face			
2. Downstream face			
3. At or beyond toe			
Upstream			
Downstream			
4. Emergency spillway			
6. Pond, toe & chimney drains functioning			
7. Seeps/leaks on downstream face			
8. Slope protection or riprap failures			
9. Emergency spillway clear of debris			
10. Other (specify)			
2. Riser and principal spillway			
Type: Reinforced concrete _____			
Corrugated metal pipe _____			
PVC/HDPE _____			
Masonry _____			
1. Low flow orifice obstructed			
2. Primary outlet structure			
1. Debris removal necessary			
2. Corrosion control			
3. Trash rack maintenance			
1. Debris removal necessary			
2. Corrosion control			
3. Pond bottom			
Sediment or debris buildup in low flow			
Pilot channel or bottom (estimate depth)			

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APPROVAL <i>Slaw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 09/01/2015
REPORTS & RECOMMENDATIONS	BIKE AND HIKING TRAIL STATUS	ITEM NUMBER <i>G.8.</i>

BACKGROUND

At the June 16, 2015 Common Council meeting, Staff was given direction to bid asphalt paving of existing trail and on August 4, 2015 a contract was awarded to Black Diamond Group, Inc. to pave the trail.

Paving this trail has been looked at for a while, although in the past it has only considered from W Rawson Avenue to W St. Martin Road (about 4,200 feet). That is what all previous estimates considered. Current staff looked at the project this summer for the entire Bike Hike Trail from W Rawson Avenue, through W St. Martin Road, past S. Forest Home Avenue, and ending at S. North Cape Road (about 8,100 feet). Calculations were double checked but a miscommunication among staff confused the two project limits and the bid specifications were written showing map of the entire project yet computations for the section between W. Rawson Avenue and W. St. Martin Road.

On August 27, 2015, staff was alerted by the Contractor that the distance shown on the maps did not match the stated length and tonnage. As described above, he was correct. Contractor was directed to work on the pathway from W. Rawson Avenue and continue south. Paving is expected to be complete by September 1. Contractor bid 675 tons and approximately 625 more is needed to complete the entire path. This being well above the state statutory 15% escalation limit (62.15.1c).

ANALYSIS

It is probable that bidding the southern portion of the trail could still be done in 2015 before asphalt plants close. A project schedule is proposed:

- September 1 Common Council authorizes staff to bid
- September 3 Send Ad to paper for advertisement
- September 10 First Ad
- September 17 Second Ad
- September 24 Open Bids
- October 6 Common Council award bid
- October 13 Contractor begins
- November 1 Asphalt plants may close weather dependant

OPTIONS

Authorize staff to bid the southern portion of the Bike Hike Trail or table.

FISCAL NOTES

As previously described, this paving project is eligible for payment from Park Impact Fees.

Current Unit Price Bid is \$82.25/ton. Previous 4 bids had an average of \$100/ton. Therefore, the additional 625 tons could cost between \$51,406 and \$62,500 depending on bid prices.

RECOMMENDATIONS

Authorize staff to bid the southern portion of the Bike Hike Trail

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">09/01/15</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION CONDITIONALLY APPROVING A 4 LOT CERTIFIED SURVEY MAP, BEING A RE-DIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 3504, BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (CREATIVE HOMES, INC., APPLICANT) (8011 SOUTH 76TH STREET)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.9.</i></p>

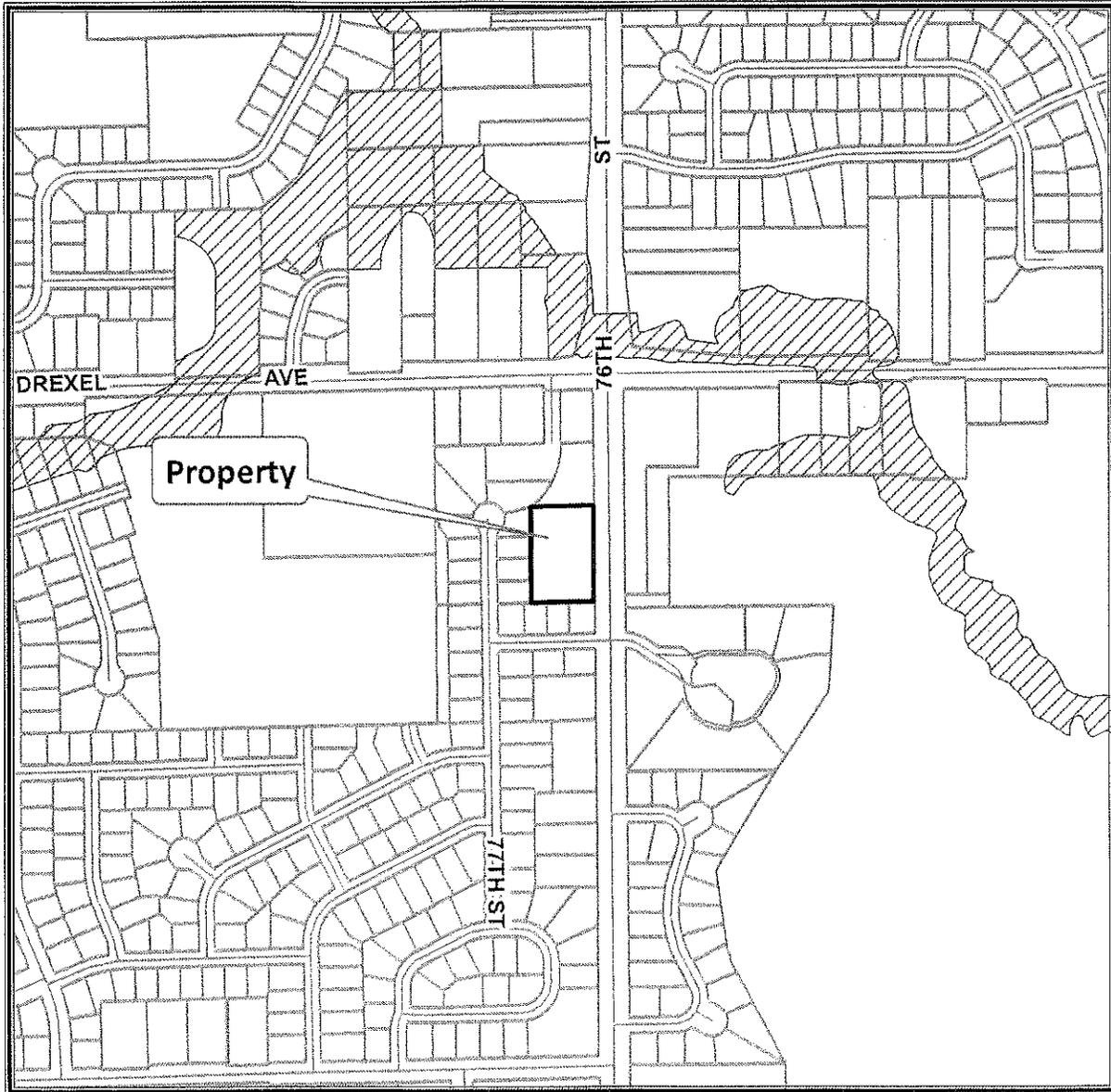
At its August 20, 2015 meeting, the Plan Commission recommended approval of a resolution conditionally approving a 4 lot certified survey map, being a re-division of Parcel 1 of Certified Survey Map No. 3504, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 16, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Creative Homes, Inc., Applicant) (8011 South 76th Street).

COUNCIL ACTION REQUESTED

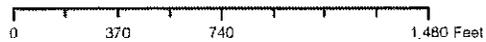
A motion to adopt Resolution No. 2015-_____, a resolution conditionally approving a 4 lot certified survey map, being a re-division of Parcel 1 of Certified Survey Map No. 3504, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 16, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Creative Homes, Inc., Applicant) (8011 South 76th Street).



TKN 803-9980-001
8011 South 76th Street



Planning Department
(414) 425-4024



2013 Aerial Photo

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

RESOLUTION NO. 2015-_____

A RESOLUTION CONDITIONALLY APPROVING A 4 LOT CERTIFIED SURVEY MAP, BEING A RE-DIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 3504, BEING A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
(CREATIVE HOMES, INC., APPLICANT)
(8011 SOUTH 76TH STREET)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being a re-division of Parcel 1 of Certified Survey Map No. 3504, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 16, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 8011 South 76th Street, bearing Tax Key No. 803-9980-001, Creative Homes, Inc., 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 Creative Homes, Inc., 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

CREATIVE HOMES, INC. – CERTIFIED SURVEY MAP
RESOLUTION NO. 2015-_____

Page 2

City of Franklin Design Standards and Construction Specifications and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.

4. Creative Homes, Inc., successors and assigns, and any developer of the Creative Homes, Inc. 4 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 Creative Homes, Inc. and the 4 lot certified survey map project for the property located at 8011 South 76th 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.

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

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owner, Creative Homes, Inc., 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.

CREATIVE HOMES, INC. – CERTIFIED SURVEY MAP
RESOLUTION NO. 2015-_____
Page 3

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of August 20, 2015

Certified Survey Map

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

Project Name:	Creative Homes, Inc. Certified Survey Map
Project Address:	Approximately 8011 South 76 th Street
Applicant:	Rick Przybyla, Creative Homes, Inc.
Owners (property):	Creative Homes, Inc.
Current Zoning:	R-6 Suburban Single Family Residence District
2025 Future Land Use:	Residential
Use of Surrounding Properties:	Single-family residential to the north, south and west and multi-family residential to the east
Applicant Action Requested:	Approval of the Certified Survey Map

INTRODUCTION:

On July 14, 2015, the applicant filed a Certified Survey Map (CSM) Application with the Department of City Development, requesting to divide a 2.04-acre property into four separate lots.

The existing parcel, Parcel 1 of Certified Survey Map No. 3504, was created in 1978. The property owner recently razed the buildings on the property, so the property is now vacant.

Proposed lots 1, 2 and 3 all have 92.12 feet of frontage adjacent to S. 76th Street and an area of 22,106 square feet. Proposed lot 4 is about the same size with frontage of 92.11 feet and an area of 22,103 square feet.

The proposed lots meet the minimum development standards of the R-6 District, including but not limited to, exceeding the 11,000 square foot minimum lot area and the 90-foot minimum lot width requirements. It can be noted that the adjacent lots zoned R-6 range in size from approximately 38,333 square feet to approximately 10,454 square feet. Seven of the nine lots directly abutting the subject parcel, are between 10,454 square feet and 12,197 square feet.

Utilities, Infrastructure and Access

Public sewer and water service is located adjacent to this property within the right-of-way of South 76th Street. Connection to these services will be required for any new development.

Private utilities (gas, electric, telephone, etc.) are also located adjacent to the subject property.

The applicant has provided an email from the Milwaukee County Department of Transportation indicating that the County does not object to four new ingress/egress locations to South 76th Street at this location. Please note that this does not constitute final approval, which will be required prior to the issuance of a permit from Milwaukee County for work within the right-of-way.

Natural Resource Protection Plan

The applicant has provided a letter, dated June 12, 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.

Consistency with the Comprehensive Master Plan

The proposed Certified Survey Map is consistent with the City of Franklin Comprehensive Master Plan. It can be noted that the Plan's Future Land Use Map identifies the subject area's future land use as single-family residential.

STAFF RECOMMENDATION:

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

From: Singleton, Vernon
Sent: Monday, August 10, 2015 8:45 AM
To: 'rickprzybyla@hotmail.com' <rickprzybyla@hotmail.com>
Subject: FW: 8011 S. 76th St - Ingress and Egress

Rick,

See previous thread.

From: Singleton, Vernon
Sent: Monday, August 10, 2015 7:58 AM
To: 'creativehomesinc@wi.rr.com' <creativehomesinc@wi.rr.com>
Subject: 8011 S. 76th St - Ingress and Egress

Rick,

Milwaukee County does not have any objections to granting four Ingress and Egress locations at 8011 S. 76th Street. For final approval you must submit a complete plan set for any proposed installations, removals, relocations or abandonment of structures and/or facilities under, upon, or over any public way listed in Section 68.01 of the Milwaukee County Ordinances. The plan(s) must be submitted and approved as required by the Director of Transportation prior to the issuance of a permit for work within Milwaukee County Right of Way .

Plans shall also include any existing structures and/or facilities used, occupied, maintained or abandoned in pursuance of a permit, resolution, ordinance upon or over any public way listed in Section 68.01 of the Milwaukee County Ordinances as requested by the Director of Transportation.

The plans shall include all drawings, profiles, plans and detail drawings necessary to clearly indicate the limits of the work, the number, location, character, extent and amount of space occupied by the structure and/or facility. The site plan shall show all driveways, intersections and median openings, and existing utilities such as storm sewer inlets and manholes, street lighting, utility poles and hydrants in the vicinity of the site.

We anticipate and would appreciate your full cooperation in this matter. Contact me at this office if you have any questions.

Your continued cooperation is appreciated,

Vernon D. Singleton

Construction Coordinator

Milwaukee County DOT - Transportation Services

10437 W Innovation Dr., Suite 560

Wauwatosa, WI 53226

Phone: 414-257-5947

Fax: 414-257-5950

Email: vernon.singleton@milwaukeecountywi.gov

This message is intended for the sole use of the individual and entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended addressee, nor authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, disclose or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete the message.

Franklin
 AUG 6 2015
 City Development

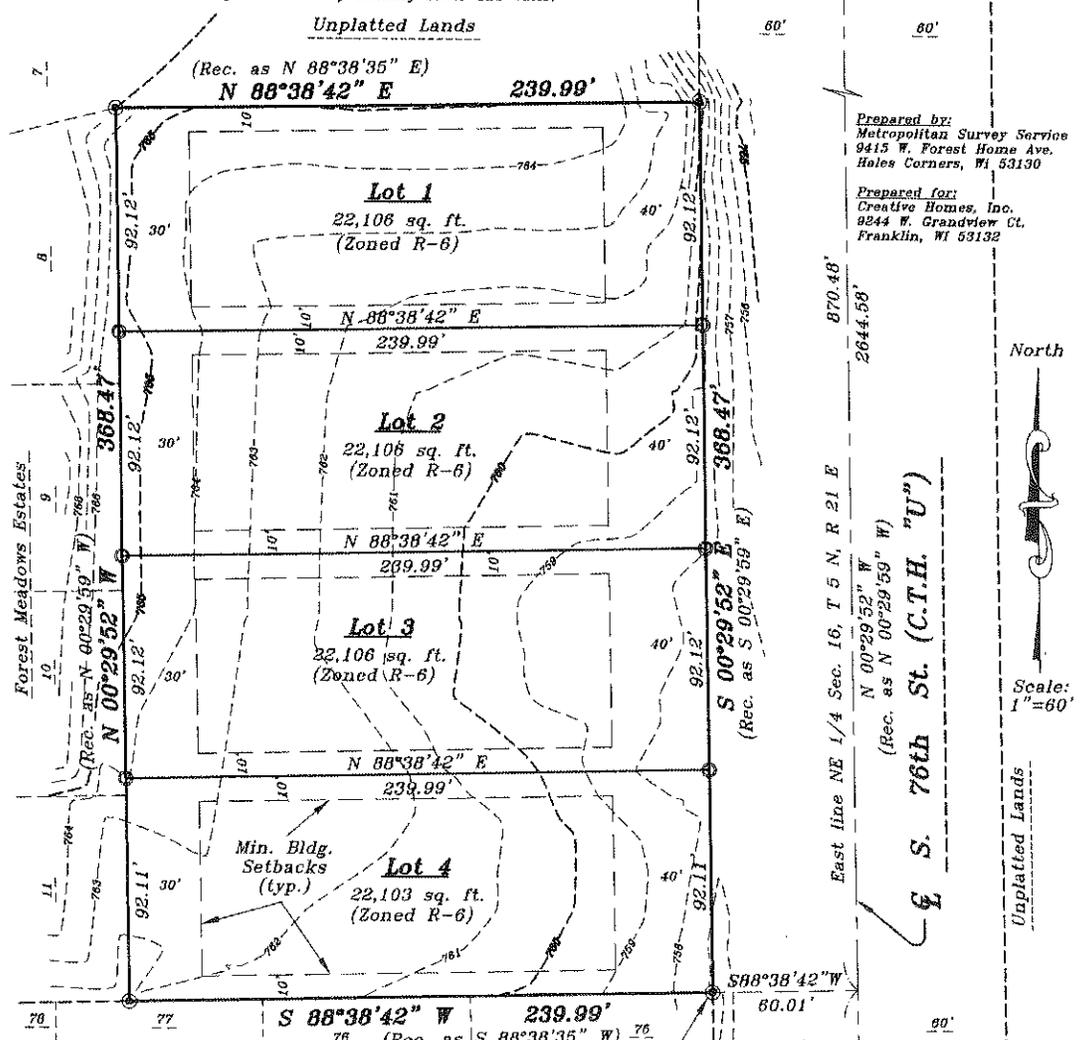
CERTIFIED SURVEY MAP NO.

Being a redivision of Parcel 1 of Certified Survey Map No. 3504,
 being a part of the Northeast 1/4 of the Northeast 1/4 of
 Section 16, Township 5 North, Range 21 East, in the City of Franklin,
 Milwaukee County, Wisconsin.

Notes:

- ⊙ — Denotes iron pipe found and accepted.
 - — 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 NE 1/4 of Sec. 16, T5N, R21E having an assumed bearing of N 0°29'52" W.
- Lands in this map are served by Sanitary Sewer and Water.

NE Cor., NE 1/4
 Sec. 16-5-21
 (conc mon.)
 w/brass cap
 N = 334,967.07
 E = 2,633,309.61

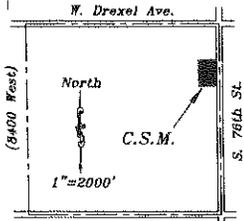


Prepared by:
 Metropolitan Survey Service
 9415 W. Forest Home Ave.
 Hales Corners, WI 53130

Prepared for:
 Creative Homes, Inc.
 9244 W. Grandview Ct.
 Franklin, WI 53132



Scale: 1"=60'



Vicinity Map
 NE 1/4 Sec. 16, T5N, R21E

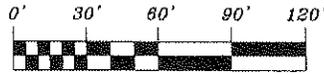
WISCONSIN
 DENNIS C. SAUER
 S-2421
 FRANKLIN, WI

Dennis Sauer
 7/6/15
 7/31/15

SE Corner
 Parcel 1,
 C.S.M. #3504
 (P.O.B.)

SE Cor., NE 1/4
 Sec. 16-5-21
 (conc mon.)
 w/brass cap
 N = 332,322.76
 E = 2,533,332.49

**R-6 Zoning
 Setback
 Requirements:**
 Front = 40 ft.
 Rear = 30 ft.
 Side = 10 ft.



Graphic Scale
 Scale: 1"=60'

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Parcel 1 of Certified Survey Map No. 3504, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 16, 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, Professional Land Surveyor, do hereby certify:

That I have surveyed, a redivision of Parcel 1 of Certified Survey Map No. 3504, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 16, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; Commencing at the Southeast corner of said Northeast 1/4; thence N 00° 29' 52" W along the East line of said Northeast 1/4 and centerline of South 76th Street, 1774.10 feet to a point; thence S 88° 38' 42" W, 60.01 feet to a point on the West line of South 76th Street and the Southeast corner of Parcel 1 of said Certified Survey Map No. 3504, said point being the point of beginning of lands to be described; thence continuing S 88° 38' 42" W, 239.99 feet to a point; thence N 00° 29' 52" W, 368.47 feet to a point; thence N 88° 38' 42" E, 239.99 feet to a point on the West line of said South 76th Street, thence S 00° 29' 52" E along said West line, 368.47 feet to the point of beginning. Said lands containing 88,421 square feet (2.03 acres).

That I have made such survey, land division and map by the direction of, Creative Homes, Inc., 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.

JULY 6, 2015
Date


Dennis C. Sauer
Professional Land Surveyor S-2421



PREPARED FOR:
Creative Homes, Inc.
9244 W. Grandview Ct
Franklin, WI 53132

PREPARED BY: Dennis C. Sauer
Metropolitan Survey Service
9415 W Forest Home Ave #202
Hales Corners, WI 53130

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Parcel 1 of Certified Survey Map No. 3504, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 16, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

As owner, Creative Homes, Inc., 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_____.

Rick Przybyla, President

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

PERSONALLY came before me this _____ day of _____, 20____ Rick Przybyla, President, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public
State of Wisconsin
My Commission Expires: _____

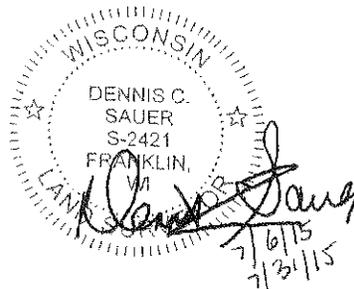
COMMON COUNCIL APPROVAL

APPROVED and 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



<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">09/01/15</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION TO AMEND RESOLUTION NOS. 1970-446, 2006-6196, 2007-6390 AND 2008-6456 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR THE MISSION HILLS APARTMENT DEVELOPMENT LOCATED AT 7711-7759 AND 7811-7859 SOUTH SCEPTER DRIVE TO REVISE PARKING SPACES AND SWIMMING POOL QUANTITY UPON THE PROPERTY (FRANKLIN MISSION HILLS, LLC, APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G, 10.</i></p>

At its August 20, 2015, meeting, the Plan Commission recommended approval of a resolution to amend Resolution Nos. 1970-446, 2006-6196, 2007-6390 and 2008-6456 imposing conditions and restrictions for the approval of a Special Use for the Mission Hills Apartment development located at 7711-7759 and 7811-7859 South Scepter Drive to revise parking spaces and swimming pool quantity upon the property, with the added conditions that pursuant to the Staff report suggestion the applicant shall install an internal walkway connecting Phase 1 and Phase 2 and enclose dumpsters within Phase 1 and Phase 2 with the design and location of the enclosures to be submitted to the Department of City Development for review and approval by staff (Franklin Mission Hills, LLC, Applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2015-_____, a resolution to amend Resolution Nos. 1970-446, 2006-6196, 2007-6390 and 2008-6456 imposing conditions and restrictions for the approval of a Special Use for the Mission Hills Apartment Development located at 7711-7759 and 7811-7859 South Scepter Drive to revise parking spaces and swimming pool quantity upon the property (Franklin Mission Hills, LLC, Applicant).

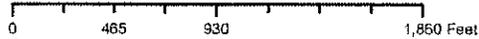


City of Franklin

Mission Hills Apartments
7711 - 7859 S. Scepter Drive
TKN 795-0134-000 and 795-9999-002



Planning Department
(414) 425-4024



2013 Aerial Photo

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

RESOLUTION NO. 2015-_____

A RESOLUTION TO AMEND RESOLUTION NOS. 1970-446, 2006-6196,
2007-6390 AND 2008-6456 IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE FOR THE MISSION HILLS
APARTMENT DEVELOPMENT LOCATED AT 7711-7759 AND 7811-7859
SOUTH SCEPTER DRIVE TO REVISE THE PARKING SPACES AND
SWIMMING POOL QUANTITY UPON THE PROPERTY
(FRANKLIN MISSION HILLS, LLC, APPLICANT)

WHEREAS, Franklin Mission Hills, LLC having petitioned the City of Franklin for the approval of an amendment to Resolution Nos. 1970-446, 2006-6196, 2007-6390 and 2008-6456, conditionally approving a Special Use for the Mission Hills Apartment Development, to revise the parking ratio to 129 underground spaces and 344 surface parking spaces, for a total of 473 parking spaces and to revise the number of swimming pools from 2 pools to 1 pool, upon the properties located at 7711-7759 and 7811-7859 South Scepter Drive, such property being zoned R-8 Multiple-Family Residence District and C-1 Conservancy District, more particularly described as follows:

Tax Key Nos. 795-0134-000 and 795-9999-002; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements and standards of §15-3.0701 General Standards for Special Uses, 15-3.0702 Detailed Standards for Special Uses in Residential Districts and 15-9.0103 Applications for Special Use Permit, of the City of Franklin Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 20th day of August, 2015, and the Plan Commission thereafter having determined to recommend that the proposed amendment to Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use Amendment upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

FRANKLIN MISSION HILLS, LLC – MISSION HILLS APARTMENTS
SPECIAL USE AMENDMENT
RESOLUTION NO. 2015-_____

Page 2

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

1. That this amendment to Special Use is approved only for the use of the subject property by Franklin Mission Hills, LLC, successors and assigns, to revise the parking ratio and number of swimming pools within the apartment development, pursuant to those plans date-stamped August 12, 2015 and annexed hereto and incorporated herein as Exhibit A.
2. Franklin Mission Hills, LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. All three auxiliary parking lots within Phase II of the Mission Hills Apartments development located at 7811-7859 South Scepter Drive shall be re-striped in accordance with Section 15-5.0202(F) of the Unified Development Ordinance, within one year from the date of adoption of this Resolution.
4. Any dumpster enclosure blocking the efficient flow of traffic and/or emergency vehicle access shall be relocated within new designated dumpster areas created from existing parking spaces, within one year from the date of adoption of this Resolution.
5. The Mission Hills Apartments development shall be subject to the minimum parking requirements of the Unified Development Ordinance.
6. A revised Site Plan with a parking layout meeting all of the requirements of Section 15-5.0202 of the Unified Development Ordinance shall be submitted to the Department of City Development for review and approval by Staff, prior to the commencement of any parking lot striping, but no later than one year from the date of adoption of this Resolution.
7. An internal walkway connecting Phase 1 and Phase 2 shall be installed, within one year from the date of adoption of this Resolution.

FRANKLIN MISSION HILLS, LLC – MISSION HILLS APARTMENTS
SPECIAL USE AMENDMENT
RESOLUTION NO. 2015-_____

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8. Dumpsters within Phase 1 and Phase 2 shall be enclosed with the design and location to be submitted to the Department of City Development for review and approval by Staff, within one year from the date of adoption of this Resolution.

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

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

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be an amendment to such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance, and that all of the terms and conditions of Resolution Nos. 1970-446, 2006-6196, 2007-6390 and 2008-6456, not specifically and expressly amended by or in direct conflict with this Resolution, shall remain in full force and effect.

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

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

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

FRANKLIN MISSION HILLS, LLC – MISSION HILLS APARTMENTS
SPECIAL USE AMENDMENT
RESOLUTION NO. 2015-_____
Page 4

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 _____



REPORT TO THE PLAN COMMISSION

Meeting of August 20, 2015

Special Use

RECOMMENDATION: Department of City Development staff recommends approval of the Special Use Amendment Application to revise the parking spaces and swimming pool quantity upon the Mission Hills Apartments property located at 7711-7759 and 7811-7859 South Scepter Drive, subject to the conditions of approval in the attached draft resolution.

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

Introduction

Please note:

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

On July 22, 2015, Roger M. Cagann submitted a Special Use Amendment Application on behalf of Franklin Mission Hills, LLC to revise the minimum requirement for parking spaces and the required number of swimming pools from the original Special Use approval to match the current improvements at the site.

On August 10, 2007, Axiom Properties, Inc. purchased the Mission Hills Apartments from CMS Management Service. The applicant's project narrative states, "It is in the best interest of the Ownership and the City to have the property in compliance with Building and Zoning Agreements. We kindly request that you grant us these changes to bring the current conditions at Mission Hills into compliance with the Special Use Agreement."

Project Description/Analysis

The applicant is requesting to revise the minimum requirement for parking spaces and the required number of swimming pools from the original Special Use approval to match the current improvements at the site. The Mission Hills Apartments development encompasses two separate properties. The northern property located at 7711-7759 South Scepter Drive is Lot 131 of the Mission Hills South Addition No. 2 Subdivision, and is approximately 8.55 acres or 372,247 square feet. The southern property located at 7811-7859 South Scepter Drive is CSM No. 1982 and is approximately 9.33 acres or 407,167 square feet. For the purposes of this report, Staff will refer to the northern property as Phase I and the southern property as Phase II (which is consistent with how the development was constructed).

According to the applicant, the Mission Hills Apartments were developed with two swimming pools. However, the pool located within Phase II had to be removed as it was continuously leaking treated water into the adjacent wetlands, in spite of the owner's attempts to repair it. Staff has no concerns with the applicant's request to change the minimum requirement to one (1) swimming pool, which is the current configuration of the site. However, Staff suggests the applicant install an internal walkway connecting Phase I and Phase II, to make it easier for the residents of 7811-7859 South Scepter Drive to access the swimming pool located at 7711-7759 South Scepter Drive. There is a sidewalk along South Scepter Drive, but there does not appear to be any internal connection between the two development phases.

Parking:

The applicant is requesting the original parking ratio of two spaces per dwelling unit from paragraph 13 of Resolution No. 1970-446 be replaced with the existing number of parking spaces at the Mission Hills Apartments. According to the applicant, the Mission Hills apartments have 271 dwelling units, which would require 542 parking spaces per Special Use Resolution No. 1970-446. However, the Mission Hills Apartments currently only have 129 underground spaces, and 344 surface spaces for a total of 473 spaces. Therefore, there are 69 fewer spaces at the Mission Hills Apartments development than were required by Resolution No. 1970-446, or approximately 13 % fewer spaces.

According to the applicant, the amount of off-street parking at Mission Hills Apartments is the same today as it was when they purchased the property in 2007. The applicant has provided a Parking Analysis with their submittal at the recommendation of Staff. The parking Analysis compares the existing parking to the Resolution No. 1970-446 requirement and Unified Development Ordinance (UDO) requirements.

Table 15-5.0203 of the UDO requires a Standard Parking Ratio (SPR) of one space per dwelling unit for efficiency and one bedroom apartments, 2 spaces per dwelling unit for two bedroom apartments and 2.5 spaces per dwelling unit for three or more bedroom apartments. Phase I has 52 one-bedroom apartments and 80 two-bedroom apartments. Phase II has 54 one-bedroom apartments and 85 two-bedroom apartments. Therefore, the UDO minimum required off-street parking for the development is 436 spaces. The UDO requirement is thus 106 fewer spaces than what was required by Resolution No. 1970-446 or approximately 20% fewer spaces.

Phase II of the Mission Hills development has a central parking lot and three auxiliary parking lots. The condition of the parking lot striping in the central parking area is ok, but the striping in all three of the auxiliary parking areas is faded to the point of being unidentifiable. According to Section 15-5.0202(F) of the UDO, "Off-street parking stalls shall be marked by painted lines or other approved material and shall be maintained so as to be legible at all times. Therefore, Staff recommends the applicant re-stripe all three auxiliary parking lots within Phase II of the Mission Hills Apartments development located at 7811-7859 South Scepter Drive, in accordance with Section 15-5.0202(F) of the Unified Development Ordinance, within one year from the date of adoption of the Special Use Amendment Resolution. Please note the parking lot striping within Phase I was in very good condition.

Of the 473 off-street parking spaces currently provided by the Mission Hills Apartments, 18 are signed as ADA accessible parking spaces. Table 15-5.0202(I)(1) of the UDO, requires a minimum of nine (9) accessible parking spaces for parking lots with 401 to 500 parking spaces. Therefore, the Mission Hills Apartments are meeting this requirement. According to Section 15-5.0202(I)(1) of the UDO, the minimum dimensions for all parking spaces provided for use by persons with disabilities shall be thirteen (13) feet wide by twenty feet (20) feet long for automobiles and sixteen (16) feet wide by twenty (20) feet long for vans. Most of the parking stalls at Mission Hills signed as handicap accessible appear to be the same size as the conventional parking spaces (9'x 20'). Therefore, Staff recommends all of the accessible parking within Phase II of shall be re-striped to conform to the size requirements of Section 15-5.0202(I)(1) of the UDO, within one year from the date of adoption of the Special Use Amendment Resolution. Furthermore, Staff suggests all of the accessible parking within Phase I be re-striped to conform to the size requirements of Section 15-5.0202(I)(1) of the UDO.

Dumpster Enclosures:

The Mission Hills Apartments development was originally approved without dumpster enclosures. In addition, many of the striped dumpster areas are cramped and conflict with pedestrian walkways and/or accessible parking spaces. Therefore, Staff suggests the applicant add enclosures for all of the dumpsters within Phase 1 and Phase 2, with the design and locations to be submitted to the Department of City Development for review and approval by Staff. There are two dumpster areas located on the north side of the Phase II central parking lot that block the efficient flow of traffic (drive aisle) and/or emergency vehicle access (fire lane). Therefore, Staff recommends any dumpster blocking the efficient flow of traffic and/or emergency vehicle access, be relocated within new designated dumpster areas created from existing parking spaces, within one year from the date of adoption of the Special Use Amendment Resolution.

Site Plan:

Implementing Staff's above recommendations pertaining to parking lot striping and dumpster enclosures would eliminate existing parking spaces, resulting in fewer parking spaces than what is currently proposed by the applicant. The applicant has indicated in their project narrative that, "As an alternative to changing to the existing conditions [473 parking spaces provided], it would also be acceptable to impose the UDO requirements [436 parking spaces] for the property and provide flexibility in the number of spaces to achieve the staff recommendations." Staff agrees that applying the UDO's minimum parking requirements allows greater flexibility for the development to meet other UDO requirements. Therefore, *Staff recommends the Mission Hills Apartments development be subject to the minimum parking requirements of the Unified Development Ordinance. Furthermore, Staff recommends the applicant submit a revised Site Plan with a parking layout meeting all of the requirements of Section 15-5.0202 of the Unified Development Ordinance, to the Department of City Development for review and approval by Staff, within one year from the date of adoption of the Special Use Amendment Resolution.*

Natural Resource Protection Plan:

A review of best available natural resource data was conducted by Staff, including Aerial Photography, the Southeastern Wisconsin Regional Planning Commission's Regional Map Server, Wisconsin Department of Natural Resources Surface Water Data Viewer and FEMA Flood Insurance Rate Map panel 0143E. This review indicated the presence of a wetland along the west side of the subject properties, pursuant to the Wisconsin Department of Natural Resources 2005 Wetland Inventory. The southern portion of this wetland is part of a Southeastern Wisconsin Regional Planning Commission identified Isolated Natural Resource Area. The property also contains C-1 Conservancy District zoning along the west and south property lines. The applicant is not proposing any site modifications within the wetland.

Staff Recommendation

Department of City Development staff recommends approval of the Special Use Amendment Application to revise the parking space and swimming pool quantity upon the Mission Hills Apartments property located at 7711-7759 and 7811-7859 South Scepter Drive, subject to the conditions in the attached draft resolution.



100 TRI STATE INTERNATIONAL DRIVE
SUITE TWO HUNDRED
LINCOLNSHIRE, IL 60069
(847) 945-1500
FAX (847) 945-1501

8/11/15

Planning Board Members
City of Franklin
9229 W. Loomis Rd
Franklin, Wisconsin 53132

Franklin

AUG 12 2015

City Development

Dear Board Members;

Franklin Mission Hills LLC is requesting an amendment to the Special Use Agreement for Mission Hills Apartments, consisting of two parcels located at 7711 – 7759 S. Scepter Drive and 7811 – 7859 S. Scepter Drive. We are requesting to change the agreement to match the current improvements at the site.

The first change request is to paragraph 13 which establishes the parking ratio for the property. We request that the parking ratios be removed and replaced with the numbers of the existing parking spaces at Mission Hills, which are 129 underground spaces, and 344 surface for a total of 473 overall spaces. Comparison between the original Resolution, existing conditions and the UDO requirements are illustrated in the attached Parking Analysis. We have operated the property since 2007 and parking has never been an issue with our tenants or with neighboring properties.

Secondly, we request a change to Paragraph 19 of Resolution no 446 which requires two swimming pools. We would like this changed to one swimming pool, which is the current configuration of the site. In 2007, there was a second pool that was inoperable. We made several attempts to open the pool but we could not keep it operating for more than a few weeks at a time. The pool continually leaked treated water into the wetlands and needed to be shut down. Finally with the Federal Gram Baker regulations, the second pool could not be brought up to code and was filled in. Since 2007, (and we are not certain as to how many years prior to 2007) we have not operated a second pool for a complete season. No second pool exists at the site. We have continually upgraded the one and now only existing pool on the site, repairing the pool walls, pouring a new concrete deck and replacing the pumping and filtering equipment. Our tenants are very pleased with the one pool that we now have.

The following are responses to UDO Requirements:

1. The site plan submitted is dated May 17, 2005 for the purposes of this request there have been no changes or revisions of the site plan submittal
2. Phase 1 which is parcel 2 of the survey is 372,247 square feet or 8.55 acres. Phase 2 which is parcel 1 of the survey is 407,167 square feet or 9.327 acres
3. The buildings vary from two to three story some have basements, underground garages and some have walkout lower levels. The actual heights vary from building to building. None of the buildings in either phase are over the 45 foot maximum height.
4. Attached are two worksheets the first marked with the 1 is for parcel 1 of the survey which is phase 2 of the development, and the second worksheet marked 2 is for parcel 2 of the survey which is phase 1 of the development.

The following are responses to the staff comments:

1. Submitting 7 sets 36X24 surveys.
2. Site Plan for underground parking is not available. Attached are pictures of the three garages in the lower level of the buildings. The gross sizes are indicated on the survey of the footprint of the building. There are no underground handicap spaces. All underground spaces are assigned and without an elevator in the building handicap spaces would be less useful in the garage than ones in the surface lots.
3. The abandoned second pool was located in the blue rectangle on parcel 1 of the survey. The un-marked parking are highlighted in yellow also on parcel 1 of the survey.

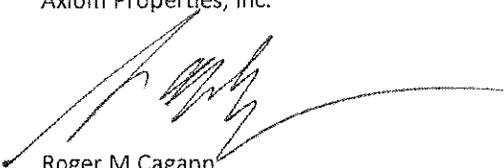


4. Parking Analysis attached
5. We are requesting that the parking requirement be reduced from 562 spaces in the Special Use Agreement to 436 spaces. This is a reduction of 22% but would bring the requirement in line with the current parking regulations.
6. We are planning on restriping all parking lots. After restriping all spaces will be in compliance with the 9 feet wide and the 180 Square Foot Area. As an accommodation the 20 un-marked spaces will be marked.
7. See 6 above.
8. See 6 above.
9. See 6 above
10. The current 18 spaces for the development exceed the requirements as calculated in the Parking Analysis attached which indicates a need for 14 spaces.
11. With the restriping of the lots the Handicap Spaces will be widened to 13 feet to match the ADA requirement. This may cause us to lose a few overall spaces throughout the property and changing the requirement to match the UDO would provide us the flexibility to meet the ADA requirements.
12. The dumpsters will be moved out of the drive aisle. This will cause loss of existing parking spaces. It can be achieved if the UDO requirements are used.
13. As an accommodation for the adjusted parking requirements Mission Hills will construct three sided dumpster surrounds constructed of wood fencing with steel posts to screen the dumpsters in their current locations with the exception of the two that are being relocated. The three sided wood fenced surround will have the least impact on the overall parking spaces.
14. See 13.
15. This is the update to the narrative.
16. Updated in the Parking Analysis
17. Snow is plowed to the grass covered areas of the property. Only under extreme conditions are parking spaces lost to storage of snow. If parking problems are created by excessive amounts of snow it will be hauled off of the parking areas.
18. No Comment
19. No Comment
20. No comment

It is in the best interest of the Ownership and the City to have property in compliance of Building and Zoning Agreements. We kindly request that you grant us these changes to bring the current conditions at Mission Hills into compliance with the Special Use Agreement. With the staff comments some of the existing parking space will be eliminated. As an alternative to changing to the existing conditions it would also be acceptable to impose the UDO requirements for the property and provide flexibility in the number of spaces to achieve the staff suggestions.

Thank you for your consideration,

Axiom Properties, Inc.



Roger M Cagann
President

**Mission Hills
Parking Analysis
8/6/2015**

Survey Parcel 1

Construction Phase 2
Addresses : 7811-7859
54 One Bedroom
85 Two Bedroom
139 Total Apartments

	Existing	Resolution 446	UDO
Underground	85	93	
Surface Marked	156	185	217
Surface Un-Marked	20		
Handicap	12		7
Total	273	278	224

Survey Parcel 2

Construction Phase 1
Addresses : 7711-7759
52 One Bedroom
80 Two Bedroom
132 Total Apartments

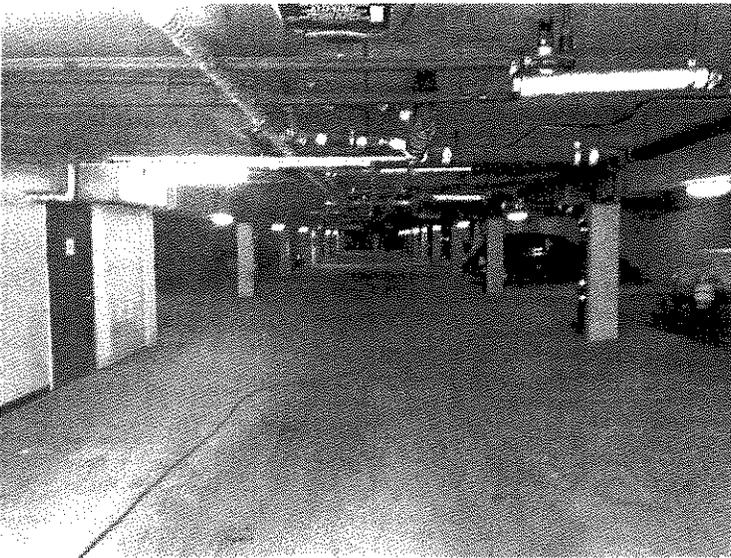
	Existing	Resolution 446	UDO
Underground	44	88	
Surface Marked	150	176	205
Handicap	6		7
Total	200	264	212

Totals

	Existing	Resolution 446	UDO
Underground	129	181	
Surface Marked	306	361	422
Surface Un-Marked	20		
Handicap	18	0	14
Total	473	542	436



7721 to 7729 S. Scepter Dr.



7811 to 7819 S. Scepter Dr.



7851 to 7859 S. Scepter Dr.

DIVISION 15-3.0700

SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701

GENERAL STANDARDS FOR SPECIAL USES

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

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

Response: The intent of this amendment to the resolution is to reflect current conditions that exist.

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

Response: There will be no change to the existing property and thus no adverse Impact to the adjacent property.

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

Response: There will be no changes to existing property and thus no interference with surrounding development.

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

Response: The Existing Buildings have operated for over 40 years and served with the public facilities without any know issues.

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

Response: No changes to existing conditions

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

Response: No changes to existing development.

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

Response: The purpose of this amendment is to bring the existing improvements into compliance with the written Special Use resolution no 446 and its amendments

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

Response: The special standards are not at issue since the improvements exist and we are solely requesting amending the documents to match the existing improvements.

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

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

Response: It is in the best interest of the community that existing improvements are in compliance with ordinances and special use resolutions.

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

Response: Property and Improvements already exist and moving them is not an option.

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

Response: There will be no changes in the improvements thus no adverse impacts.

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

Response: The precedent is already set in this instance, we are just requesting to match the special use to the existing improvements.

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<p>APPROVAL <i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE September 1, 2015</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TO CREATE A "GENERAL OFFICE" USE CATEGORY IN SECTION 15-3.0603 TABLE OF PERMITTED AND SPECIAL USES IN ALL NONRESIDENTIAL ZONING DISTRICTS UNDER THE CATEGORY OF "OTHER USES NOT CLASSIFIED UNDER SIC CODE" AND TO DEFINE SUCH USE CATEGORY IN SECTION 15-11.0103 SPECIFIC WORDS AND PHRASES (CITY OF FRANKLIN, APPLICANT)</p>	<p>ITEM NUMBER <i>G, 11.</i></p>

At their meeting on August 6, 2015, the Plan Commission recommended approval of an ordinance to amend the Unified Development Ordinance to create a "General Office" use category in Section 15-3.0603 Table of Permitted and Special Uses in all nonresidential zoning districts under the category of "Other Uses Not Classified Under SIC Code" and to define such use category in Section 15-11.0103 Specific Words and Phrases, with the definition to include a square foot limit of +/- 1,000 square feet (final amount to be recommended to Common Council by staff) for office relocation within an existing building area. (City of Franklin, Applicant).

The attached ordinance has been revised based upon the Plan Commission's recommendation of approval to limit the expansion of a legal nonconforming use into vacated office space to 1,000 square feet.

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance No. 2015-_____ to amend the Unified Development Ordinance to create a "General Office" use category in Section 15-3.0603 Table of Permitted and Special Uses in all nonresidential zoning districts under the category of "Other Uses Not Classified Under SIC Code" and to define such use category in Section 15-11.0103 Specific Words and Phrases (City of Franklin, Applicant).

ORDINANCE NO. 2015-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT TO AMEND SECTION 15-7.0705 AND SECTION 15-9.0309G.2. TO ALLOW A CERTIFIED SURVEY MAP TO BE RECORDED WITHIN 12 MONTHS AFTER THE DATE OF THE LAST APPROVAL OF THE MAP AND WITHIN 36 MONTHS AFTER THE DATE OF THE FIRST APPROVAL OF THE MAP, AS SET FORTH IN §236.34(2)(b)1. OF THE WISCONSIN STATUTES
(CITY OF FRANKLIN, APPLICANT)

WHEREAS, Section 15-7.0705 and Section 15-9.0309G.2. of the Unified Development Ordinance provide for the recordation timeframe for a Certified Survey Map; and

WHEREAS, the City of Franklin having applied for a text amendment to Section 15-7.0705 and Section 15-9.0309G.2. of the Unified Development Ordinance so as to allow a Certified Survey Map to be recorded within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map, as set forth in §236.34(2)(b)1. of the Wisconsin Statutes; and

WHEREAS, the Plan Commission having reviewed the proposed amendment, and having held a public hearing on the proposal on the 6th day of August, 2015 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council upon the recommendation of the Plan Commission 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 15-7.0705 Recordation, of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended to read as follows:

The Certified Survey Map shall only be recorded with the Milwaukee County Register of Deeds within twelve (12) months after the date of the last approval and within thirty-six (36) months after the date of the first approval of the map by the Common Council and any other approving agencies. The certificate of the surveyor shall be placed on the face of the Certified Survey Map pursuant to the requirements of Section 15-7.0607 of this Ordinance.

SECTION 2: Section 15-9.0309G.2. of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended to read as follows: "The Subdivider shall record the map with the Milwaukee County Register of Deeds within twelve (12) months after the date of its last approval and within thirty-six (36) months after the date of its first approval."

SECTION 3: 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 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: 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 _____



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of August 6, 2015

Unified Development Ordinance Text Amendment

RECOMMENDATION: City Development Staff recommends approval of an ordinance to amend the Unified Development Ordinance text to amend Section 15-7.0705 and Section 15-9.0309G.2. to allow a certified survey map to be recorded within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map, as set forth in §236.34(2)(b)1. of the Wisconsin Statutes.

Project Name:	Amendment to timeframe for recording of Certified Survey Maps
Project Address:	N/A
Applicant:	City of Franklin
Owners (property):	N/A
Current Zoning:	N/A
2025 Comprehensive Master Plan:	N/A
Use of Surrounding Properties:	N/A
Applicant Action Requested:	Recommendation of approval for the proposed Unified Development Ordinance Text Amendment to amend the recording timeframe requirements for Certified Survey Maps

INTRODUCTION:

At their July 7, 2015 meeting, the Common Council approved a request from the Department of City Development to initiate a proposed amendment to the Unified Development Ordinance to modify timeframe requirements for recording a Certified Survey Map with the Milwaukee County Register of Deeds following Common Council approval.

As such, Department of City Development staff completed a Unified Development Ordinance Text Amendment Application and published a public hearing notice accordingly to solicit comment on this matter from the public and the Plan Commission.

PROJECT DESCRIPTION AND ANALYSIS:

Currently the Unified Development Ordinance requires a Certified Survey Map to be recorded with Milwaukee County within 30 days of Common Council approval per the UDO Sections below.

SECTION 15-7.0705 RECORDATION

The Certified Survey Map shall only be recorded with the County Register of Deeds within thirty (30) days of its approval by the Common Council and any other approving

agencies. The certificate of the surveyor shall be placed on the face of the Certified Survey Map pursuant to the requirements of Section 15-7.0607 of this Ordinance.

G. Recordation.

1. All improvement requirements, specified by all approving agencies in matters over which they have jurisdiction, shall be met before recording the Certified Survey Map.
2. The Subdivider shall record the map with the Milwaukee County Register of Deeds within thirty (30) days of its last approval.

Staff is proposing a change due to the difficulty of meeting this requirement. Certified Survey Maps are often approved with conditions. CSM's may require follow up related to technical revisions and those revisions may require further staff review. CSM's also require the property owner's signatures, a bank or mortgage holder signature and City signatures prior to being mailed to the Milwaukee County Register of Deeds. If there are questions or any back and forth between the applicant and staff related to a condition of approval or any difficulty obtaining required signatures, the thirty-day requirement becomes difficult to meet.

Furthermore, at times CSM's are approved with conditions that go beyond the scope of technical requirements. These conditions are often difficult for an applicant to complete and staff review within thirty days of Common Council approval. For example, a CSM may be conditioned upon the City's consultant review of the Natural Resource Protection Plan. Recently, two CSM's have been approved with conditions that the applicant provides a bond or letter of credit or remove structures on the property prior to recording the CSM.

In addition, the thirty-day timeframe is not consistent with Wisconsin State Statute §236.34(2)(b)1., which states:

1. The certified survey map is offered for record within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map.

The thirty-day timeframe is also not consistent with the standard conditions of approval contained within the City's CSM approval resolution, which also utilizes a 180-day timeframe (see below).

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, [PROPERTY OWNER NAME], be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the

recording of the Certified Survey Map, certified by owner, [PROPERTY OWNER NAME], with the Office of the Register of Deeds for Milwaukee County.

STAFF RECOMMENDATION:

To be consistent with State Statutes, to allow for a reasonable amount of time for an applicant to address any required technical revisions or other conditions of approval, to allow for a final staff review prior to recording and time to obtain all necessary signatures, staff proposes that the Unified Development Ordinance be amended to allow a Certified Survey Map to be recorded consistent with the timeframes outlined by Wisconsin State Statutes, opposed to the current requirement of thirty days.

Therefore, City Development Staff recommends approval of an ordinance to amend the Unified Development Ordinance text to amend Section 15-7.0705 and Section 15-9.0309G.2. to allow a certified survey map to be recorded within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map, as set forth in §236.34(2)(b)1. of the Wisconsin Statutes.

SECTION 15-7.0704

CERTIFICATES

- A. **Surveyor's Certification of Compliance with Ordinance.** The surveyor shall certify on the face of the Certified Survey Map that he has fully complied with all the provisions of this Ordinance. The certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. The Common Council, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- B. **Owner's Certificate of Dedication of Streets and Other Public Areas.** The dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

SECTION 15-7.0705

RECORDATION

The Certified Survey Map shall only be recorded with the County Register of Deeds within twelve (12) months after the date of the last approval and within thirty-six (36) months after the date of the first approval of the map ~~thirty (30) days of its approval~~ by the Common Council and any other approving agencies. The certificate of the surveyor shall be placed on the face of the Certified Survey Map pursuant to the requirements of Section 15-7.0607 of this Ordinance.

DIVISION 15-7.0800

ARCHITECTURAL PLANS

SECTION 15-7.0801

GENERAL

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall erect any structure without first obtaining the approval of the Plan Commission or Architectural Review Board of the Architectural Plans as set forth in this Division. On matters that require zoning approval by the Plan Commission, the Plan Commission shall act as the Architectural Review Board, and the Plan Commission may request assistance of the Architectural Board.

SECTION 15-7.0802

PRINCIPLES AND STANDARDS OF REVIEW

The following principles and standards for architectural review are used by the Architectural Review Board in its review, approval or denial of the Architectural Review Application. These are also intended to be a design aid for builders and owners to use in the preparation of architectural plans. To implement this Ordinance, the following architectural review principles and guidelines are established:

- A. **Building Scale and Mass.** The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- B. **Building Rooflines and Roof Shapes.** The visual continuity of roofs and their contributing elements (parapet walls, coping, cornices, etc.) shall be maintained in building development or redevelopment.
- C. **Materials.** Material selection for architectural design shall be based upon the prevailing material already used on existing buildings in the area. No building shall be permitted where any exposed facade is constructed or faced with a finished material which is aesthetically incompatible with other building facades in the area or which presents an unattractive appearance to the public and surrounding properties.

construct said improvements at Subdivider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction by the City of Franklin or its agent.

G. Recordation.

1. All improvement requirements, specified by all approving agencies in matters over which they have jurisdiction, shall be met before recording the Certified Survey Map.
2. The Subdivider shall record the map with the Milwaukee County Register of Deeds within twelve (12) months after the date ~~thirty (30) days~~ of its last approval and within thirty-six (36) months after the date of its first approval.

H. Copies. The Subdivider shall file at least thirty (30) copies of the Certified Survey Map and its accompanying "Natural Resource Protection Plan" with the City Clerk for distribution to the Plan Commission, various City departments, and other affected agencies for their files as set forth under Section 15-9.0309(B).

SECTION 15-9.0310 LAND DIVISION VARIANCES

A. Plan Commission May Waive or Modify Land Division Requirements of Divisions 15-5.0100, 15-8.0100, and 15-8.0200 of This Ordinance Upon Application. Where, in the judgement of the Plan Commission, it would be inappropriate to apply literally the provisions of Divisions 15-5.0100, 15-8.0100, and 15-8.0200 of this Ordinance because exceptional or undue hardship would result, the Plan Commission may waive or modify any requirement to the extent deemed just and proper.

B. Plan Commission Findings of Fact and Conditions. No variance to the provisions of Divisions 15-5.0100, 15-8.0100, and 15-8.0200 of this Ordinance shall be granted unless the Plan Commission finds by the greater weight of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

1. **Exceptional Circumstances.**
 - (a) There is exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship.
 - (b) Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the land division portions of the Unified Development Ordinance should be changed.
2. **Preservation of Property Rights.** Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
3. **Absence of Detriment.** That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

<p>APPROVAL <i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE September 1, 2015</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT TO AMEND SECTION 15-7.0705 AND SECTION 15-9.0309G.2. TO ALLOW A CERTIFIED SURVEY MAP TO BE RECORDED WITHIN 12 MONTHS AFTER THE DATE OF THE LAST APPROVAL OF THE MAP AND WITHIN 36 MONTHS AFTER THE DATE OF THE FIRST APPROVAL OF THE MAP, AS SET FORTH IN §236.34(2)(b)1. OF THE WISCONSIN STATUTES (CITY OF FRANKLIN, APPLICANT)</p>	<p>ITEM NUMBER <i>G.12.</i></p>

At their meeting on August 6, 2015, the Plan Commission recommended approval of an ordinance to amend the Unified Development Ordinance text to amend Section 15-7.0705 and Section 15-9.0309G.2. to allow a Certified Survey Map to be recorded within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map, as set forth in §236.34(2)(b)1. of the Wisconsin Statutes (City of Franklin, Applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance No. 2015-_____ to amend the Unified Development Ordinance text to amend Section 15-7.0705 and Section 15-9.0309G.2. to allow a Certified Survey Map to be recorded within 12 months after the date of the last approval of the map and within 36 months after the date of the first approval of the map, as set forth in §236.34(2)(b)1. of the Wisconsin Statutes (City of Franklin, Applicant).

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2015-____

ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
TO CREATE A "GENERAL OFFICE" USE CATEGORY IN SECTION 15-3.0603
TABLE OF PERMITTED AND SPECIAL USES IN ALL NONRESIDENTIAL ZONING
DISTRICTS UNDER THE CATEGORY OF "OTHER USES NOT CLASSIFIED UNDER
SIC CODE" AND TO DEFINE SUCH USE CATEGORY IN SECTION 15-11.0103
SPECIFIC WORDS AND PHRASES
(CITY OF FRANKLIN, APPLICANT)

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

WHEREAS, the City of Franklin having applied for a text amendment to create a "General Office" use category in Section 15-3.0603 TABLE OF PERMITTED AND SPECIAL USES IN ALL NONRESIDENTIAL ZONING DISTRICTS under the category of "OTHER USES NOT CLASSIFIED UNDER SIC CODE" and to define such use category in Section 15-11.0103 SPECIFIC WORDS AND PHRASES; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to create a "General Office" use category in Section 15-3.0603 TABLE OF PERMITTED AND SPECIAL USES IN ALL NONRESIDENTIAL ZONING DISTRICTS under the category of "OTHER USES NOT CLASSIFIED UNDER SIC CODE" and to define such use category in Section 15-11.0103 SPECIFIC WORDS AND PHRASES, and having held a public hearing on the proposal on the 6th day of August, 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: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to: "OTHER USES NOT CLASSIFIED UNDER SIC CODE", is hereby amended as follows: add "General Office" use category to the "Standard Industrial Classification Title" column, and insert "P"

(Permitted Use) in all of the columns for the Districts listed in the Table.

SECTION 2: Section 15-11.0103 SPECIFIC WORDS AND PHRASES is hereby amended as follows: add "Office, General. Any business use conducting clerical and/or professional service activities within a room or group of rooms and generally furnished with desks, tables, file cabinets, computers, phones, communication equipment and/or the like. General office uses may include, but are not limited to: computer work; research; photocopying; filing; over the phone sales; and answering phones or otherwise responding to communications. A minimum of 75% of floor area shall be designated as office space to constitute a general office use. Other uses may include ancillary storage, kitchens; break rooms and other office support spaces. Retail, warehousing and outdoor storage shall be prohibited with a general office use. A general office use includes the addition or relocation on the property of office use, on a legal nonconforming use property, after August 27, 2015, when such office use addition or relocation occupies or shall occupy existing (as of August 27, 2015) building space on the property, which addition or relocation shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.100 of the Unified Development Ordinance, and which addition or relocation shall be a permitted use. In the event of an aforesaid relocation of office use upon a legal nonconforming use property, the space vacated by such office use within an existing (as of August 27, 2015) building may be otherwise occupied by the legal nonconforming use (if such space is less than 1,000 square feet in area), which occupation of such area shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.100 of the Unified Development Ordinance."

SECTION 3: 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 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

ORDINANCE NO. 2015-_____

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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 _____



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of August 6, 2015

Unified Development Ordinance Text Amendment

RECOMMENDATION: City Development Staff recommends approval of an ordinance to create a “General Office” use category in Section 15-3.0603 table of permitted and special uses in all nonresidential zoning districts under the category of “other uses not classified under SIC Code” and to define such use category in Section 15-11.0103 Specific Words and Phrases.

Project Name:	Creation of a general office use category
Project Address:	N/A
Applicant:	City of Franklin
Owners (property):	N/A
Current Zoning:	N/A
2025 Comprehensive Master Plan:	N/A
Use of Surrounding Properties:	N/A
Applicant Action Requested:	Recommendation of approval for the proposed Unified Development Ordinance Text Amendment to create a general use office category

INTRODUCTION:

At their July 7, 2015 meeting, the Common Council approved a request from the Department of City Development to initiate a proposed amendment to the Unified Development Ordinance to create a General Office use category in Section 15-3.0603 Table of Permitted and Special Uses in all Nonresidential Zoning Districts.

As such, Department of City Development staff completed a Unified Development Ordinance Text Amendment Application and published a public hearing notice accordingly to solicit comment on this matter from the public and the Plan Commission.

PROJECT DESCRIPTION AND ANALYSIS:

Staff has on a number of occasions been contacted by business or property owners inquiring about the possibility of locating the office component of their business (or of a potential tenant’s), in an existing building. As required by the UDO, before any such approval can be granted, staff must determine whether the proposed use is a permitted use, special use, or prohibited use within the subject zoning district. Furthermore, the UDO classifies such uses pursuant to the Standard Industrial Classification (SIC) codes, as identified in Section 15-3.0603 Table of Permitted and Special Uses in all Nonresidential Zoning Districts. However, these codes do not include a “General Office” use category. Rather, the UDO and SIC codes are categorized by industry type (such as plumbing contractor; household furniture construction, hardware wholesale, grocery stores retail, etc.).

As an example, an office for a plumber would have to be classified as a plumbing contractor under the requirements of the UDO, even if there was no construction, manufacturing, warehousing, or storage associated with the office use. And as a plumbing contractor, the UDO only allows that use as a permitted use in the M-1 zoning district, and as a special use in the B-2, B-4, B-5, OL-2, and L-1 zoning districts.

Staff would also note that the classification system utilized by the UDO and the SIC codes does not facilitate mixed uses within developments, as is encouraged by the City's Comprehensive Master Plan. Staff would further note that simple office uses would typically be compatible with all of the City's business-related zoning districts.

Therefore, Planning Department staff is requesting an amendment to the UDO to create a "General Office" use category in Section 15-3.0603 Table of Permitted and Special Uses in all Nonresidential Zoning Districts and define such use in Part 11 as:

Office, General. Any business use conducting clerical and/or professional service activities within a room or group of rooms and generally furnished with desks, tables, file cabinets, computers, phones, communication equipment and/or the like. General office uses may include, but are not limited to: computer work; research; photocopying; filing; over the phone sales; and answering phones or otherwise responding to communications. A minimum of 75% of floor area shall be designated as office space to constitute a general office use. Other uses may include ancillary storage, kitchens; break rooms and other office support spaces. Retail, warehousing and outdoor storage shall be prohibited with a general office use. **A general office use includes the addition or relocation on the property of office use, on a legal nonconforming use property, after August 27, 2015, when such office use addition or relocation occupies or shall occupy existing (as of August 27, 2015) building space on the property, which addition or relocation shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.100 of the Unified Development Ordinance, and which addition or relocation shall be a permitted use. In the event of an aforesaid relocation of office use upon a legal nonconforming use property, the space vacated by such office use within an existing (as of August 27, 2015) building may be otherwise occupied by the legal nonconforming use, which occupation of such area shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.100 of the Unified Development Ordinance.**

The text in bold in the definition above was added to address a situation that has come up recently regarding an automotive repair business use, Its All Good Auto Repair located at 10125 West Loomis Road. That property is zoned B-3 Community Business District and Its All Good Auto Repair is an existing legal nonconforming use. The business owner is proposing to relocate its office use into an adjacent building onsite and add a service bay where the office was previously located. Staff does not object to the proposed use or expansion and informed the business owners of existing process options. The B-3 District allows an auto repair use as a Special Use, so the business owners could apply for a Special Use Permit. The UDO also

contains a process for expanding a legal nonconforming use with Board of Zoning and Building Appeals and Common Council approval. The applicant has not submitted either application. Staff believes these to be viable options for this business to allow their expansion, and believes these process options are more appropriate than adding the text highlighted in bold to the General Office use definition.

Staff does not believe the additional text is necessary. A process is already in place for a legal nonconforming use to expand. Furthermore, legal nonconforming uses are already regulated by the UDO per the standards of Division 15-3.1000 Nonconforming Buildings, Structures, and uses.

In addition, staff would have a concern that there may be a legal nonconforming use, now or in the future, that has a very large office area and could potentially complete a significant expansion per the bolded language above. If such a business chose to relocate its offices, they could theoretically expand a use that may not be compatible to the surrounding area into that very large office space.

STAFF RECOMMENDATION:

To provide more flexibility within the City's zoning provisions, to facilitate mixed uses within more developments, and in recognition of the compatibility of office uses with business-related zoning districts, staff proposes that the Unified Development Ordinance be amended to include a new "General Office" use category and definition, which is envisioned at this time to be a permitted use in all of the City's business-related zoning districts (see attached draft materials).

Therefore, City Development Staff recommends approval of an ordinance to create a "General Office" use category in Section 15-3.0603 table of permitted and special uses in all nonresidential zoning districts under the category of "other uses not classified under SIC Code" and to define such use category in Section 15-11.0103 Specific Words and Phrases (excluding the additional text beginning with "A general office use includes the addition or relocation...").

Table 15-3.0603 (continued)

SIC	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
	OTHER USES NOT CLASSIFIED UNDER SIC CODE																					
	Assembly Places (Indoor, for more than 100 persons)											S										S
	Athletic Fields											P										P
	Band Shells (Indoor and Outdoor)											S										S
	Bicycle Trails (non-motorized)				P			P				P				P						P
	Boat Access Sites											P										P
	Boat Rental Sites											P										P
	Botanical Gardens											P										P
	Cabins or Cottages (rental)											S										S
	Campgrounds (Rental, for Recreational Vehicles)											S										S
	Camps											P										P
	Cemeteries																					
	Ch. 980 Stats. supervised release and crimes against children sex offender use																	S	S			
	Church or other Place of Worship																					
	Community Centers								P									S				
	Convenience Stores (without the dispensing of gasoline)	P	P	P	P	P	P	S/A	S	P	P	P	P	P	P	A	P	P	P			P
	Convenience Stores (with the dispensing of gasoline)	S	S	S	S	S	S	S		S	S		S	S	S		S					S
	Convenience Stores (with the dispensing of gasoline)	S	S	S	S	S				S												S
	Cross Country Ski Trails											P										P
	Cultural Centers								P									S				
	Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Fairgrounds											S										S
	Firearm Ranges (Indoor)											S										
	Firearm Ranges (Outdoor)											S										
	General Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
	Golf Driving Ranges											S										S
	Gymnasiums											S										S
	Hiking Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Historic Monuments or Sites	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Ice Skating (Indoor)											S										S
	Ice Skating (Outdoor)											P										P
	Jogging Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Landfill/Disposal Uses																				S	
	Marinas											S										S
	Nature Areas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Nature Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Parks, Private											S										P
	Parks, Public											P	P									P
	Picnicking											P	P									P
	Playfields											P										P
	Playgrounds											P										P
	Private Clubhouses											S										P
	Racquetball Courts (Indoor)											S										S
	Racquetball Courts (Outdoor)											P										P
	Resorts											S										P
	Riding/Equestrian Trails											P										P
	Single-Family Detached Dwellings									P												
	Sledding, Skiing, Tobogganing											P										P
	Swimming Pools (Indoor)											S										P
	Swimming Pools (Outdoor)											P										P
	Tennis Courts (Indoor)											S										P
	Tennis Courts (Outdoor)											P	P									P
	Tot Lots											P	P									P
	Wildlife Sanctuaries	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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

Footnotes: (a) No "Hotels and other Lodging Places" or like use as listed above, shall include any Ch. 980 Stats. supervised release and crimes against children sex offender use.

Odorous Matter. Solid, liquid or gaseous material which produces an olfactory response in a human being.

Odor Threshold Concentration. The lowest concentration of odorous matter which will produce an olfactory response in a human being as detected by a panel of healthy observers. Odor thresholds shall be determined in accordance with American Society for Testing and Materials Test Method D1391-57 "Standard Method for Measurement of Odor in Atmosphere (Dilution Method)" (Philadelphia: American Society of Testing and Material, 1957).

Office, General. Any business use conducting clerical and/or professional service activities within a room or group of rooms and generally furnished with desks, tables, file cabinets, computers, phones, communication equipment and/or the like. General office uses may include, but are not limited to: computer work; research; photocopying; filing; over the phone sales; and answering phones or otherwise responding to communications. A minimum of 75% of floor area shall be designated as office space to constitute a general office use. Other uses may include ancillary storage, kitchens; break rooms and other office support spaces. Retail, warehousing and outdoor storage shall be prohibited with a general office use. A general office use includes the addition or relocation on the property of office use, on a legal nonconforming use property, after August 27, 2015, when such office use addition or relocation occupies or shall occupy existing (as of August 27, 2015) building space on the property, which addition or relocation shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.100 of the Unified Development Ordinance, and which addition or relocation shall be a permitted use. In the event of an aforesaid relocation of office use upon a legal nonconforming use property, the space vacated by such office use within an existing (as of August 27, 2015) building may be otherwise occupied by the legal nonconforming use (if such space is less than 1,000 square feet in area), which occupation of such area shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.1000 of the Unified Development Ordinance.

Office, Home. (See definition of "Home Occupation" and Section 15-5.0802 of this Ordinance.)

Official Map. That document as described by Chapter 62.23(6) of the Wisconsin Statutes, as amended, which shows the location of streets, highways, parkways, parks, playgrounds, railroad rights-of-way, waterways, and public transit facilities in the City of Franklin.

Official Zoning Map. (See definition of "Zoning Map.")

Opacity. The degree of opaqueness of a bufferyard, or relative sight screening value, as measured by levels of intensity of bufferyard foliage or other characteristics of the bufferyard including fencing, earthen berms, or walls.

Open Sales Lot. Any land used or occupied for the purpose of buying and selling new or second-hand passenger cars or trucks, motor scooters, motorcycles, boats, trailers, aircraft, monuments, farm machinery and equipment, and for the storage of same prior to sale.

Open Space. Any site, parcel, lot, area, or outlot of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Land that is to be used primarily for resource protection, agriculture, recreational purposes, or otherwise left undisturbed and specifically excluding road rights-of-way and lots. Open space land shall not be occupied by non-recreational buildings, roads, drives, public rights-of-way, or off-street parking areas for non-recreational uses. Land located within the yards or lots of residential and/or nonresidential properties is *not* considered open space unless it is deed restricted for open space protection or natural resource features protection. Where lots are above the minimum sizes required and the excess lot area is deed restricted to open space uses it may be counted as open space.

Open Space, Public. An open space area conveyed or otherwise dedicated to a municipality, municipal agency, public school district, state or county agency, or other public body for recreational or conservational uses. Any publicly owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, and parkways but not including streets or dedicated public rights-of-way.

Open Space Ratio (OSR). The number derived by dividing the open space of the site by the base site area. When applied to natural resource protection, the open space ratio shall include the natural resource

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