

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*  
TUESDAY JUNE 4, 2019 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes:
  - 1. Regular Common Council Meeting of May 21, 2019.
  - 2. Special Common Council Meeting of May 23, 2019.
- D. Hearings – A proposed Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for properties generally located south of the intersection of West Loomis Road and West Ryan Road, including portions of what was formerly 11205 West Ryan Road (the eastern portion of Outlot 1 and the southern portion of Lot 2 of Certified Survey Map No. 9095) from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use (Mills Hotel Wyoming, LLC, applicant). The properties which are the subject of this application currently bear Tax Key Nos. 891-9008-000 and 891-9010-000.
- E. Organizational:

The following are Mayoral appointments for Common Council confirmation:

  - 1. Alan Aleksandrowicz, 3927 W. Glenwood Dr., Ald. Dist. 4, Library Board for a 3-year unexpired term expiring 06/30/21.
  - 2. Dr. Reivian Berrios, 3909 W. Minnesota Ave., Ald. Dist. 3, Library Board for a 3-year term expiring 06/30/22.
- F. Letters and Petitions – Letter From Robert Montgomery Requesting Common Council Denial for City Water and Sewer at 8570 South 116<sup>th</sup> Street.
- G. Reports and Recommendations:
  - 1. Consent Agenda:
    - (a) A Resolution to Grant Overhead Distribution Easement to Wisconsin Electric Power Company for City-Owned Parcel at S. 51<sup>st</sup> Street and W. Drexel Avenue (Parcel 806-9992-002).
    - (b) New 1-Year Long-Distance Telephone Service Agreement with AT&T.
    - (c) Franklin Fire Department Donations to be Used to Help Fund Fire and Safety Educational Programs and on Occasion to Aid in Purchasing Specialized Medical Equipment from the following: Lori Nowak and Family in the Amount of \$50; Anita Sadar in Memory of Donald Norman in the Amount of \$50 and Anonymous Donation in the Amount of \$60.
  - 2. An Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to Change the City of Franklin 2025 Future Land Use Map for Properties Generally

Located South of the Intersection of West Loomis Road and West Ryan Road, Including Portions of What was Formerly 11205 West Ryan Road (the Eastern Portion of Outlot 1 and the Southern Portion of Lot 2 of Certified Survey Map No. 9095) from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use (Approximately 26.1 Acres) (Mills Hotel Wyoming, LLC, Applicant).

3. An Ordinance to Amend the Unified Development Ordinance (Zoning Map) to Rezone the Western Portion of Outlot 1 of Certified Survey Map No. 9095 From R-2 Estate/Single-Family Residence District to M-1 Limited Industrial District, to Rezone the Eastern Portion of Outlot 1 of Certified Survey Map No. 9095 from R-2 Estate/Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District and to Rezone the Southern Portion of Lot 2 of Certified Survey Map No. 9095 from M-1 Limited Industrial District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District (Properties Generally Located South of the Intersection of West Loomis Road and West Ryan Road, Including Portions of what was Formerly 11205 West Ryan Road (the Western and Eastern Portion of Outlot 1 and the Southern Portion of Lot 2 of Certified Survey Map No. 9095), (Approximately 50.69 Acres) (Mills Hotel Wyoming, LLC, Applicant).
4. A Resolution Conditionally Approving a Preliminary Plat for Bear Franklin Subdivision (at Approximately West Ryan Road and South 112th Street) (Bear Development, LLC, Applicant, on Behalf of Mills Hotel Wyoming, LLC, Property Owner).
5. Project Updates for Ballpark Commons.
6. A Resolution to Amend Resolution No. 2017-7246 Imposing Conditions and Restrictions for the Approval of a Special Use for a One-Story, Six Building, 48 Unit Multi-Family Senior Independent Living Apartment Complex Development Use Located at 3709 West College Avenue to Allow for Construction of the Woodland's Edge at Franklin 48 Unit Senior Independent Living Apartment Complex (Herman & Kittle Properties, Inc., Applicant).
7. An Ordinance to Amend §15-3.0433 of the Unified Development Ordinance, Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) to Allow for Additional Parking (Polish Heritage Alliance, Inc., Applicant/Property Owner) (6941 South 68<sup>th</sup> Street).
8. A Resolution for Acceptance of a Water Main Easement from FHCC LLC, (Repacorp), Tax Key No. 748-9994-003, 11301 W. Forest Home Avenue.
9. Approve a Public Health Specialist Job Description and Grant Authorization to Fill the Position.
10. Revisions to the Job Descriptions for the Inspection Services Department; and for all Positions Requiring a Commercial Driver's License.
11. Notification of Closure of Recycling Center Services at Department of Public Works Facility (7979 W. Ryan Road) on Saturdays.
12. An Ordinance to Amend Ordinance 2018-2345, an Ordinance Adopting the 2019 Annual Budgets for the Grants Fund to Provide \$10,500 of Appropriations for Capital Purchases.
13. April 2019 Monthly Financial Report.
14. An Ordinance to Amend the Municipal Code to End the St. Martins Every Summer Monday Market Fair and Amend Fees for the St. Martins Fair.

Common Council Meeting Agenda

June 4, 2019

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H. Bills.

Request for Approval of Vouchers and Payroll.

I. Licenses and Permits.

Miscellaneous Licenses from License Committee Meetings of:

1. May 23, 2019.
2. May 30, 2019.
3. June 4, 2019.

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:

June 6	Plan Commission Meeting	7:00 p.m.
June 18	Common Council Meeting	6:30 p.m.
June 20	Plan Commission Meeting	7:00 p.m.
July 2	Common Council Meeting	6:30 p.m.
July 4	Independence Day	City Hall Closed
July 16	Common Council Meeting	6:30 p.m.
August 5	National Night Out	6:00 p.m. - 9:00 p.m.
August 6	Common Council Meeting	6:30 p.m.

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OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 29, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (9533 WEST RYAN ROAD), as amended and presented at this meeting subject to any minor changes approved by the Planning Manager, City Engineer, and City Attorney. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2019-7494  
PRELIMINARY PLAT FOR  
PLEASANT VIEW  
ESTATES SUBD. (S. 49TH  
ST. AND W. MARQUETTE  
AVE.) (RICK PRZYBYLA,  
APPLICANT)

G.1. Alderwoman Wilhelm moved to adopt Resolution No. 2019-7494, A RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR PLEASANT VIEW ESTATES SUBDIVISION (AT APPROXIMATELY SOUTH 49TH STREET AND WEST MARQUETTE AVENUE) (RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT). Seconded by Alderman Taylor. Upon voice vote, four Ayes, one No (Alderman Mayer). Motion carried.

RES. 2019-7495  
REDIVISION OF CSM  
2153 AND CSM 6949 (7475  
S. 49TH ST.) (FRED  
ARBANELLA,  
ARBANELLA/CARMODY  
HOMES, APPLICANT)

G.2. Alderwoman Wilhelm moved to adopt Resolution No. 2019-7495, A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A REDIVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 2153 AND PARCEL 3 OF CERTIFIED SURVEY MAP NO. 6949, ALL IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, LOCATED IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN. (FRED ARBANELLA, ARBANELLA/CARMODY HOMES, APPLICANT) (AT 7475 SOUTH 49TH STREET), subject to meeting any minor changes approved by the Planning Manager, City Engineer and City Attorney. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2019-7496  
PRELIMINARY PLAT FOR  
OAK RIDGE OF  
FRANKLIN SUBD. (AT  
7475 S. 49TH ST.) (FRED  
ARBANELLA,  
ARBANELLA/CARMODY  
HOMES, APPLICANT)

G.3. Alderwoman Wilhelm moved to adopt Resolution No. 2019-7496, A RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR OAK RIDGE OF FRANKLIN SUBDIVISION (AT 7475 SOUTH 49TH STREET) (FRED ARBANELLA, ARBANELLA/CARMODY HOMES, APPLICANT). Seconded by Alderman Barber. All voted Aye; motion carried.

Mayor Olson arrived at the meeting and chaired the meeting at 8:21 p.m.

CHANGE LAND USE OF  
CSM 9095 FROM  
BUSINESS PARK USE TO  
RESIDENTIAL USE

G.4. An Ordinance was held until the Common Council meeting on June 4, 2019, to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for properties generally located south of the intersection of

(APPROXIMATELY 26.1 ACRES) (MILLS HOTEL WYOMING, LLC, APPLICANT)

West Loomis Road, including portions of what was formerly 11205 West Ryan Road (the eastern portion of Outlot 1 and the southern portion of Lot 2 of Certified Survey Map No. 9095) from Business Park Use and areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use (approximately 26.1 acres) (Mills Hotel Wyoming, LLC).

AMEND UDO TO REZONE PORTIONS OF OUTLOT 1 AND PORTION OF LOT 2 OF CSM 9095, (APPROXIMATELY 50.69 ACRES) (MILLS HOTEL WYOMING, LLC, APPLICANT)

G.5. An Ordinance was held until the Common Council meeting on June 4, 2019, to amend the Unified Development Ordinance (Zoning Map) to rezone the western portion of Outlot 1 of Certified Survey Map No. 9095 from R-2 Estate/Single-Family Residence District to M-1 Limited Industrial District, to rezone the eastern portion of Outlot 1 of Certified Survey Map No. 9095 from R-2 Estate/Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District and the southern portion of Lot 2 of Certified Survey Map. No. 9095 from M-1 Limited Industrial District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District, such land being generally located south of the intersection of West Loomis Road and West Ryan Road, including portions of what was formerly 11205 West Ryan Road (the western and eastern portion of Outlot 1 and the southern portion of Lot 2 of Certified Survey Map No. 9095).

PLAT FOR BEAR FRANKLIN SUBD. (APPROX. W. RYAN RD. AND S. 112TH ST.)

G.6. A Resolution was held until the Common Council meeting on June 4, 2019, conditionally approving a Preliminary Plat for Bear Franklin Subdivision (at approximately West Ryan Road and South 112th Street) (Bear Development, LLC, Property Owner).

TID 5 PDD 37 BPC MIXED USE DEVELOPMENT PROJECT TEMPORARY OCCUPANCY PERMITS

G.7. No action was required on Tax Incremental District No. 5 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) Ballpark Commons sports anchored mixed-use development project temporary occupancy permits for building C1 (office/retail) and the stadium uses and additional/future buildings uses.

ORD. 2019-2369 APPROPRIATION FOR ADMINISTRATIVE COSTS FOR TID 5 PROJECT PLAN AMENDMENT

G.8. Alderman Taylor moved to adopt Ordinance No. 2019-2369, AN ORDINANCE TO AMEND ORDINANCE NO. 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR TAX INCREMENTAL DISTRICT NO. 5 FUND FOR THE CITY OF FRANKLIN TO ESTABLISH AN APPROPRIATION FOR ADMINISTRATIVE COSTS FOR A TAX INCREMENTAL DISTRICT NO. 5 PROJECT PLAN AMENDMENT AND INFRASTRUCTURE COSTS CARRYING OVER TO 2019 FROM 2018. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

- ORD. 2019-2370  
UPDATE ELECTRICAL  
CODE CH. 118 TO BE IN  
COMPLIANCE WITH  
STATE CODE SPS 316
- G.9. Alderman Mayer moved to adopt Ordinance No. 2019-2370, AN ORDINANCE TO AMEND CHAPTER 118 - ELECTRICAL STANDARDS – OF THE CITY OF FRANKLIN MUNICIPAL CODE TO SATISFY THE WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES’ REQUIREMENT FOR THE CITY TO BE IN COMPLIANCE WITH CURRENT LANGUAGE IN THE STATE ELECTRICAL CODE SPS 316, AS WELL AS OTHER MINOR AMENDMENTS. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2019-7497  
AUTHORIZE A TAX  
ASSESSMENT AGMT.  
AND AMENDMENT TO  
TAX ASSESSMENT  
AGMT. (TID 6) WITH  
STRAUSS INVESTMENTS
- G.10. Alderman Nelson moved to adopt Resolution No. 2019-7497, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A TAX ASSESSMENT AGREEMENT (TAX INCREMENTAL DISTRICT NO. 6) WITH STRAUSS INVESTMENTS, LLC AND A FIRST AMENDMENT TO TAX ASSESSMENT AGREEMENT WITH STRAUSS INVESTMENTS, LLC. Seconded by Alderman Taylor. All voted Aye; motion carried.
- RES. 2019-7498  
APPROVE 2 LOT CSM  
(MATT TALBOT  
RECOVERY SERVICES,  
INC., APPLICANT) (9132  
S. 92ND ST.)
- G.13 Alderman Taylor moved to adopt Resolution No. 2019-7498, A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (MATT TALBOT RECOVERY SERVICES, INC., APPLICANT) (9132 SOUTH 92ND STREET). Seconded by Alderman Nelson. On roll call, all voted Aye; motion carried.
- MOU WITH GREENFIELD  
FOR DISPENSARY OF TB  
CLINICAL SERVICES
- G.14 Alderman Mayer moved to continue the Memorandum of Understanding by signing the Intergovernmental Agreement for the Dispensary of Tuberculosis Clinical Services between the City of Greenfield Health Department and the Franklin Health Department. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2019-7499  
STORM DRAINAGE AND  
SANITARY SEWER  
EASEMENT (ASPEN  
WOODS, LLC) (S. 51ST  
ST. & W. PUETZ RD., TKN  
853-0095-010)
- G.15 Alderman Taylor moved to adopt Resolution No. 2019-7499, A RESOLUTION FOR ACCEPTANCE OF A STORM DRAINAGE EASEMENT AND A SANITARY SEWER EASEMENT FOR ASPEN WOODS SUBDIVISION (VH ASPEN WOODS, LLC) SOUTH 51<sup>ST</sup> STREET AND WEST PUETZ ROAD, TAX KEY NUMBER 853-0095-010. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- ORD. 2019-2371  
BUDGET  
APPROPRIATIONS FOR
- G.16 Alderwoman Wilhelm moved to approve Ordinance No. 2019-2371, AN ORDINANCE TO AMEND ORDINANCE NO. 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS

ROUNDBOUT AT S.  
51ST ST. AND W.  
DREXEL AVE.

FOR THE CAPITAL IMPROVEMENT FUND TO PROVIDE ADDITIONAL \$650,000 APPROPRIATIONS AND RESOURCES FOR THE ROUNDBOUT AT SOUTH 51ST STREET AND WEST DREXEL AVENUE. Seconded by Alderman Barber. On roll call, Alderman Barber, Alderwoman Wilhelm, Alderman Mayer and Alderman Dandrea voted Aye; Alderman Nelson and Alderman Taylor voted No. Motion carried.

RES. 2019-7500  
PURCHASE LAND ON  
THE NW CORNER OF S.  
51ST ST. AND W.  
DREXEL AVE.

G.17 Alderman Barber moved to adopt Resolution No. 2019-7500, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE LOCATED AT THE NORTHWEST CORNER OF WEST DREXEL AVENUE AND SOUTH 51ST STREET FROM PAYNE & DOLAN FOR INTERSECTION IMPROVEMENTS IN AN AMOUNT OF \$13,800. Seconded by Alderman Mayer. On roll call, Alderman Dandrea, Alderman Mayer, Alderwoman Wilhelm and Alderman Barber voted Aye; Alderman Taylor and Alderman Nelson voted No. Motion carried.

RES. 2019-7501  
CONTRACT WITH  
ZIGNEGO CO. INC. FOR S.  
51ST ST. AND W.  
DREXEL AVE.

G.18 Alderman Barber moved to adopt Resolution No. 2019-7501, RESOLUTION TO AWARD CONSTRUCTION CONTRACT FOR ZIGNEGO CO. INC. TO CONSTRUCT SOUTH 51ST STREET AND WEST DREXEL AVENUE INTERSECTION IN THE AMOUNT OF \$1,466,019.55. Seconded by Alderwoman Wilhelm. On roll call, Alderman Barber, Alderwoman Wilhelm, Alderman Mayer and Alderman Dandrea voted Aye; Alderman Nelson and Alderman Taylor voted No. Motion carried.

RES. 2019-7502  
AGREEMENT WITH  
MMSD FOR  
STORMGUARD®  
INSTALL AT CITY HALL

G.19 Alderman Mayer moved to adopt Resolution No. 2019-7502, A RESOLUTION TO ENTER INTO A INTERLOCAL COOPERATION AGREEMENT WITH MILWAUKEE METROPOLITAN SEWERAGE DISTRICT (MMSD) FOR INSTALLATION OF A STORMGUARDEN® AT FRANKLIN CITY HALL 9229 W. LOOMIS ROAD, with the Resolution forwarded to the Environmental Commission and placement referred to staff. Seconded by Alderman Barber. All voted Aye; motion carried.

DESIGNATION OF  
ALERTING SYSTEM  
PROJECT IN THE CAP.  
IMPR. FUND

G.20 Alderman Taylor moved to designate the "Station Specific Alerting System Project" as an "Approved Project" in the Capital Improvement Fund. Seconded by Alderman Mayer. All voted Aye; motion carried.

REPLACEMENT OF  
FLOORING AT FIRE  
STATION #2

G.21 Alderman Dandrea moved to authorize the Fire Chief to accept and act on a quote from Adair Floors 'N' Mor, Inc. in the amount of \$9,872 for the replacement of flooring at Fire Station #2, subject to

publication of a First-Class Notice. Seconded by Alderman Mayer. All voted Aye; motion carried.

ORD. 2019-2372  
BUDGET  
ENCUMBRANCES FOR  
GENERAL FUND AND  
TID 3

G.22 Alderman Dandrea moved to adopt Ordinance No. 2019-2372, AN ORDINANCE TO AMEND ORDINANCE NO. 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR THE GENERAL FUND AND TAX INCREMENTAL DISTRICT NO. 3 FUND TO PROVIDE APPROPRIATIONS FOR TAX REFUNDS STEMMING FROM ASSESSMENT REDUCTIONS FOR 2016, 2017 AND 2018. Seconded by Alderman Mayer. On roll call, all voted Aye; motion carried.

SETTLEMENT  
AGREEMENT  
SAM'S CLUB

G.23 Alderman Dandrea moved to authorize the Mayor to execute the Settlement Agreement, as prepared by Attorney Ryan Braithwaite of Crivello Carlson, S.C. on behalf of the City of Franklin, between Sam's Real Estate Business Trust and the City of Franklin, Wisconsin, relative to Milwaukee County Circuit Court Case No. 17-CV-12977 (Consolidated) for the 2017-2018 Tax Years where by the City shall issue a refund payable to Sam's in the amount of \$38,627.55, subject to approval of a budget modification to establish the necessary appropriation. Seconded by Alderman Barber. On roll call, Alderman Dandrea, Alderwoman Wilhelm, and Alderman Barber voted Aye; Alderman Mayer, Alderman Taylor, and Alderman Nelson voted No. Motion failed due to lack of a majority vote.

It was then moved by Alderman Barber to authorize the Mayor to execute the Settlement Agreement, as prepared by Attorney Ryan Braithwaite of Crivello Carlson, S.C. on behalf of the City of Franklin, between Sam's Real Estate Business Trust and the City of Franklin, Wisconsin, relative to Milwaukee County Circuit Court Case No. 17-CV-12977 (Consolidated) for the 2017-2018 Tax Years where by the City shall issue a refund payable to Sam's in the amount of \$38,627.55, subject to approval of a budget modification to establish the necessary appropriation. Seconded by Alderman Dandrea. On roll call, Alderman Nelson, Alderman Barber, Alderwoman Wilhelm, and Alderman Dandrea voted Aye; Alderman Taylor and Alderman Mayer voted No. Motion carried.

SETTLEMENT  
AGREEMENT  
WAL-MART

G.24 Alderman Barber moved to authorize the Mayor to execute the Settlement Agreement, as prepared by Attorney Ryan Braithwaite of Crivello Carlson, S.C. on behalf of the City of Franklin, between Wal-Mart Real Estate Business Trust and the City of Franklin, Wisconsin, relative to Milwaukee County Circuit Court Case No. 17-CV-12974 (Consolidated) for the 2017-2018 tax years whereby the City shall issue a refund payable to Wal-Mart in the amount of

\$52,638.71, subject to approval of a budget modification to establish the necessary appropriation. Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderwoman Wilhelm, Alderman Barber, Alderman Nelson voted Aye; Alderman Mayer and Alderman Taylor voted No. Motion carried.

SETTLEMENT  
AGREEMENT  
MENARD, INC.

G.25 Alderman Dandrea moved to authorize the Mayor to execute the Settlement Agreement, as prepared by Attorney Ryan Braithwaite of Crivello Carlson, S.C. on behalf of the City of Franklin, between Menard, Inc. and the City of Franklin, Wisconsin, relative to Milwaukee County Circuit Court Case No. 16-CV-8734 (Consolidated) for the 2016-2018 tax years whereby the City shall issue a refund payable to Menard, Inc. in the amount of \$65,396.21, subject to approval of a budget modification to establish the necessary appropriation. Seconded by Alderman Barber. On roll call, Alderman Nelson, Alderman Barber, Alderman Taylor, and Alderman Dandrea voted Aye; Alderwoman Wilhelm and Alderman Mayer voted No. Motion carried.

ORD. 2019-2373  
RECLASSIFY  
APPROPRIATIONS FOR  
CAP. IMPR. FUND FOR  
TRAFFIC SIGNAL AND  
ENG. SERVICES

G.26 Alderman Taylor moved to approve Ordinance No. 2019-2373, AN ORDINANCE TO AMEND ORDINANCE NO. 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR THE CAPITAL IMPROVEMENT FUND FOR FISCAL YEAR 2019 TO RECLASSIFY APPROPRIATIONS FROM CONTINGENCY FOR TRAFFIC SIGNAL AND ENGINEERING SERVICES TO HIGHWAY PROJECTS. Seconded by Alderman Nelson. On roll call, all voted Aye; motion carried.

ORD. 2019-2374  
RECLASSIFY  
CONTINGENCY  
APPROPRIATIONS FOR  
QUARRY SURVEY, RE-  
APPROPRIATE UNUSED  
SENIOR TRAVEL

G.27 Alderman Taylor moved to approve Ordinance No. 2019-2374, AN ORDINANCE TO AMEND ORDINANCE NO. 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGET FOR THE GENERAL FUND TO RECLASSIFY CONTINGENCY APPROPRIATIONS FOR A QUARRY SURVEY AND TO RE-APPROPRIATE UNUSED 2018 APPROPRIATIONS FOR THE SENIOR TRAVEL PROGRAM. Seconded by Alderman Nelson. On roll call, all voted Aye; motion carried.

ORD. 2019-2375  
BUDGET  
APPROPRIATIONS FOR  
GENERAL FUND, GRANT  
FUND, SANITARY  
SEWER FUND AND SELF  
INSURANCE FUND

G.28 Alderman Mayer moved to approve Ordinance No. 2019-2375, AN ORDINANCE TO AMEND ORDINANCE NO. 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR GENERAL FUND, GRANT FUND, SANITARY SEWER FUND AND THE SELF INSURANCE FUND FOR THE CITY OF FRANKLIN TO INCREASE AN APPROPRIATION FO EMPLOYER SUPPORT FOR EMPLOYEE HEALTH SAVINGS ACCOUNT. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

LICENSES AND PERMITS H.1.

Alderman Taylor moved to approve the following:  
Hold 2018-2019 Operator License for Grace Ann Lucille Cole, 10863 S. 60th St. until contact is made with City Clerk's Office;

Table until the May 30, 2019 License meeting, 2018-2019 Operator License for Frank J. Janiszewski, 12301 W. Ryan Rd.;

Grant 2018-2019 Operator Licenses to Sandy Y. Gallagher 1707 Ellis Ave., Racine; Zachary M. Grmick, 10202 W. Ridge Rd., Hales Corners; Megan Bramer, 711 Lakeview Ave., South Milwaukee; Nadine E. Dentice, 4514 S. Adams Ave. #2, Milwaukee; Bianca J. Gresl, 10653 S. 76th St.; Thomas R. Perry, 3702 W. Holmes Ave., Greenfield;

Grant 2018-2019 and 2019-2020 Operator Licenses to Luis A. Nunez-Valadez, 1241 S. 31st St, Milwaukee; Craig A. Pescheck, 7155 S. 49th St.; Kristen Rinke, S97 W12719 Champions Dr., Muskego; Savana C. Weitkuhn, 3709 Candle Ct #5, Racine; and

Grant 2019-2020 Day Care license, subject to compliance with City Ordinance and approval of inspections, to Discovery Days Childcare III, Inc., Manager Kristopher Kraussel, 9758 S. Airways Ct.

Seconded by Alderman Nelson. All voted Aye; motion carried.

VOUCHERS AND PAYROLL

I.1.

Alderman Barber moved to approve the following:  
City vouchers with an ending date of May 16, 2019 in the amount of \$1,294,869.82; and payroll dated May 10, 2019 in the amount of \$404,949.35 and payments of the various payroll deductions in the amount of \$222,595.30, plus City matching payments; and estimated payroll dated May 24, 2019 in the amount of \$390,000.00 and payments of the various payroll deductions in the amount of \$431,000.00, plus City matching payments; and Property Tax refunds and investments with an ending date of May 16, 2019 in the amount of \$1,433.64; and the release of payments to miscellaneous vendors in the amount of \$3,111,887.28. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

Alderman Taylor vacated his seat and left the meeting at 9:20 p.m.

CLOSED SESSION OPIOID CRISIS LITIGATION G.29.

Alderman Barber moved to enter closed session at 9:20 p.m. pursuant to Wis. Stats. §19.85(1)(e), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to governmental entities litigation involving manufacturing and distributors of opiates with

regard to the opioid crisis, in which it is likely to become involved. Seconded by Alderman Nelson. On roll call, all voted Aye; motion carried.

Upon reentering open session at 9:25 p.m., Alderman Mayer moved to authorize the Mayor, City Clerk and Director of Finance & Treasurer to enter into a retainer agreement with the law firm of Phipps, Deacon, Prunell for the purpose of representing the City in potential litigation pertaining to the opioid epidemic. Seconded by Barber. All voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Mayer moved to adjourn the meeting at 9:26 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

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CITY OF FRANKLIN  
SPECIAL COMMON COUNCIL MEETING  
MAY 23, 2019  
MINUTES

ROLL CALL

A. The special meeting of the Common Council was held on May 23, 2019 and called to order at 5:31 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 (arrived at 5:32 p.m.), Alderman Dan Mayer, Alderwoman Kristen Wilhelm (arrived at 5:33 p.m.), Alderman Steve F. Taylor, Alderman Mike Barber and Alderman John R. Nelson. Also present were Dir. of Economic Dev. Calli Berg, Dir. of Finance & Treasurer Paul Rotzenberg, City Engineer Glen Morrow, Dir. of Administration Mark Luberda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

CITIZEN COMMENT

B.1. Citizen comment period was opened at 5:32 p.m. and closed at 5:41 p.m.

RES. 2019-7503  
PROJECT PLAN &  
BOUNDARIES FOR  
TID 5

C.1. Alderman Barber moved to adopt Resolution No. 2019-7503, A RESOLUTION APPROVING AN AMENDMENT TO THE PROJECT PLAN AND BOUNDARIES OF TAX INCREMENTAL DISTRICT NO. 5, CITY OF FRANKLIN, WISCONSIN, subject to technical corrections. Seconded by Alderman Taylor. On roll call, Alderman Dandrea, Alderwoman Wilhelm, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

RES. 2019-7504  
PROJECT PLAN &  
BOUNDARIES FOR  
TID 7

C.2. Alderman Barber moved to adopt Resolution No. 2019-7504, A RESOLUTION APPROVING THE PROJECT PLAN AND ESTABLISHING THE BOUNDARIES FOR AND THE CREATION OF TAX INCREMENTAL DISTRICT NO. 7, CITY OF FRANKLIN, WISCONSIN, subject to technical corrections. Seconded by Alderman Taylor. On roll call, Alderman Nelson, Alderman Barber, Alderman Taylor, Alderwoman Wilhelm, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

ADJOURNMENT

D. Alderman Taylor moved to adjourn the meeting at 6:44 p.m. Seconded by Alderman Barber. All voted Aye; motion carried.

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CITY OF FRANKLIN  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FRANKLIN will conduct a public hearing on Tuesday, May 21, 2019, at 6:30 p.m., or as soon thereafter as the matter may be heard, in the Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, to hear public comment regarding a proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for properties generally located south of the intersection of West Loomis Road and West Ryan Road, including portions of what was formerly 11205 West Ryan Road (the eastern portion of Outlot 1 and the southern portion of Lot 2 of Certified Survey Map No. 9095) from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use (Mills Hotel Wyoming, LLC, applicant). The properties which are the subject of this application currently bear Tax Key Nos. 891-9008-000 and 891-9010-000, and are more particularly described as follows:

Area Currently Shown on Comprehensive Land Use Map as Business Park and Requested to be Changed to Residential

Part of Lot 2 of Certified Survey Map No. 9505, located in the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows: Beginning at the southeast corner of said Lot 2; thence North 89°44'26" West along the south line of said Lot 2, 177.55 feet; thence North 46°55'39" West along said line, 177.07 feet; thence North 89°28'18" West along said line, 102.69 feet; thence South 00°51'07" East along said line, 180.39 feet; thence South 53°26'01" West along said line, 169.70 feet; thence North 00°34'43" West, 5.31 feet; thence North 44°24'10" West, 200.97 feet; thence North 45°57'27" East, 382.31 feet; thence North 89°25'17" East, 406.44 feet to a point on the east line of said Lot 2; thence South 00°34'43" East along the east line of said Lot 2, 260.00 feet to the Point of Beginning. Containing 144,762 sq. ft. (3.3233 acres) more or less.

Area Currently Shown on Comprehensive Land Use Map as Business Park and Requested to be Changed to Residential

Part of Outlot 1 of Certified Survey Map No. 9505, located in the Southwest 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows: Beginning at the southeast corner of said Outlot 1; thence North 89°42'41" West along the south line of said Outlot 1, 844.14 feet; thence North 01°10'06" West, 1155.10 feet; thence North 89°25'17" East, 116.04 feet; thence North 00°34'43" West, 359.81 feet to the north line of said Outlot 1; thence North 53°26'01" East along said north line, 169.70 feet; thence North 00°51'07" West along said north line, 180.39 feet; thence South 89°28'18" East along said north line, 102.69 feet; thence South 46°55'39" East along said north line, 177.07 feet; thence South 89°44'26" East along said north line, 41.64 feet to the northeast corner of said Outlot 1; thence South 00°36'33" East along the east line of said Outlot 1, 1153.26 feet; thence North 89°23'27" East along said east line, 330.12 feet; thence South 00°36'33" East along said east line, 529.83 feet to the Point of Beginning. Containing 992,963 sq. ft. (22.7953 acres) more or less.

This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.1001(4)(d). The public is invited to attend the public hearing and to provide input. The proposed

ordinance to amend the City of Franklin 2025 Comprehensive Master Plan is available and open for inspection by the public in the Office of the City Clerk at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. The proposed draft ordinance is also available and open for inspection by the public at the Franklin Public Library, 9151 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. In addition, the draft ordinance is available for review at [www.franklinwi.gov](http://www.franklinwi.gov). Any questions or comments about the proposed amendment to the Comprehensive Master Plan may be directed to Joel Dietl, City of Franklin Planning Manager, at 414-425-4024.

Dated this 17th day of April, 2019.

Sandra L. Wesolowski  
City Clerk

N.B. Class I

Please Publish: April 24, 2019

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>06/04/19</b></p>
<p><b>ORGANIZATIONAL BUSINESS</b></p>	<p><b>Boards and Commissions Appointment</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>E.</i></p>

The Mayor has made the following appointments for Council confirmation:

1. Alan Aleksandrowicz, 3927 W. Glenwood Dr., Ald. Dist. 4, Library Board for a 3-year unexpired term expiring 06/30/21.
2. Dr. Reivian Berrios, 3909 W. Minnesota Ave., Ald. Dist. 3, Library Board for a 3-year term expiring 06/30/22.

**COUNCIL ACTION REQUESTED**

The following appointment is for Council confirmation:

1. Alan Aleksandrowicz, 3927 W. Glenwood Dr., Ald. Dist. 4, Library Board for a 3-year unexpired term expiring 06/30/21.
2. Dr. Reivian Berrios, 3909 W. Minnesota Ave., Ald. Dist. 3, Library Board for a 3-year term expiring 06/30/22.

## Shirley Roberts

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**From:** volunteerfactsheet@franklinwi.info  
**Sent:** Tuesday, May 07, 2019 8:31 AM  
**To:** Lisa Huening; Shirley Roberts; Sandi Wesolowski  
**Subject:** Volunteer Fact Sheet

**Name:** Alan Aleksandrowicz  
**PhoneNumber:** 4147619277  
**EmailAddress:** [alan.a.3927@gmail.com](mailto:alan.a.3927@gmail.com)  
**YearsasResident:** 42  
**Alderman:**  
**ArchitecturalBoard:** 0  
**CivicCelebrations:** 0  
**CommunityDevelopmentAuthority:** 0  
**EconomicDevelopmentCommission:** 0  
**EnvironmentalCommission:** 0  
**FinanceCommittee:** 0  
**FairCommission:** 0  
**BoardofHealth:** 0  
**FirePoliceCommission:** 0  
**ParksCommission:** 0  
**LibraryBoard:** 1  
**PlanCommission:** 0  
**PersonnelCommittee:** 0  
**BoardofReview:** 0  
**BoardofPublicWorks:** 0  
**QuarryMonitoringCommittee:** 0  
**TechnologyCommission:** 0  
**TourismCommission:** 0  
**BoardofZoning:** 0  
**WasteFacilitiesMonitoringCommittee:** 0  
**BoardWaterCommissioners:** 0  
**CompanyNameJob1:** Franklin Public Schools  
**TelephoneJob1:** 4145298220  
**StartDateandPositionJob1:** April, 2013 / Member of the board  
**EndDateandPositionJob1:** April, 2019 / Clerk of the board  
**CompanyNameJob2:** Connected Technologies Solutions  
**TelephoneJob2:** 2624378080  
**StartDateandPositionJob2:** November, 2017 / Controller  
**EndDateandPositionJob2:** August 2018 / Controller  
**CompanyNameJob3:** Midland Plastics, Inc.

**TelephoneJob3:** 2629387000  
**StartDateandPositionJob3:** September, 2006 / Controller  
**EndDateandPositionJob3:** March, 2018 / Controller  
**Signature:** Alan Aleksandrowicz  
**Date:** 5/7/2019  
**Signature2:** Alan Aleksandrowicz  
**Date2:** 5/7/2019  
**Address:** 3927 W GLENWOOD DR  
**PriorityListing:**  
**WhyInterested:** I have talent that I would like to continue to give back to the community.  
**CompanyAddressJob1:** 8255 West Forest Hill Avenue Franklin, WI 53132  
**DescriptionofDutiesJob1:** Voted as a member of the board on those issues that came before the board. Supported and promoted the School Board.  
**AddressJob2:** W146 N9560 Held Drive Menomonee Falls, WI 53051  
**DescriptionofDutiesJob2:** Accounting, Purchasing, and Scheduling reported to the Controller. Produced financial statements and other reports as required. Evaluate processes and procedures to improve efficiencies and purchased all insurance.  
**AddressJob3:** 5405 S Westridge Ct New Berlin, WI 53151  
**DescriptionofDutiesJob3:** Accounting, Information Technology and the Receptionist Reported to the Controller. Produced financial statements and other reports as required. Evaluate processes and procedures to improve efficiencies and purchased all insurance.  
**AdditionalExperience:** I bring a positive attitude and have a knack for relieving tense situations.  
**ClientIP:** 75.11.31.58  
**SessionID:** kirxjen52g3oijrew5kc1o55  
See Current Results

## Shirley Roberts

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**From:** volunteerfactsheet@franklinwi.info  
**Sent:** Monday, May 06, 2019 3:11 AM  
**To:** Lisa Huening; Shirley Roberts; Sandi Wesolowski  
**Subject:** Volunteer Fact Sheet

**Name:** Dr. Reivian Berrios  
**PhoneNumber:** 4144236845  
**EmailAddress:** [rbbpt@sbcglobal.net](mailto:rbbpt@sbcglobal.net)  
**YearsasResident:** 17  
**Alderman:**  
**ArchitecturalBoard:** 1  
**CivicCelebrations:** 0  
**CommunityDevelopmentAuthority:** 0  
**EconomicDevelopmentCommission:** 0  
**EnvironmentalCommission:** 0  
**FinanceCommittee:** 0  
**FairCommission:** 0  
**BoardofHealth:** 0  
**FirePoliceCommission:** 0  
**ParksCommission:** 0  
**LibraryBoard:** 1  
**PlanCommission:** 0  
**PersonnelCommittee:** 0  
**BoardofReview:** 0  
**BoardofPublicWorks:** 0  
**QuarryMonitoringCommittee:** 0  
**TechnologyCommission:** 1  
**TourismCommission:** 0  
**BoardofZoning:** 0  
**WasteFacilitiesMonitoringCommittee:** 0  
**BoardWaterCommissioners:** 0  
**CompanyNameJob1:** Concordia University- Wisconsin  
**TelephoneJob1:** 2622432158  
**StartDateandPositionJob1:** 2/1/2016/Assistant Professor  
**EndDateandPositionJob1:** currently  
**CompanyNameJob2:** Marquette University  
**TelephoneJob2:**  
**StartDateandPositionJob2:** 2002/Instructor & Graduate Assistant  
**EndDateandPositionJob2:** 2015  
**CompanyNameJob3:** Aurora Health Care

**TelephoneJob3:**  
**StartDateandPositionJob3:** 7/1/2001/physical therapist  
**EndDateandPositionJob3:** currently  
**Signature:** Reivian Berrios  
**Date:** 05/06/2019  
**Signature2:** Reivian Berrios  
**Date2:** 05/06/2019  
**Address:** 3909 W Minnesota Av  
**PriorityListing:** 1)Library Board, 2)Technology Commission, 3)Architectural Review Board

**WhyInterested:**  
My family and I have lived in Franklin for many years and enjoy this city. I would like to become more involved in Franklin's happenings by giving input on different developments/boards. 1)We use the library services regularly and visit the library 1-2 times weeks for a variety of children's activities. As a professor, researcher and parent; I could provide insight on materials for children and adults. 2)As a professor, I teach a few courses online and have used coding for various research projects. I could provide information on technology that may be useful for the city. 3)We built a home in Franklin in 2002 and understand some of the issues that arise with constructing a home and updating a home.

**CompanyAddressJob1:**  
**DescriptionofDutiesJob1:** Educator and researcher in graduate allied health programs  
**AddressJob2:**  
**DescriptionofDutiesJob2:** Educator and researcher in allied health programs  
**AddressJob3:**  
**DescriptionofDutiesJob3:** Provide physical therapy services  
**AdditionalExperience:** cycling (road & mountain biking), avid reader (member of community book club)  
**ClientIP:** 108.84.69.84  
**SessionID:** mqpyso55klcn3b45sv2k0trw  
See Current Results

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May 29, 2019

RE: REQUEST FOR COMMON COUNCIL TO DENY  
REQUEST FOR CITY WATER AND SEWER ON South 116<sup>th</sup>  
Street

Dear Common Council:

I met with the City Engineering Department about rebuilding my home at 8570 S. 116<sup>th</sup> Street, Franklin, WI 53132 (Parcel Number 842-9995-004). My home was completely destroyed by a fire on January 31, 2019. The Engineering Department states in order to rebuild on my lot (which is zoned R-3) they require me to have the Common Council decline my request for City Water and Sewer. There has never been city water or sewer on S. 116<sup>th</sup> Street. I can find no such requirement to ask the Common Council to deny a request for City Water and Sewer. The Engineering Department is unable to provide one yet they demand that I come before the Common Council.

My lot is zoned R-3 (as are all lots on South 116<sup>th</sup> St) and all require City Water and Sewer unless none is available. All the homes have a well and septic system. Since no city water or sewer is available, now, according to the City Engineering Department, the Common Council needs to formally deny a request for City Water and Sewer on S.116<sup>th</sup> Street to allow the use of a well and Private Onsite Wastewater Treatment Systems (POWTS) aka "mound system". Therefore I am requesting you deny the request for City Water and Sewer in order to "satisfy" the Engineering Department so that I may rebuild my home at 8570 S. 116<sup>th</sup> Street, Franklin, WI 53132. I am not requesting and I do not want a Surveying Of Opinion from property owners upon a petition of sanitary sewer or water main in accordance with Resolution No. 93-3955. Dated 5<sup>th</sup> of April 1993. I just want the Common Council

to deny my request in order to “satisfy” the Engineering Department. I can only use a well and septic system (as I did before my home burned to the ground). The Engineering Department demands that I ask the Common Council to waive the requirement for Public Water and Sanitary Service for R-3 at 8570 S. 116<sup>th</sup> Street, Franklin, WI 53132 Parcel Number 842-9995-004 before Engineering will allow me to build. The Engineering Department refuses to explain to me why they feel they have the authority on these issues.

I wish I did not have to bother the Common Council with what I consider an absurd request by the Engineering Department and a waste of the Common Council’s valuable time. Yet sadly, I must as the Engineering Department demands I do so.

The Department of Engineering also wants the Board of Water Commissioners (BOWC) to render an opinion on the matter. The BOWC has no authority over a private well IAW Chapter 207, SEWERS and WATER, IAW Chapter 207 Sewers and Water states their duties are confined exclusively to the Water Utility of the City defined in 207-5, paragraph F and G. quoted below

- F. Duties. The Board of Water Commissioners shall take entire charge and management of the Water Utility and Water Department of the City, employ a manager and fix his or her intention. The Board of Water Commissioners may employ the services of other City officials in accordance with Subsection L of this section, and may employ and shall be responsible for the compensation of all of its subordinate employees.
- G. Powers. The Board of Water Commissioners shall have complete charge of construction, extension, improvement, operation and maintenance of the Water Utility, subject to the powers and jurisdiction fixed by law and the ordinances of the City and the rules of the Public Service Commission. It may purchase sites and make, prepare and adopt plans, designs and specifications for buildings, machinery, apparatus and the laying of mains and appliances required for the proper functioning of the Utility. The Board shall have such other powers and duties as may be granted to it by law or by ordinance of the City.

Private Wells are not part of the Water Utility of the City. Private Wells are the exclusive domain of the Wisconsin Department of Natural Resources.

Reference Franklin Municipal Code Ch 190 Article VII, section 190-18 states

**§ 190-18. Water pumps and wells.**

All water pumps and wells shall be installed and constructed in accordance with the current Wisconsin Well Construction and Pump Installation Code, and said Code is made, by reference, a part of this chapter.

Privately Owned Water Treatment Systems (POWTS) likewise are managed exclusively by the State Of Wisconsin. The only time an individual may not have a POWTS is when a public sanitary sewerage system is available or is planned in the next six months

Reference Franklin Municipal Code Ch 190 Article VII, section 190-27 states

- A. Where public sanitary sewerage system is not available and will not be available within six months, a private sewage system may be installed in accordance with §§ 190-28 and 190-29.

As you know, no public sanitary sewerage system is available on S. 116<sup>th</sup> Street and there are no plans to make one available in the next six months.

In summary, Franklin Engineering Department will not allow me to rebuild my home. I am ready to start building now (after the required permits and reviews are obtained). No permits can be issued, no Architectural Review Board review, etc while the Engineering Department stands in the way of me rebuilding my home until the Common Council denies my request. No one knows why the Engineering Department feels compelled to stop me from rebuilding.

Thank you for your time

Robert G. Montgomery

Robert Montgomery

P.S. It should be noted the City of Franklin Engineering Department has not interfered with the construction of a new home on S. 116<sup>th</sup> Street ¼ of a mile south of me (Parcel ID: 8459996000). This new construction has obtained permits for a private well and a POWTS, with no interference by the City of Franklin Engineering Department. Why the City Engineering Department has taken an interest in stopping me from rebuilding my home is a mystery. Mr. Marshall (who owns Parcel ID: 8459996000) and I are in identical situations as both of us have no access to city water and/or sewer on S. 116<sup>th</sup> Street. The City Engineering Department did not require Mr. Marshall to ask the Common Council to deny a request for City Sewer and Water. And Engineering did not request a review of Mr. Marshall's home by the BOWC. Why I am being singled out for special treatment I do not know. No one in Engineering has explained why Mr. Marshall is allowed to build and I cannot.

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE JUNE 4, 2019
REPORTS AND RECOMMENDATIONS	RESOLUTION TO GRANT OVERHEAD DISTRIBUTION EASEMENT TO WISCONSIN ELECTRIC POWER COMPANY FOR CITY-OWNED PARCEL AT S. 51 <sup>ST</sup> STREET AND W. DREXEL AVENUE (PARCEL 806-9992-002)	ITEM NUMBER  <i>G.1.(a)</i>

**BACKGROUND**

The City is reconstructing the intersection at S. 51<sup>st</sup> Street and W. Drexel Avenue. As part of that work, Wisconsin Electric Power Company needs to relocate some power poles and a guy wire needs to extend off of the right of way into a City-owned parcel on the southwest corner.

**FISCAL NOTE**

There is no fiscal impact for this easement.

**ANALYSIS**

This is appropriate and needed for the reconstruction of the intersection.

**OPTIONS**

- A. Authorize the Mayor to execute the enclosed easement.
- B. Refer back to Staff with further direction.

**COUNCIL ACTION REQUESTED**

(Options A) Adopt resolution 2019-\_\_\_\_\_, A resolution authorizing the Mayor to grant overhead distribution easement to Wisconsin Electric Power Company for City-owned parcel at S. 51st Street and W. Drexel Avenue (Parcel 806-9992-002)

Engineering: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2019- \_\_\_\_\_

RESOLUTION TO GRANT OVERHEAD DISTRIBUTION EASEMENT TO  
WISCONSIN ELECTRIC POWER COMPANY FOR CITY-OWNED PARCEL AT  
S. 51ST STREET AND W. DREXEL AVENUE (PARCEL 806-9992-002)

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WHEREAS, the City of Franklin is reconstructing the intersection of S. 51<sup>st</sup> Street and W. Drexel Avenue from a controlled all-way stop to a roundabout; and

WHEREAS, Wisconsin Electric Power company needs to accommodate the construction by relocating a power pole and said pole needs a guy wire to extend onto a City-owned parcel.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Mayor may execute a document to grant an overhead distribution easement to Wisconsin Electric Power Company for City-owned parcel at S. 51st Street and W. Drexel Avenue (Parcel 806-9992-002)

Introduced at a regular meeting of the Common Council of the City of Franklin the  
\_\_\_\_\_ day of \_\_\_\_\_, 2019, by Alderman \_\_\_\_\_.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

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

ATTEST:

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

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

**DISTRIBUTION EASEMENT  
OVERHEAD**

Document Number

WR NO.      **4358033**              IO NO.    **75850**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **CITY of FRANKLIN, a Wisconsin Municipal Corporation**, 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 six (6) feet in width being a part of the Grantor's premises more particularly described in that certain **Warranty Deed**, as recorded in the office of the Register of Deeds for Milwaukee County on August 8<sup>th</sup>, 2007, as **Document No. 09476366**; also being a part of the **Northwest ¼ of Section 14, Township 5 North, Range 21 East**, City of Franklin, Milwaukee County, Wisconsin.

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

806-9992-002  
(Parcel Identification Number)

1. **Purpose:** The purpose of this easement is to construct, erect, operate, maintain and replace overhead utility facilities, including a line of poles, together with the necessary conductors, anchors, guy wires, underground cable, pedestals, riser equipment and all other appurtenant equipment above ground which Grantee deems necessary to transmit electric energy, signals, television and telecommunications services, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed or removed by Grantee whenever it decides it is necessary 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 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.
8. **Easement Review:** Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document or voluntarily waives the five day review period.

**Grantor:**

**CITY of FRANKLIN, a Wisconsin Municipal Corporation**

By \_\_\_\_\_

(Print name and title): \_\_\_\_\_

By \_\_\_\_\_

(Print name and title): \_\_\_\_\_

Personally came before me in Milwaukee County, Wisconsin on \_\_\_\_\_, 2019,  
the above named \_\_\_\_\_, the \_\_\_\_\_  
and \_\_\_\_\_, the \_\_\_\_\_  
of the CITY of FRANKLIN, a Wisconsin Municipal Corporation, for the municipal corporation, by its authority, and pursuant to  
Resolution File

No. \_\_\_\_\_ adopted by its \_\_\_\_\_ on \_\_\_\_\_, 2019.

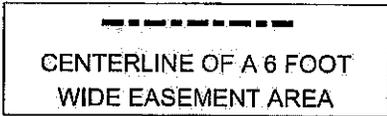
\_\_\_\_\_  
Notary Public Signature, State of Wisconsin

\_\_\_\_\_  
Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires \_\_\_\_\_

KEY



LINE	LENGTH	BEARING
L1	4.00'	N89°28'16"W

R.O.W.

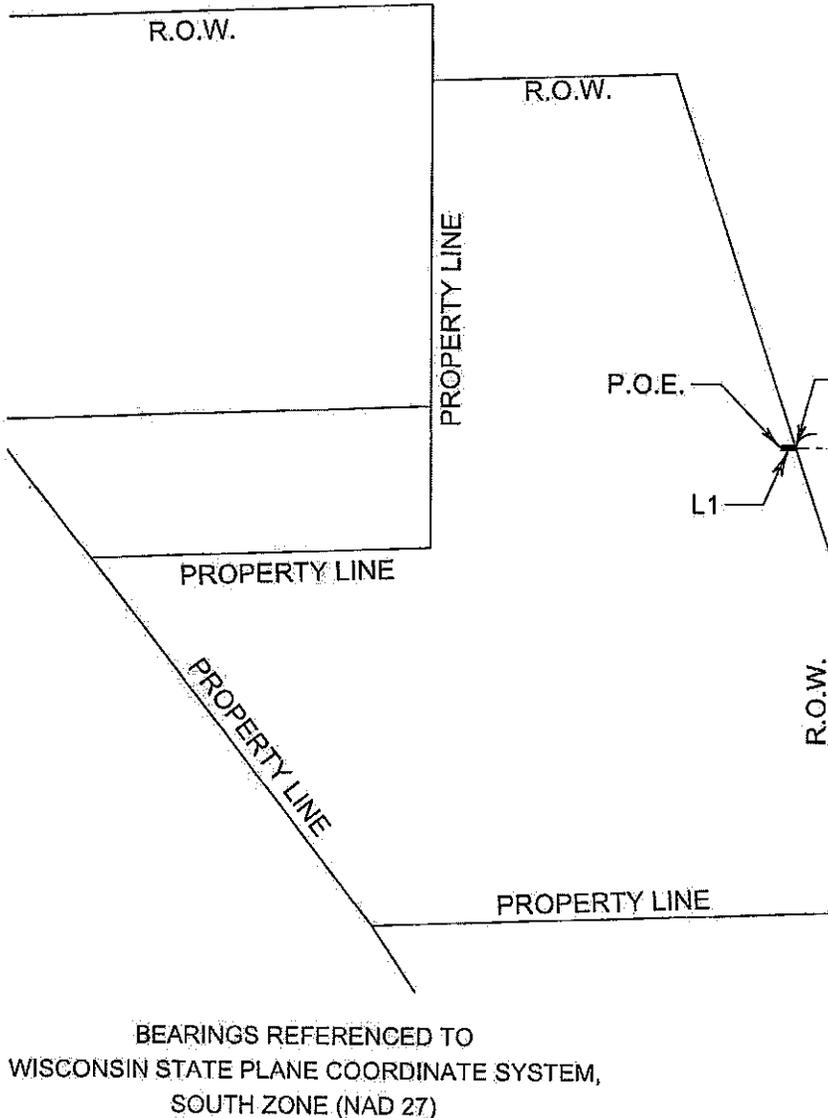
W. DREXEL AVE.  
SECTION LINE

N1/4 COR.  
SEC. 14  
T5N R21E

160.95' S00°07'13"E  
QUARTER SECTION LINE

S. 51ST ST.

R.O.W.



P.O.E. P.O.B.

69.87'

S89°52'47"W

L1

BEARINGS REFERENCED TO  
WISCONSIN STATE PLANE COORDINATE SYSTEM,  
SOUTH ZONE (NAD 27)

SCALE, FEET



**KA** KAPUR & ASSOCIATES, INC.  
CONSULTING ENGINEERS  
MILWAUKEE, WISCONSIN  
414.351.6668

# EXHIBIT "A"



PART OF THE NE ¼ OF THE NW ¼ OF  
SEC. 14, T5N, R21E, CITY OF FRANKLIN,  
MILWAUKEE COUNTY, WISCONSIN

WR NUMBER: 4358033

DATE: 04/12/2019

DRAWN BY: GRS

SCALE: 1" = 50'

PAGE 1 of 1

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<p><b>APPROVAL</b></p> <p><i>Slw mwd jh</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>6/4/2019</b></p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>New 1-Year Long-Distance Telephone Service Agreement with AT&amp;T</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.1.(b)</i></p>

The City's current agreement for long-distance telephone services will expire sometime in June of this year. AT&T is our current provider, and they also currently provide City Hall's PRI, ISDN, and Centrex services and lines, both digital and analog. The City's other AT&T service contracts do not expire until August of this year. There is administrative convenience to staying with one provider, and there are administrative costs and productivity associated with switching carriers.

The City's average monthly bill for long distance services is only about \$105-\$125. The attached AT&T new 1-year service agreement for long distance is exactly the same as our current agreement and at the exact same pricing for another year. Without being under a contract, long distance rates are much higher and the City could then also be exposed to any increased rates should any be applied throughout the year.

Since the City's phone system was upgraded last July, and the City's other AT&T service contracts will be expiring later this year, the City's IT Director is currently looking into working with a company to assist at reviewing the City's telecommunication costs and options for both voice and data and its various PRI, ISDN, and Centrex service lines. Until then, the Director of Administration recommends renewing the City's long distance contractual relationship with AT&T for another year at the rate of \$.044 per minute. Again, it is not cost-effective to continue the City's long distance service at a non-contracted rate as it would probably more than double the cost per minute.

**COUNCIL ACTION REQUESTED**

Motion to authorize the Director of Administration to execute a new 1-year long distance service agreement with AT&T for another year at the same pricing.



**AT&T HIGH VOLUME CALLING IV<sup>SM</sup>**  
**\$600 thru \$12,000 MAC**  
**Service Agreement – Pursuant to Standard Tariff or Guidebook**

<b>Customer</b>	<b>AT&amp;T</b>
City of Franklin Street Address: 9229 W Loomis City: Franklin State/Province: WI Zip Code: 53132 Country: USA	AT&T Corp.
<b>Customer Contact (for Notices)</b>	<b>AT&amp;T Contact (for Notices)</b>
Name: Mark Luberda Title: Director of Administration Street Address: 9229 W Loomis City: Franklin State/Province: WI Zip Code: 53132 Country: USA Telephone: 414-858-1100 Email: Customer Account Number or Master Account Number: 859995825	Name: Megan Mihal Street Address: 3656 Massillon Rd City: Uniontown State/Province: OH Zip Code: 44685 Country: USA Telephone: 877-577-6248 Email: MM751A@att.com Sales/Branch Manager: Cindy Klumb SCVP Name: Keith Snyder Sales Strata: LED Sales Region: Midwest <b>With a copy (for Notices) to:</b> AT&T Corp. One AT&T Way Bedminster, NJ 07921-0752 ATTN: Master Agreement Support Team Email: mast@att.com
<b>AT&amp;T Solution Provider or Representative Information (if applicable)</b> <input type="checkbox"/>	
Name: _____ Company Name: _____ Agent Street Address: _____ City: _____ State: _____ Zip Code: _____ Telephone: _____ Fax: _____ Email: _____ Agent Code _____	

Customer agrees to purchase the Service identified below in accordance with this Service Agreement and the following documents, which are incorporated by reference: (i) applicable Tariffs, Guidebooks found at [att.com/servicepublications](http://att.com/servicepublications); and (ii) the AT&T Business Services Agreement ("BSA") located <http://www.corp.att.com/agreement/>. AT&T may revise Tariffs, Guidebooks and the BSA (collectively "Service Publications") at any time and may direct Customer to websites other than listed above. The order of priority of the documents that form this Agreement is: this Service Agreement, and the applicable Service Publications; provided that Tariffs will be first in priority in any jurisdiction where applicable law or regulation does not permit contract terms to take precedence over inconsistent Tariff terms. This Agreement continues so long as Services are provided under this Agreement.

The Effective Date of this Service Agreement is the date signed by the last party.

**AT&T reserves the right to reject this Service Agreement if not signed by Customer and submitted to AT&T on or before June 30, 2019.**

<b>Customer</b> (by its authorized representative)	<b>AT&amp;T</b> (by its authorized representative)
By:	By:
Name: Mark Luberda	Name:
Title: Director of Administration	Title:
Date:	Date:



**AT&T HIGH VOLUME CALLING IV<sup>SM</sup>**  
**\$600 thru \$12,000 MAC**  
**Service Agreement – Pursuant to Standard Tariff or Guidebook**

**1. SERVICE, SERVICE PROVIDER and SERVICE PUBLICATION**

<b>Service</b>	AT&T High Volume Calling IV <sup>SM</sup> – an optional calling plan for outbound and inbound long distance services
<b>Service Provider</b>	SBC Long Distance, LLC d/b/a AT&T Long Distance ("AT&T")
<b>Service Publication</b>	AT&T Long Distance Voice Product Reference and Pricing Guidebook ("Guidebook") and applicable state tariff or guidebook: <a href="http://cpr.att.com/pdf/sbcltd/sbcltdmain.html">http://cpr.att.com/pdf/sbcltd/sbcltdmain.html</a>

**2. SERVICE AGREEMENT TERM and EFFECTIVE DATES**

<b>Service Agreement Term</b>	As specified below
<b>Start Date of Service Agreement Term</b>	Upon implementation in the AT&T billing system
<b>Effective Date of Rates and Discounts</b>	Start Date of Service Agreement Term
<b>Rates Following end of Service Agreement Term</b>	Out of term rates per Service Publication as revised from time to time

**3. TERM and MAC**

<b>Term and MAC:</b> Options for 1 or 2 Year Terms with MAC of \$600, \$2,400, \$6,000, \$9,000 or \$12,000	1 Year Term \$600 MAC
--	-----------------------

**4. RATES and CHARGES**

A. High Volume Calling IV – Interstate Switched - Per minute usage rates for outbound calls and inbound TFS based on the selected MAC and Term in Section 3.

MAC	1 Year Term	2 Year Term
\$600	\$0.0450	\$0.0440
\$2,400	\$0.0440	\$0.0430
\$6,000	\$0.0430	\$0.0420
\$9,000	\$0.0425	\$0.0415
\$12,000	\$0.0420	\$0.0410

B. High Volume Calling IV – Intrastate InterLATA and IntraLATA Switched - Per minute usage rates for outbound calls and inbound TFS per State based on the selected MAC and Term in Section 3.

MAC	InterLATA		IntraLATA		MAC	InterLATA		IntraLATA	
California	1 Year Term	2 Year Term	1 Year Term	2 Year Term	Nevada	1 Year Term	2 Year Term	1 Year Term	2 Year Term
\$600	\$0.0450	\$0.0440	\$0.0450	\$0.0440	\$600	\$0.0547	\$0.0547	\$0.0547	\$0.0547
\$2,400	\$0.0440	\$0.0430	\$0.0440	\$0.0430	\$2,400	\$0.0547	\$0.0547	\$0.0547	\$0.0547
\$6,000	\$0.0430	\$0.0420	\$0.0430	\$0.0420	\$6,000	\$0.0547	\$0.0547	\$0.0547	\$0.0547
\$9,000	\$0.0425	\$0.0415	\$0.0425	\$0.0415	\$9,000	\$0.0547	\$0.0547	\$0.0547	\$0.0547
\$12,000	\$0.0420	\$0.0410	\$0.0420	\$0.0410	\$12,000	\$0.0547	\$0.0547	\$0.0547	\$0.0547

MAC	InterLATA		IntraLATA		MAC	InterLATA		IntraLATA	
Texas	1 Year Term	2 Year Term	1 Year Term	2 Year Term	Oklahoma	1 Year Term	2 Year Term	1 Year Term	2 Year Term
\$600	\$0.0680	\$0.0680	\$0.0680	\$0.0680	\$600	\$0.0680	\$0.0680	\$0.0680	\$0.0680
\$2,400	\$0.0680	\$0.0680	\$0.0680	\$0.0680	\$2,400	\$0.0680	\$0.0680	\$0.0680	\$0.0680
\$6,000	\$0.0680	\$0.0680	\$0.0680	\$0.0680	\$6,000	\$0.0680	\$0.0680	\$0.0680	\$0.0680
\$9,000	\$0.0680	\$0.0680	\$0.0680	\$0.0680	\$9,000	\$0.0680	\$0.0680	\$0.0680	\$0.0680
\$12,000	\$0.0680	\$0.0680	\$0.0680	\$0.0680	\$12,000	\$0.0680	\$0.0680	\$0.0680	\$0.0680



**AT&T HIGH VOLUME CALLING IV<sup>SM</sup>**  
**\$600 thru \$12,000 MAC**  
**Service Agreement – Pursuant to Standard Tariff or Guidebook**

MAC	InterLATA		IntraLATA		MAC	InterLATA		IntraLATA	
	1 Year Term	2 Year Term	1 Year Term	2 Year Term		1 Year Term	2 Year Term	1 Year Term	2 Year Term
<b>Kansas</b>					<b>Michigan</b>				
\$600	\$0.0680	\$0.0680	\$0.0680	\$0.0680	\$600	\$0.0450	\$0.0440	\$0.0450	\$0.0440
\$2,400	\$0.0680	\$0.0680	\$0.0680	\$0.0680	\$2,400	\$0.0440	\$0.0430	\$0.0440	\$0.0430
\$6,000	\$0.0680	\$0.0680	\$0.0680	\$0.0680	\$6,000	\$0.0430	\$0.0420	\$0.0430	\$0.0420
\$9,000	\$0.0680	\$0.0680	\$0.0680	\$0.0680	\$9,000	\$0.0425	\$0.0415	\$0.0425	\$0.0415
\$12,000	\$0.0680	\$0.0680	\$0.0680	\$0.0680	\$12,000	\$0.0420	\$0.0410	\$0.0420	\$0.0410

MAC	InterLATA		IntraLATA		MAC	InterLATA		IntraLATA	
	1 Year Ter	2 Year Term	1 Year Term	2 Year Term		1 Year Term	2 Year Term	1 Year Term	2 Year Term
<b>Illinois</b>					<b>Indiana</b>				
\$600	\$0.0450	\$0.0440	\$0.0450	\$0.0440	\$600	\$0.0450	\$0.0440	\$0.0450	\$0.0440
\$2,400	\$0.0440	\$0.0430	\$0.0440	\$0.0430	\$2,400	\$0.0440	\$0.0430	\$0.0440	\$0.0430
\$6,000	\$0.0430	\$0.0420	\$0.0430	\$0.0420	\$6,000	\$0.0430	\$0.0420	\$0.0430	\$0.0420
\$9,000	\$0.0425	\$0.0415	\$0.0425	\$0.0415	\$9,000	\$0.0425	\$0.0415	\$0.0425	\$0.0415
\$12,000	\$0.0420	\$0.0410	\$0.0420	\$0.0410	\$12,000	\$0.0420	\$0.0410	\$0.0420	\$0.0410

MAC	InterLATA		IntraLATA		MAC	InterLATA		IntraLATA	
	1 Year Term	2 Year Ter	1 Year Term	2 Year Term		1 Year Term	2 Year Term	1 Year Term	2 Year Term
<b>Ohio</b>					<b>Arkansas</b>				
\$600	\$0.0450	\$0.0440	\$0.0450	\$0.0440	\$600	\$0.0787	\$0.0787	\$0.0787	\$0.0787
\$2,400	\$0.0440	\$0.0430	\$0.0440	\$0.0430	\$2,400	\$0.0787	\$0.0787	\$0.0787	\$0.0787
\$6,000	\$0.0430	\$0.0420	\$0.0430	\$0.0420	\$6,000	\$0.0787	\$0.0787	\$0.0787	\$0.0787
\$9,000	\$0.0425	\$0.0415	\$0.0425	\$0.0415	\$9,000	\$0.0787	\$0.0787	\$0.0787	\$0.0787
\$12,000	\$0.0420	\$0.0410	\$0.0420	\$0.0410	\$12,000	\$0.0787	\$0.0787	\$0.0787	\$0.0787

MAC	InterLATA		IntraLATA		MAC	InterLATA		IntraLATA	
	1 Year Term	2 Year Term	1 Year Term	2 Year Term		1 Year Term	2 Year Term	1 Year Term	2 Year Term
<b>Wisconsin</b>					<b>Missouri</b>				
\$600	\$0.0437	\$0.0437	\$0.0437	\$0.0437	\$600	\$0.0925	\$0.0925	\$0.0925	\$0.0925
\$2,400	\$0.0437	\$0.0437	\$0.0437	\$0.0437	\$2,400	\$0.0925	\$0.0925	\$0.0925	\$0.0925
\$6,000	\$0.0437	\$0.0437	\$0.0437	\$0.0437	\$6,000	\$0.0925	\$0.0925	\$0.0925	\$0.0925
\$9,000	\$0.0437	\$0.0437	\$0.0437	\$0.0437	\$9,000	\$0.0925	\$0.0925	\$0.0925	\$0.0925
\$12,000	\$0.0437	\$0.0437	\$0.0437	\$0.0437	\$12,000	\$0.0925	\$0.0925	\$0.0925	\$0.0925

**C. International Rates and Charges (Select One)**

- International – High Volume Calling IV Option C Rates; additional Non-recurring charge: \$9.95  
 Standard International Rates; No additional Non-recurring charge

**4. GENERAL TERMS**

- A. Additional Services, Rates and Charges: The rates and charges for the following are not stabilized for the Service Agreement Term: International, International Mobile Termination Charges, Operator Toll Assistance Services, Directory Assistance Services, and any applicable payphone origination and other third-party pass through charges, regulatory fees, surcharges, and TFS charges. All such rates and charges are as set forth in the then-current Guidebook or Tariffs, and are subject to change at any time.
- B. Automatic Dialer Devices. CUSTOMER SHALL NOT USE AUTODIALERS, PREDICTIVE DIALERS OR OTHER DEVICES THAT GENERATE AUTOMATED OUTBOUND CALLS IN CONJUNCTION WITH SERVICE OR SERVICE COMPONENTS PROVIDED



**AT&T HIGH VOLUME CALLING IV<sup>SM</sup>  
\$600 thru \$12,000 MAC  
Service Agreement – Pursuant to Standard Tariff or Guidebook**

UNDER THIS SERVICE AGREEMENT IS STRICTLY PROHIBITED. AT&T MAY TERMINATE THIS SERVICE AGREEMENT IMMEDIATELY IF CUSTOMER USES SUCH DEVICES.

- C. **Cancellation.** If Customer is non-responsive or not ready to have AT&T provision/fulfill the Service, AT&T may cancel this Service Agreement: (1) ninety (90) Days after Customer executes this Service Agreement; or (2) if Customer appropriately applies for E-Rate funding, (a) the later of (i) ninety (90) days after July 1<sup>st</sup> of the applicable E-Rate funding year or (ii) ninety (90) days after the date of the E-Rate Funding Commitment Decision Letter (FCDL)\* for the Service in such E-Rate funding year, but, in any event, (b) upon expiration of the last day of such E-Rate funding year.

<b><i>New or upgrade to an existing AT&amp;T Long Distance Agreement</i></b>	
<input checked="" type="checkbox"/>	This is a new AT&T Long Distance Service Agreement
<input type="checkbox"/>	This is an upgrade to an existing AT&T Long Distance Agreement and the guidelines from Section 3.9.7 Revenue and Term Plan Commitments of the Guidebook will apply to such existing agreement.

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<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><i>6/04/2019</i></p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p><b>Fire Department Donations.</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G. I. (c)</i></p>

The Franklin Fire Department has received a donation of \$50.00 from Franklin Residents Lori Nowak and Family in gratitude for EMS services rendered by fire department personnel.

The Department also received an additional donation in memoriam of the late Franklin Resident Donald Norman as was generously requested in his obituary. This donation was from Anita Sadar of Ocala, Florida, in the amount of \$50.00.

The Fire Department further received an anonymous cash donation in the amount of \$60.00.

The Fire Department relies on donations to help fund fire and safety educational programs in the community, and on occasion to aid in purchasing specialized medical equipment such as the LUCAS mechanical CPR device.

**COUNCIL ACTION REQUESTED**

Request approval to accept \$160.00 in donations.

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">06/04/19</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTIES GENERALLY LOCATED SOUTH OF THE INTERSECTION OF WEST LOOMIS ROAD AND WEST RYAN ROAD, INCLUDING PORTIONS OF WHAT WAS FORMERLY 11205 WEST RYAN ROAD (THE EASTERN PORTION OF OUTLOT 1 AND THE SOUTHERN PORTION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 9095) FROM BUSINESS PARK USE AND AREAS OF NATURAL RESOURCE FEATURES USE TO RESIDENTIAL USE AND AREAS OF NATURAL RESOURCE FEATURES USE (APPROXIMATELY 26.1 ACRES) (MILLS HOTEL WYOMING, LLC, APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G, 2,</i></p>

At their May 9, 2019 meeting, the Plan Commission recommended approval of an ordinance providing for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for properties generally located south of the intersection of West Loomis Road and West Ryan Road, including portions of what was formerly 11205 West Ryan Road (the eastern portion of Outlot 1 and the southern portion of Lot 2 of Certified Survey Map No. 9095) from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use, such property bearing Tax Key Nos. 891-9008-000 and 891-9010-000 (Mills Hotel Wyoming, LLC, Applicant).

This item was tabled from the May 21, 2019 meeting to the June 4, 2019 meeting by the Council due to a need to properly notice the Comprehensive Master Plan Amendment.

**COUNCIL ACTION REQUESTED**

A motion to adopt Ordinance 2019-\_\_\_\_\_, an ordinance providing for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for properties generally located south of the intersection of West Loomis Road and West Ryan Road, including portions of what was formerly 11205 West Ryan Road (the eastern portion of Outlot 1 and the southern portion of Lot 2 of Certified Survey Map No. 9095) from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use, such property bearing Tax Key Nos. 891-9008-000 and 891-9010-000 (Mills Hotel Wyoming, LLC, Applicant).

## ORDINANCE NO. 2019-\_\_\_\_\_

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN  
2025 FUTURE LAND USE MAP FOR PROPERTIES GENERALLY LOCATED SOUTH  
OF THE INTERSECTION OF WEST LOOMIS ROAD AND WEST RYAN ROAD,  
INCLUDING PORTIONS OF WHAT WAS FORMERLY 11205 WEST RYAN ROAD  
(THE EASTERN PORTION OF OUTLOT 1 AND THE SOUTHERN PORTION OF LOT 2  
OF CERTIFIED SURVEY MAP NO. 9095) FROM BUSINESS PARK USE AND AREAS  
OF NATURAL RESOURCE FEATURES USE TO RESIDENTIAL USE AND  
AREAS OF NATURAL RESOURCE FEATURES USE  
(APPROXIMATELY 26.1 ACRES)  
(MILLS HOTEL WYOMING, LLC, APPLICANT)

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

WHEREAS, Mills Hotel Wyoming, LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for properties generally located south of the intersection of West Loomis Road and West Ryan Road, including portions of what was formerly 11205 West Ryan Road (the eastern portion of Outlot 1 and the southern portion of Lot 2 of Certified Survey Map No. 9095) from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on May 9, 2019, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for properties generally located south of the intersection of West Loomis Road and West Ryan Road, including portions of what was formerly 11205 West Ryan Road (the eastern portion of Outlot 1 and the southern portion of Lot 2 of Certified Survey Map No. 9095) from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on May 21, 2019; and

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

SECTION 1: The City of Franklin 2025 Comprehensive Master Plan is hereby amended to change the City of Franklin 2025 Future Land Use Map designation for properties generally located south of the intersection of West Loomis Road and West Ryan Road, including portions of what was formerly 11205 West Ryan Road (the eastern portion of Outlot 1 and the southern portion of Lot 2 of Certified Survey Map No. 9095) from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use. Such properties are more particularly described within Resolution No. 2019 \_\_\_\_\_ of even-date herewith.

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Alderman \_\_\_\_\_.

Passed and adopted by a majority vote of the members-elect of the Common Council at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

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

ATTEST:

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

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



REPORT TO THE PLAN COMMISSION

Meeting of May 9, 2019

**Comprehensive Master Plan Amendment, Rezoning and Preliminary Plat Approval**

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**RECOMMENDATION:** City Development Staff recommends approval of the proposed Comprehensive Master Plan Amendment, Rezoning and Preliminary Plat Approval subject to the conditions in the draft resolutions.

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<b>Project Name:</b>	Mills Hotel Wyoming/Bear Development Comprehensive Master Plan Amendment, Rezoning and Preliminary Plat (aka Ryan Meadows)
<b>Project Address:</b>	Generally located southwest of W. Loomis Road, south of W. Ryan Road and west of S. 112 <sup>th</sup> Street, including 11205 W. Ryan Road
<b>Applicant:</b>	Bear Development, LLC
<b>Owners (property):</b>	Mills Hotel Wyoming, LLC
<b>Current Zoning:</b>	R-2 Estate Single Family Residence District, M-1 Light Industrial & C-1 Conservancy District
<b>2025 Future Land Use:</b>	Business Park, Areas of Natural Resource Features, and Residential
<b>Use of Surrounding Properties:</b>	Single-family residential to the north, east as well as the Irish Cottage to the north and agricultural land to the south and west
<b>Applicant Action Requested:</b>	Recommendation of approval of the Comprehensive Master Plan amendments, Rezoning and Preliminary Plat.

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**Project Description and Analysis:**

On March 13, 2019, the applicant filed a Comprehensive Master Plan Amendment Application and Rezoning Application with the Department of City Development requesting approval to subdivide three existing parcels bearing Tax Key Nos. 891-9009-000, 891-9010-000, and 891-9008-000 and a fourth parcel currently under contract to purchase at 892-993-001 into lots for single family residential usage, industrial usage and resulting outlots to accommodate stormwater and natural areas. The applicant is also proposing to amend the City Comprehensive Master Plan for approximately 26.11 acres and to rezone for approximately 50.67 acres of land generally located southwest of W. Loomis Road, south of W. Ryan Road and west of S. 112<sup>th</sup> Street to match up with the proposed outer lots of the accompanying preliminary plat. The request would amend the Comprehensive Master Plan of the proposed areas as follows:

- Area Two: From Business Park to Residential (22.79 acres).
- Area 3: From Business Park to Residential (3.32 acres).

The application for rezoning proposes to amend the properties as follows:

- Area One: From R-2 Estate Single-Family Residence District to M-1 Limited Industrial District (24.56 acres).
- Area Two: From R-2 Estate Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District (22.79 acres).
- Area 3: From M-1 Limited Industrial District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District (3.32 acres).

The Preliminary Plat shows the resulting subdivision for residential and light industrial areas stemming from a previous request in 2018 and this proposal. The resulting amount of single family residential lots shown in the R-6 area is 78 residential lots. The resulting amount of light industrial area in the resulting M-1 district is four (4) lots.

It should be noted that the proposed “Outlot 2” consists of property recently contracted to purchase and at the time of the writing of this staff summary, it is understood by staff the property has not yet been closed on. Therefore, the proposed comprehensive land use amendment and rezoning for this particular property, with Tax Key Number 892-9993-001, would need to come back for an amendment to match adjacent properties and their respective Comprehensive Master Plan and Zoning Designations prior to final plat consideration by the City.

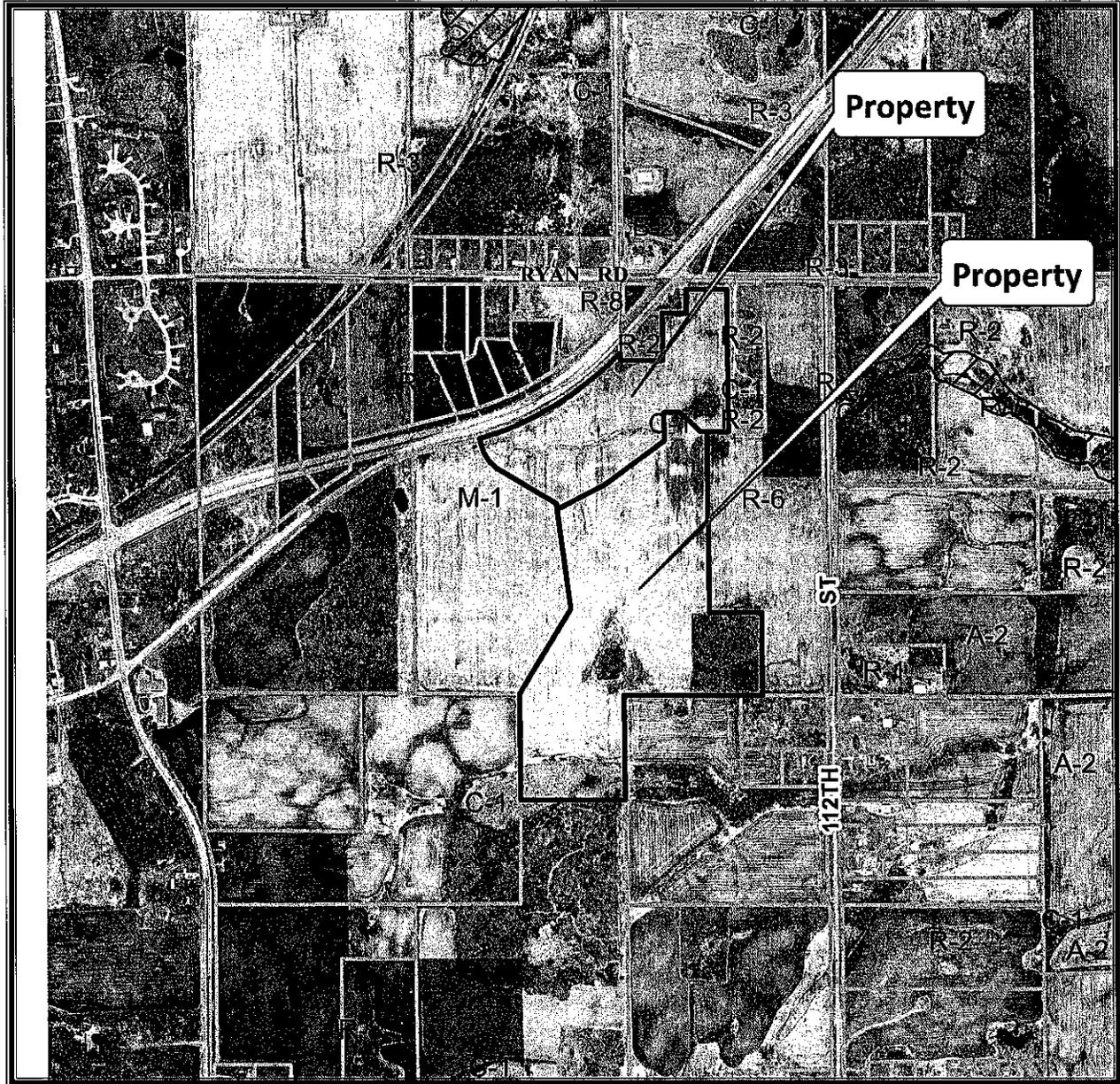
Please Note: As of the writing of this staff summary, the applicant has notified staff setback widths mentioned in staff comments nos. 2 and 24 for the residential lots will be shown on a revised set of plans, to be placed on the seats of the Commission members the night of the meeting.

**Staff Recommendation:**

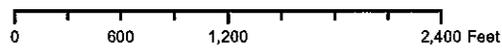
City Development Staff recommends approval of the proposed Comprehensive Land Use Map Amendments, Rezoning and Preliminary Plat, subject to the conditions in the draft resolutions.



TKNs: 891 9008 000 and 891 9010 000



Planning Department  
(414) 425-4024

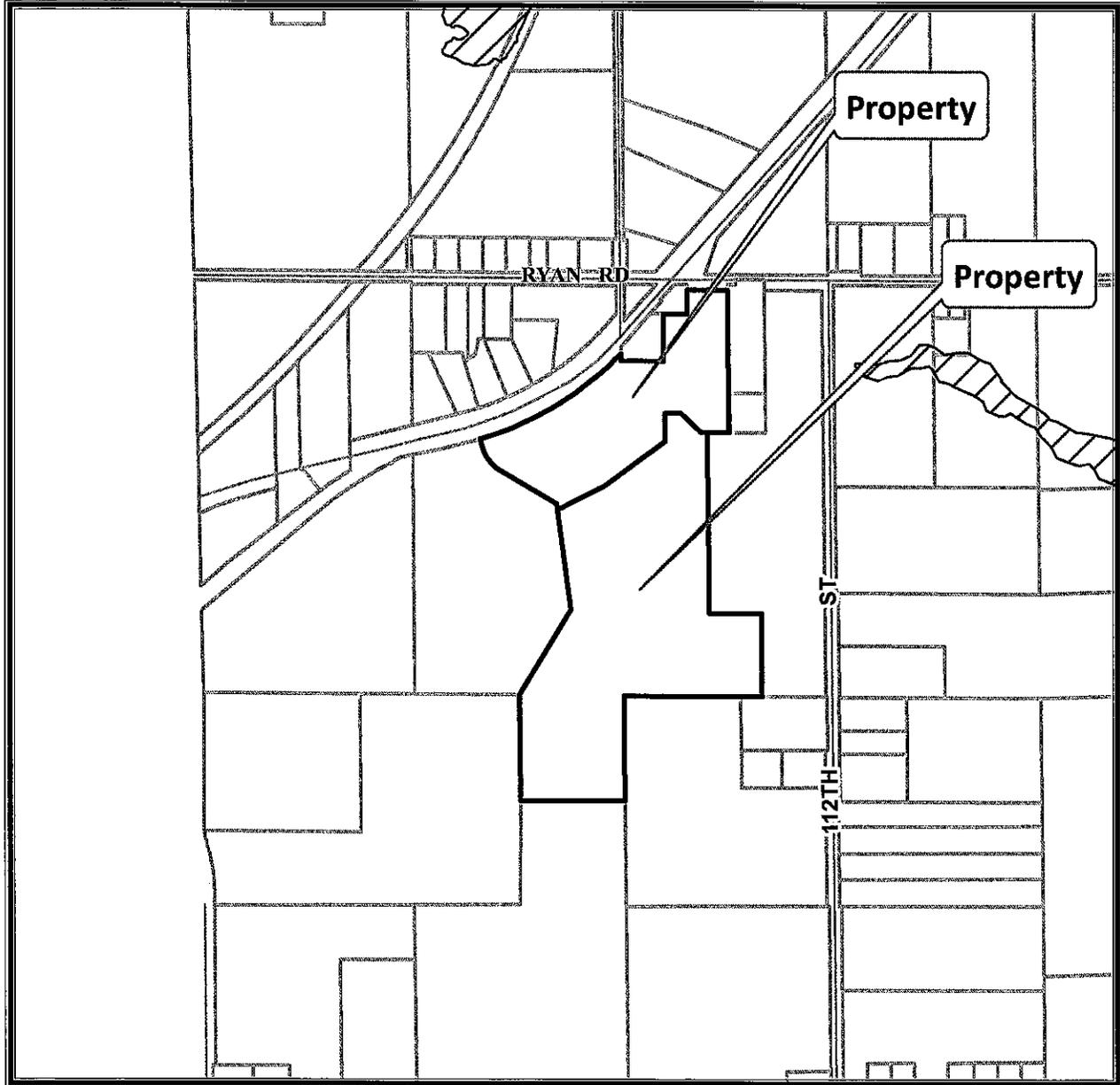


2017 Aerial Photo

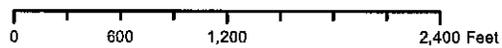
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



TKNs: 891 9008 000 and 891 9010 000



Planning Department  
(414) 425-4024



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



2017 Aerial Photo



**April 25, 2019**

Mr. Ben Kohout  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

**Re: Mills Hotel Wyoming Comprehensive Plan Amendment**

Dear Mr. Kohout:

Please accept this letter and the enclosed submittal materials as formal application for an amendment request to the City of Franklin Comprehensive Plan. Bear Development is acting on behalf of the owner of record, Mills Wyoming Hotel, LLC.

**Project Summary**

Mills Wyoming Hotel, LLC is the owner of record of approximately 130 acres of land in the City of Franklin. The land is located on the east side of STH 36 and lies south of Ryan Road. The property is included in the area commonly known as Planning Area G.

Last year, Mills Hotel Wyoming, LLC submitted a petition to amend the Comprehensive Plan, based on a Conceptual Site Plan. The amendment was granted, however, as the project has advanced into the design engineering and platting stages, we have found it necessary to request further amendments so that the Preliminary Plat and Comprehensive Plan are consistent.

**Current Plan Designation-South Side of Loomis Road**

The subject property (approximately 130 acres) is located on the east side of STH 36 and is designated as Business Park and Residential

**Proposed Comprehensive Plan Amendment- South Side of Loomis Road**

Mills Hotel Wyoming, LLC is respectfully requesting a Comprehensive Plan Amendment for portions of the subject property to be changed from the designation "Business Park" to the "Residential" designation.

A legal description and graphic exhibit is enclosed for your reference and review.

We feel the mix of land use shown on the Preliminary Plat offers an opportunity to create a development opportunity for Planning Area G that meets the goals of the Comprehensive Plan while providing a diverse land uses that will ensure a successful project.

Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, [dan@beardevelopment.com](mailto:dan@beardevelopment.com)

Thank you for your time and consideration.

Sincerely,

Daniel Szczap  
Bear Development, LLC



Date of Application: \_\_\_\_\_

**COMPREHENSIVE MASTER PLAN AMENDMENT (CMP) APPLICATION**

Complete, accurate and specific information must be entered. *Please Print.*

**Applicant (Full Legal Name(s)):**  
 Name: S.R. Mills  
 Company: Bear Development, LLC  
 Mailing Address: 4011 80th Street  
 City / State: Kenosha, WI Zip: 53142  
 Phone: (262) 842-0558  
 Email Address: dan@beardevelopment.com

**Applicant Is Represented by: (contact person) (Full Legal Name(s))**  
 Name: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City / State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

**Project Property Information:**  
 Property Address: 11327 W. Ryan Road (rear parcel)  
 Property Owner(s): Eugene & Marlene Magarich  
 Mailing Address: 11327 W. Ryan Road  
 City / State: Franklin, WI Zip: 53132  
 Email Address: \_\_\_\_\_

Tax Key Nos: Part of 892-9993-001  
 Existing Zoning: R2 and C1  
 Existing Use: Vacant  
 Proposed Use: Outlot/Open Space/Storm Water Management  
 CMP Land Use Identification: Business Park

*\*Property specific information may be inapplicable and not required if the requested amendment does not apply to specific property.*  
 \*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/Resources/Documents/Maps.htm>

**Comprehensive Master Plan Amendment submittals for review must include and be accompanied by the following:**

- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin:  \$125.00
- Legal Description for the subject property (WORD.doc or compatible format) *if applicable.*
- Seven (7) complete collated sets of Application materials to include:
  - Seven (7) copies of a written Project Narrative, *Including a specific, detailed description of the proposed amendment, it's intent, impacts, and consistency with the Comprehensive Master Plan.*
  - Seven (7) folded copies of a Site Development Plan/Map, drawn to a reasonable scale (at least 11"x17" or as determined by the City Planner or City Engineer) *Identifying the subject property and immediate environs, including parcels, structures, land use, zoning, streets and utilities, and natural resource features, as applicable.*
- Email (or CD ROM) with all plans/submittal materials. *Plans must be submitted in Adobe PDF (and AutoCAD compatible format (where applicable)).*
- Additional Information as may be required.

- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Requires a Class I Public Hearing notice at least 30 days before the Common Council meeting.
- All Comprehensive Master Plan Amendment requests require Plan Commission review and recommendation and Common Council approval.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

*(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed-applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).*

Signature - Property Owner: S.R. Mills  
 Name & Title (PRINT): \_\_\_\_\_  
 Date: Apr 16<sup>th</sup> 2019

Signature - Applicant: \_\_\_\_\_  
 Name & Title (PRINT): \_\_\_\_\_  
 Date: \_\_\_\_\_

Signature - Property Owner: \_\_\_\_\_  
 Name & Title (PRINT): \_\_\_\_\_  
 Date: \_\_\_\_\_

Signature - Applicant's Representative: \_\_\_\_\_  
 Name & Title (PRINT): \_\_\_\_\_  
 Date: \_\_\_\_\_



**LEGAL DESCRIPTION:**

Part of Outlot 1 of Certified Survey Map No. 9505, located in the Southwest 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Beginning at the southeast corner of said Outlot 1; thence North 89°42'41" West along the south line of said Outlot 1, 844.14 feet; thence North 01°10'06" West, 1155.10 feet; thence North 89°25'17" East, 116.04 feet; thence North 00°34'43" West, 359.81 feet to the north line of said Outlot 1; thence North 53°26'01" East along said north line, 169.70 feet; thence North 00°51'07" West along said north line, 180.39 feet; thence South 89°28'18" East along said north line, 102.69 feet; thence South 46°55'39" East along said north line, 177.07 feet; thence South 89°44'26" East along said north line, 41.64 feet to the northeast corner of said Outlot 1; thence South 00°36'33" East along the east line of said Outlot 1, 1153.26 feet; thence North 89°23'27" East along said east line, 330.12 feet; thence South 00°36'33" East along said east line, 529.83 feet to the Point of Beginning.

Containing 992,963 sq. ft. (22.7953 acres) more or less

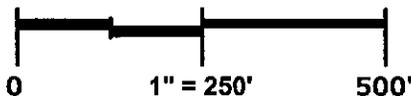
**"ZONING AREA TWO"  
PROPERTY IS CURRENTLY ZONED  
AS R-2 AND C-1 TO BE ZONED AS R-6**

REQUESTED CMP AMENDMENT:  
BUSINESS PARK TO RESIDENTIAL

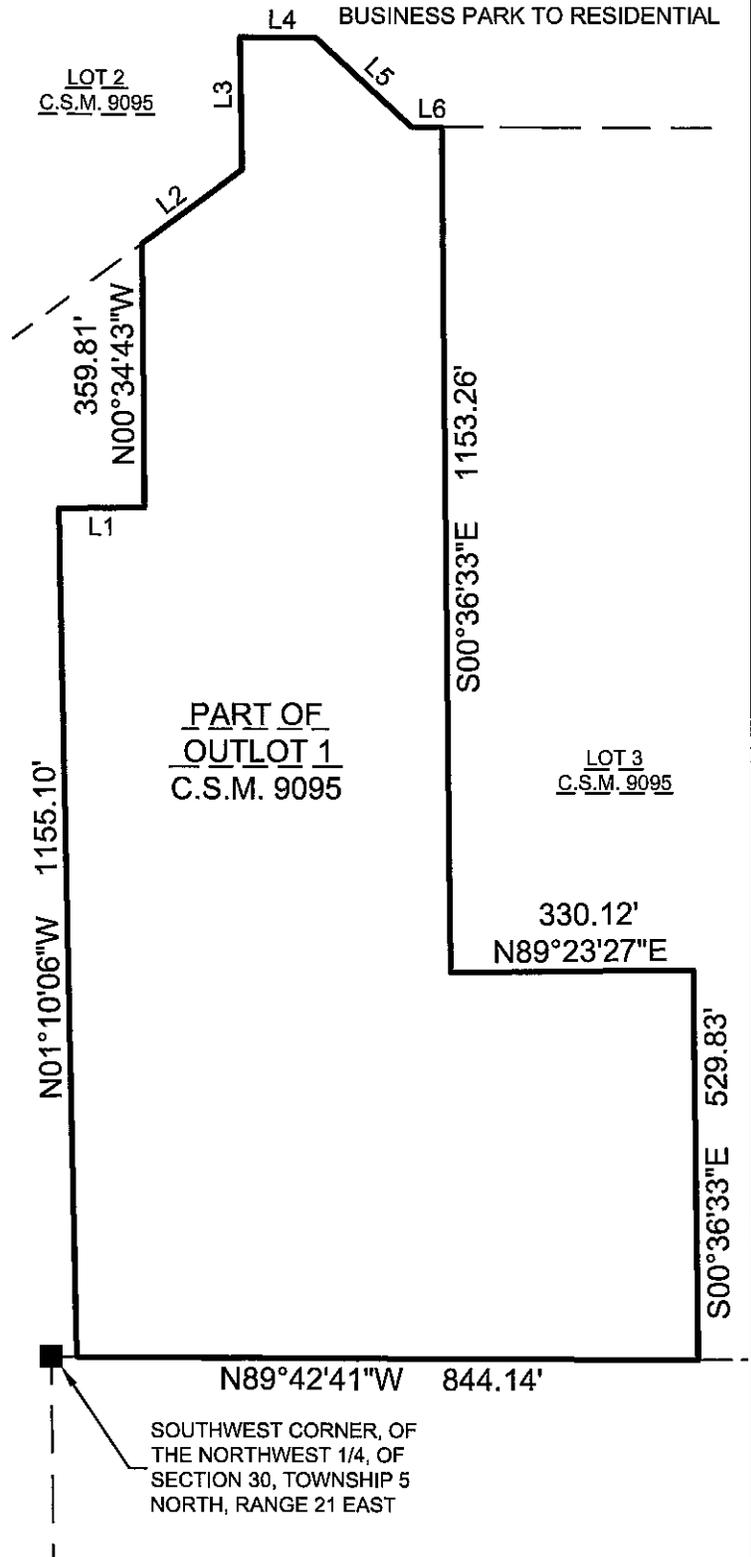
LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	N89°25'17"E	116.04'
L2	N53°26'01"E	169.70'
L3	N00°51'07"W	180.39'
L4	S89°28'18"E	102.69'
L5	S46°55'39"E	177.07'
L6	S89°44'26"E	41.64'



GRAPHICAL SCALE (FEET)



Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The west line of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East has a bearing of N00°34'43"W.



**CMP EXHIBIT**

**PINNACLE ENGINEERING GROUP**

15850 W. BLUEMOUND ROAD | SUITE 210 | BROOKFIELD, WI 53005

WWW.PINNACLE-ENGR.COM

**PLAN | DESIGN | DELIVER**

PEG JOB#809.20

04/25/19

**LEGAL DESCRIPTION:**

Part of Lot 2 of Certified Survey Map No. 9505, located in the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

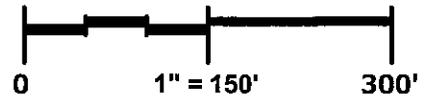
Beginning at the southeast corner of said Lot 2; thence North 89°44'26" West along the south line of said Lot 2, 177.55 feet; thence North 46°55'39" West along said line, 177.07 feet; thence North 89°28'18" West along said line, 102.69 feet; thence South 00°51'07" East along said line, 180.39 feet; thence South 53°26'01" West along said line, 169.70 feet; thence North 00°34'43" West, 5.31 feet; thence North 44°24'10" West, 200.97 feet; thence North 45°57'27" East, 382.31 feet; thence North 89°25'17" East, 406.44 feet to a point on the east line of said Lot 2; thence South 00°34'43" East along the east line of said Lot 2, 260.00 feet to the Point of Beginning.

Containing 144,762 sq. ft. (3.3233 acres) more or less

**"ZONING AREA THREE"  
PROPERTY IS CURRENTLY ZONED  
AS M-1 AND C-1 TO BE ZONED AS R-6**

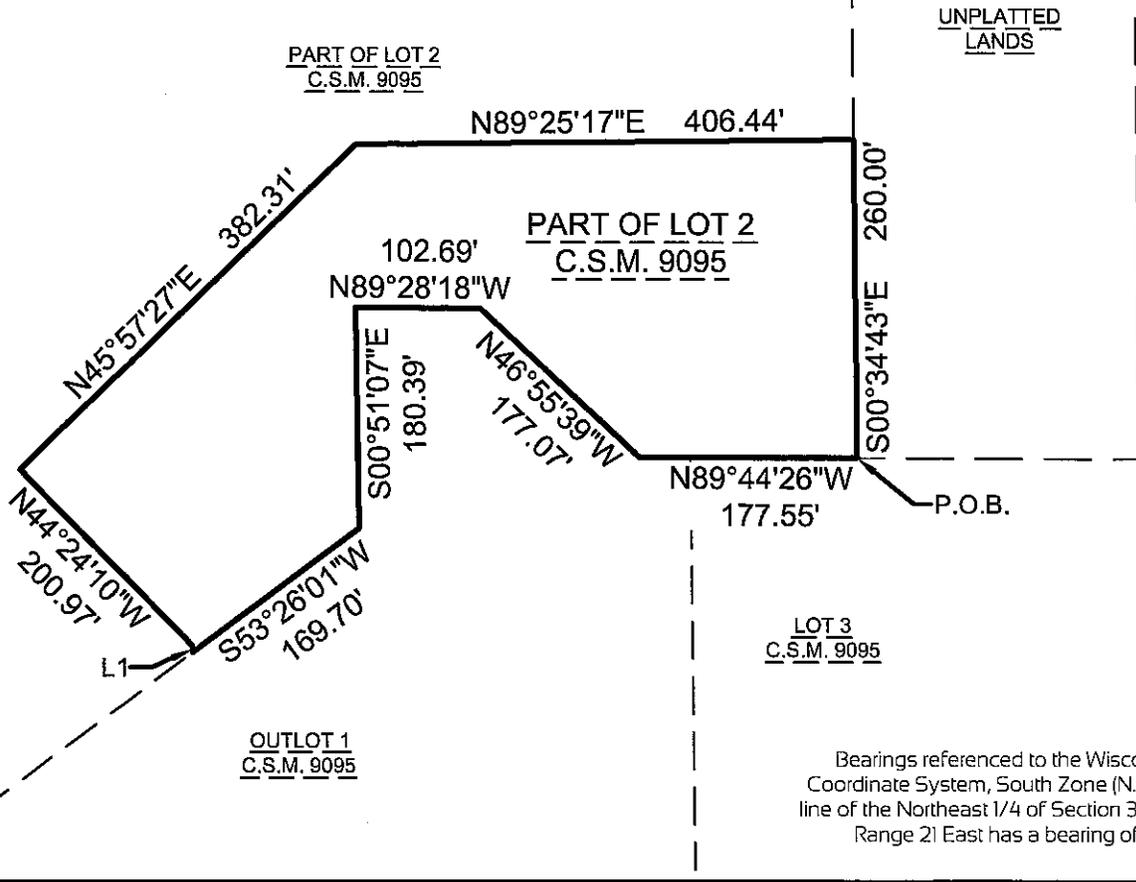


**GRAPHICAL SCALE (FEET)**



REQUESTED CMP AMENDMENT:  
BUSINESS PARK TO RESIDENTIAL

LINE DATA		
LINE NO.	BEARING	DISTANCE
L1	N00°34'43"W	5.31'



Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The west line of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East has a bearing of N00°34'43"W.

**CMP EXHIBIT**

04/25/19

**PINNACLE ENGINEERING GROUP**

**PLAN | DESIGN | DELIVER**

15850 W. BLUEMOUND ROAD | SUITE 210 | BROOKFIELD, WI 53005

WWW.PINNACLE-ENGR.COM

PEG JOB#809.20

**Blank Page**

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">06/04/19</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE THE WESTERN PORTION OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 9095 FROM R-2 ESTATE/SINGLE-FAMILY RESIDENCE DISTRICT TO M-1 LIMITED INDUSTRIAL DISTRICT, TO REZONE THE EASTERN PORTION OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 9095 FROM R-2 ESTATE/SINGLE-FAMILY RESIDENCE DISTRICT AND C-1 CONSERVANCY DISTRICT TO R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT AND TO REZONE THE SOUTHERN PORTION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 9095 FROM M-1 LIMITED INDUSTRIAL DISTRICT AND C-1 CONSERVANCY DISTRICT TO R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT (PROPERTIES GENERALLY LOCATED SOUTH OF THE INTERSECTION OF WEST LOOMIS ROAD AND WEST RYAN ROAD, INCLUDING PORTIONS OF WHAT WAS FORMERLY 11205 WEST RYAN ROAD (THE WESTERN AND EASTERN PORTION OF OUTLOT 1 AND THE SOUTHERN PORTION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 9095)(APPROXIMATELY 50.69 ACRES)(MILLS HOTEL WYOMING, LLC, APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G. 3.</i></p>

At their April 4, 2019 meeting, following a properly noticed public hearing, the Plan Commission recommended approval of an ordinance providing for the rezoning of the western portion of Outlot 1 of Certified Survey Map No. 9095 from R-2 Estate/Single-Family Residence District to M-1 Limited Industrial District, the eastern portion of Outlot 1 of Certified Survey Map No. 9095 from R-2 Estate/Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District and the southern portion of Lot 2 of Certified Survey Map No. 9095 from M-1 Limited Industrial District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District, such land being generally located south of the intersection of West Loomis Road and West Ryan Road, including portions of what was formerly 11205 West Ryan Road (the western and eastern portion of Outlot 1 and the southern portion of Lot 2 of Certified Survey Map No. 9095).

This item was tabled from the May 21, 2019 meeting to the June 4, 2019 meeting by the Council due to a need to properly notice the Comprehensive Master Plan Amendment.

### **COUNCIL ACTION REQUESTED**

A motion to adopt Ordinance 2019-\_\_\_\_\_, an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone the western portion of Outlot 1 of Certified Survey Map No. 9095 from R-2 Estate/Single-Family Residence District to M-1 Limited Industrial District, the eastern portion of Outlot 1 of Certified Survey Map No. 9095 from R-2 Estate/Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District and the southern portion of Lot 2 of Certified Survey Map No. 9095 from M-1 Limited Industrial District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District, such land being generally located south of the intersection of West Loomis Road and West Ryan Road, including portions of what was formerly 11205 West Ryan Road (the western and eastern portion of Outlot 1 and the southern portion of Lot 2 of Certified Survey Map No. 9095).

ORDINANCE NO. 2019-\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE THE WESTERN PORTION OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 9095 FROM R-2 ESTATE/SINGLE-FAMILY RESIDENCE DISTRICT TO M-1 LIMITED INDUSTRIAL DISTRICT, TO REZONE THE EASTERN PORTION OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 9095 FROM R-2 ESTATE/SINGLE-FAMILY RESIDENCE DISTRICT AND C-1 CONSERVANCY DISTRICT TO R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT AND TO REZONE THE SOUTHERN PORTION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 9095 FROM M-1 LIMITED INDUSTRIAL DISTRICT AND C-1 CONSERVANCY DISTRICT TO R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT (PROPERTIES GENERALLY LOCATED SOUTH OF THE INTERSECTION OF WEST LOOMIS ROAD AND WEST RYAN ROAD, INCLUDING PORTIONS OF WHAT WAS FORMERLY 11205 WEST RYAN ROAD (THE WESTERN AND EASTERN PORTION OF OUTLOT 1 AND THE SOUTHERN PORTION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 9095) (APPROXIMATELY 50.69 ACRES) (MILLS HOTEL WYOMING, LLC, APPLICANT)

---

WHEREAS, Mills Hotel Wyoming, LLC having petitioned for the rezoning of the western portion of Outlot 1 of Certified Survey Map No. 9095 from R-2 Estate/Single-Family Residence District to M-1 Limited Industrial District, the eastern portion of Outlot 1 of Certified Survey Map No. 9095 from R-2 Estate/Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District and the southern portion of Lot 2 of Certified Survey Map No. 9095 from M-1 Limited Industrial District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District, such land being generally located south of the intersection of West Loomis Road and West Ryan Road, including portions of what was formerly 11205 West Ryan Road (the western and eastern portion of Outlot 1 and the southern portion of Lot 2 of Certified Survey Map No. 9095); and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 9th day of May, 2019, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and would promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the properties described below be changed from R-2 Estate/Single-Family Residence District to M-1 Limited Industrial District, R-2 Estate/Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District and from M-1 Limited Industrial District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District:

Area Currently Zoned R-2 to be Rezoned M-1

Part of Outlot 1 of Certified Survey Map No. 9095, located in the Northeast 1/4 of the Southwest 1/4 and the Southeast 1/4 and Northeast 1/4 of the Northwest 1/4, and the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City Of Franklin, Milwaukee County, Wisconsin, described as follows: Beginning at the southwest corner of said Outlot 1; Thence North 00°34'08" West along the west line of said Outlot 1, 668.97 feet; thence North 31°05'13" East along said west line, 632.11 feet; thence North 07°48'36" West along said west line, 642.42 feet to the northwest corner of said Outlot; thence North 63°19'38" East along the north line of said Outlot, 338.33 feet; thence North 53°26'01" East along said north line, 305.57 feet; thence South 00°34'43" East, 359.81 feet; thence South 89°25'17" West, 116.04 feet; thence South 01°10'06" East, 1155.10 feet to the south line of said Outlot 1; thence North 89°42'41" West along said south line, 35.01 feet to the Southwest corner of aforesaid Northeast 1/4; thence South 00°34'05" East along the east line of said Outlot 1, 667.46 feet to the south line of said Outlot 1; thence North 89°47'21" West along the south line of said Outlot 1, 662.96 feet to the Point of Beginning. Containing 1,070,164 sq. ft. (24.5676 acres) more or less.

Area Currently Zoned R-2 and C-1 to be Rezoned R-6

Part of Outlot 1 of Certified Survey Map No. 9505, located in the Southwest 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows: Beginning at the southeast corner of said Outlot 1; thence North 89°42'41" West along the south line of said Outlot 1, 844.14 feet; thence North 01°10'06" West,

1155.10 feet; thence North 89°25'17" East, 116.04 feet; thence North 00°34'43" West, 359.81 feet to the north line of said Outlot 1; thence North 53°26'01" East along said north line, 169.70 feet; thence North 00°51'07" West along said north line, 180.39 feet; thence South 89°28'18" East along said north line, 102.69 feet; thence South 46°55'39" East along said north line, 177.07 feet; thence South 89°44'26" East along said north line, 41.64 feet to the northeast corner of said Outlot 1; thence South 00°36'33" East along the east line of said Outlot 1, 1153.26 feet; thence North 89°23'27" East along said east line, 330.12 feet; thence South 00°36'33" East along said east line, 529.83 feet to the Point of Beginning. Containing 992,963 sq. ft. (22.7953 acres) more or less.

Area Currently Zoned M-1 and C-1 to be Rezoned R-6

Part of Lot 2 of Certified Survey Map No. 9505, located in the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows: Beginning at the southeast corner of said Lot 2; thence North 89°44'26" West along the south line of said Lot 2, 177.55 feet; thence North 46°55'39" West along said line, 177.07 feet; thence North 89°28'18" West along said line, 102.69 feet; thence South 00°51'07" East along said line, 180.39 feet; thence South 53°26'01" West along said line, 169.70 feet; thence North 00°34'43" West, 5.31 feet; thence North 44°24'10" West, 200.97 feet; thence North 45°57'27" East, 382.31 feet; thence North 89°25'17" East, 406.44 feet to a point on the east line of said Lot 2; thence South 00°34'43" East along the east line of said Lot 2, 260.00 feet to the Point of Beginning. Containing 144,762 sq. ft. (3.3233 acres) more or less. Tax Key Nos. 891-9008-000 and 891-9010-000.

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this

ORDINANCE NO. 2019-\_\_\_\_\_

Page 4

\_\_\_\_\_ day of \_\_\_\_\_, 2019, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

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

ATTEST:

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

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



REPORT TO THE PLAN COMMISSION

Meeting of May 9, 2019

**Comprehensive Master Plan Amendment, Rezoning and Preliminary Plat Approval**

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**RECOMMENDATION:** City Development Staff recommends approval of the proposed Comprehensive Master Plan Amendment, Rezoning and Preliminary Plat Approval subject to the conditions in the draft resolutions.

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<b>Project Name:</b>	Mills Hotel Wyoming/Bear Development Comprehensive Master Plan Amendment, Rezoning and Preliminary Plat (aka Ryan Meadows)
<b>Project Address:</b>	Generally located southwest of W. Loomis Road, south of W. Ryan Road and west of S. 112 <sup>th</sup> Street, including 11205 W. Ryan Road
<b>Applicant:</b>	Bear Development, LLC
<b>Owners (property):</b>	Mills Hotel Wyoming, LLC
<b>Current Zoning:</b>	R-2 Estate Single Family Residence District, M-1 Light Industrial & C-1 Conservancy District
<b>2025 Future Land Use:</b>	Business Park, Areas of Natural Resource Features, and Residential
<b>Use of Surrounding Properties:</b>	Single-family residential to the north, east as well as the Irish Cottage to the north and agricultural land to the south and west
<b>Applicant Action Requested:</b>	Recommendation of approval of the Comprehensive Master Plan amendments, Rezoning and Preliminary Plat.

---

**Project Description and Analysis:**

On March 13, 2019, the applicant filed a Comprehensive Master Plan Amendment Application and Rezoning Application with the Department of City Development requesting approval to subdivide three existing parcels bearing Tax Key Nos. 891-9009-000, 891-9010-000, and 891-9008-000 and a fourth parcel currently under contract to purchase at 892-993-001 into lots for single family residential usage, industrial usage and resulting outlots to accommodate stormwater and natural areas. The applicant is also proposing to amend the City Comprehensive Master Plan for approximately 26.11 acres and to rezone for approximately 50.67 acres of land generally located southwest of W. Loomis Road, south of W. Ryan Road and west of S. 112<sup>th</sup> Street to match up with the proposed outer lots of the accompanying preliminary plat. The request would amend the Comprehensive Master Plan of the proposed areas as follows:

- Area Two: From Business Park to Residential (22.79 acres).
- Area 3: From Business Park to Residential (3.32 acres).

The application for rezoning proposes to amend the properties as follows:

- Area One: From R-2 Estate Single-Family Residence District to M-1 Limited Industrial District (24.56 acres).
- Area Two: From R-2 Estate Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District (22.79 acres).
- Area 3: From M-1 Limited Industrial District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District (3.32 acres).

The Preliminary Plat shows the resulting subdivision for residential and light industrial areas stemming from a previous request in 2018 and this proposal. The resulting amount of single family residential lots shown in the R-6 area is 78 residential lots. The resulting amount of light industrial area in the resulting M-1 district is four (4) lots.

It should be noted that the proposed “Outlot 2” consists of property recently contracted to purchase and at the time of the writing of this staff summary, it is understood by staff the property has not yet been closed on. Therefore, the proposed comprehensive land use amendment and rezoning for this particular property, with Tax Key Number 892-9993-001, would need to come back for an amendment to match adjacent properties and their respective Comprehensive Master Plan and Zoning Designations prior to final plat consideration by the City.

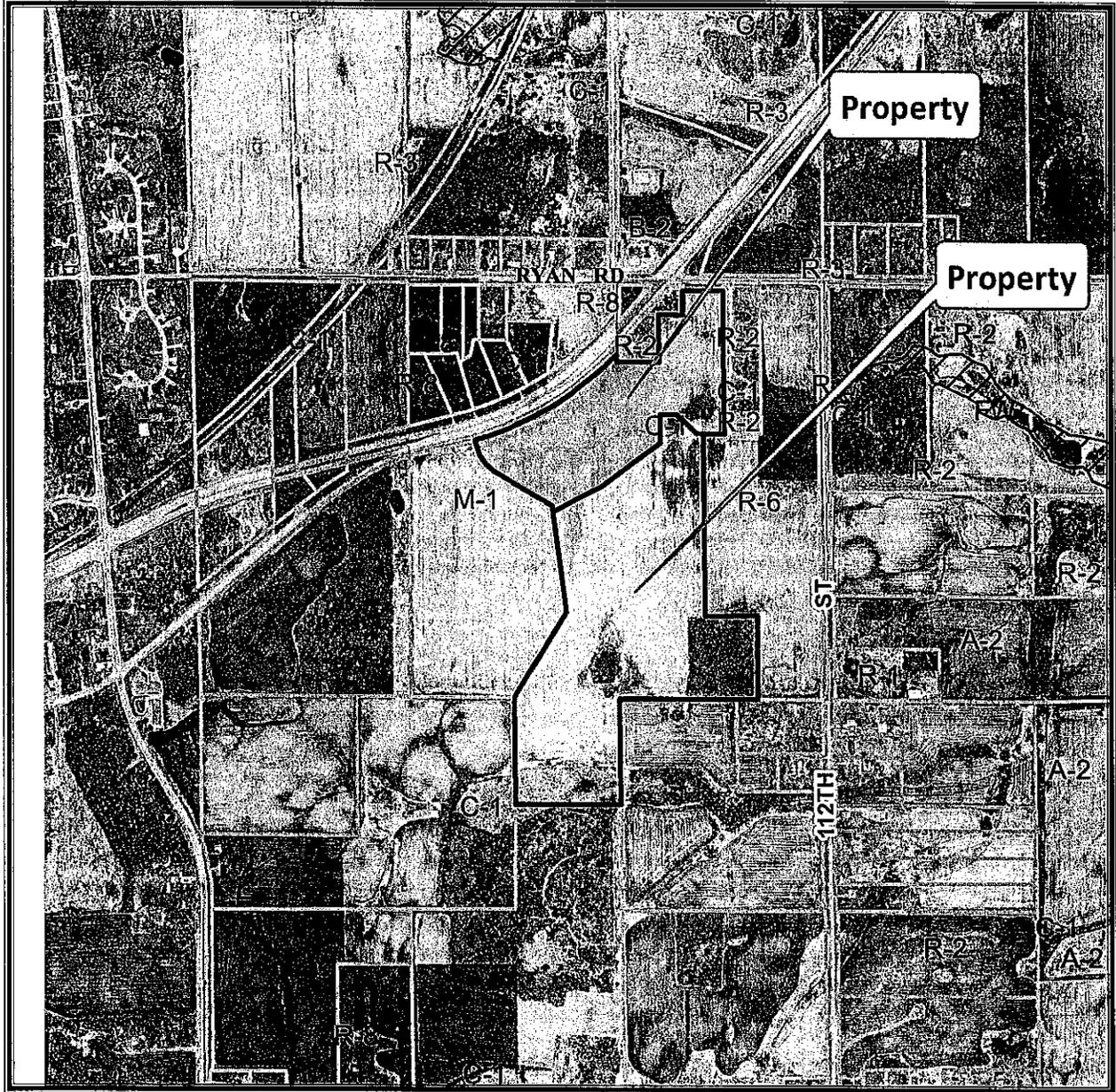
Please Note: As of the writing of this staff summary, the applicant has notified staff setback widths mentioned in staff comments nos. 2 and 24 for the residential lots will be shown on a revised set of plans, to be placed on the seats of the Commission members the night of the meeting.

**Staff Recommendation:**

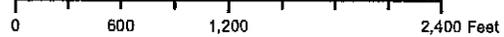
City Development Staff recommends approval of the proposed Comprehensive Land Use Map Amendments, Rezoning and Preliminary Plat, subject to the conditions in the draft resolutions.



TKNs: 891 9008 000 and 891 9010 000



Planning Department  
(414) 425-4024

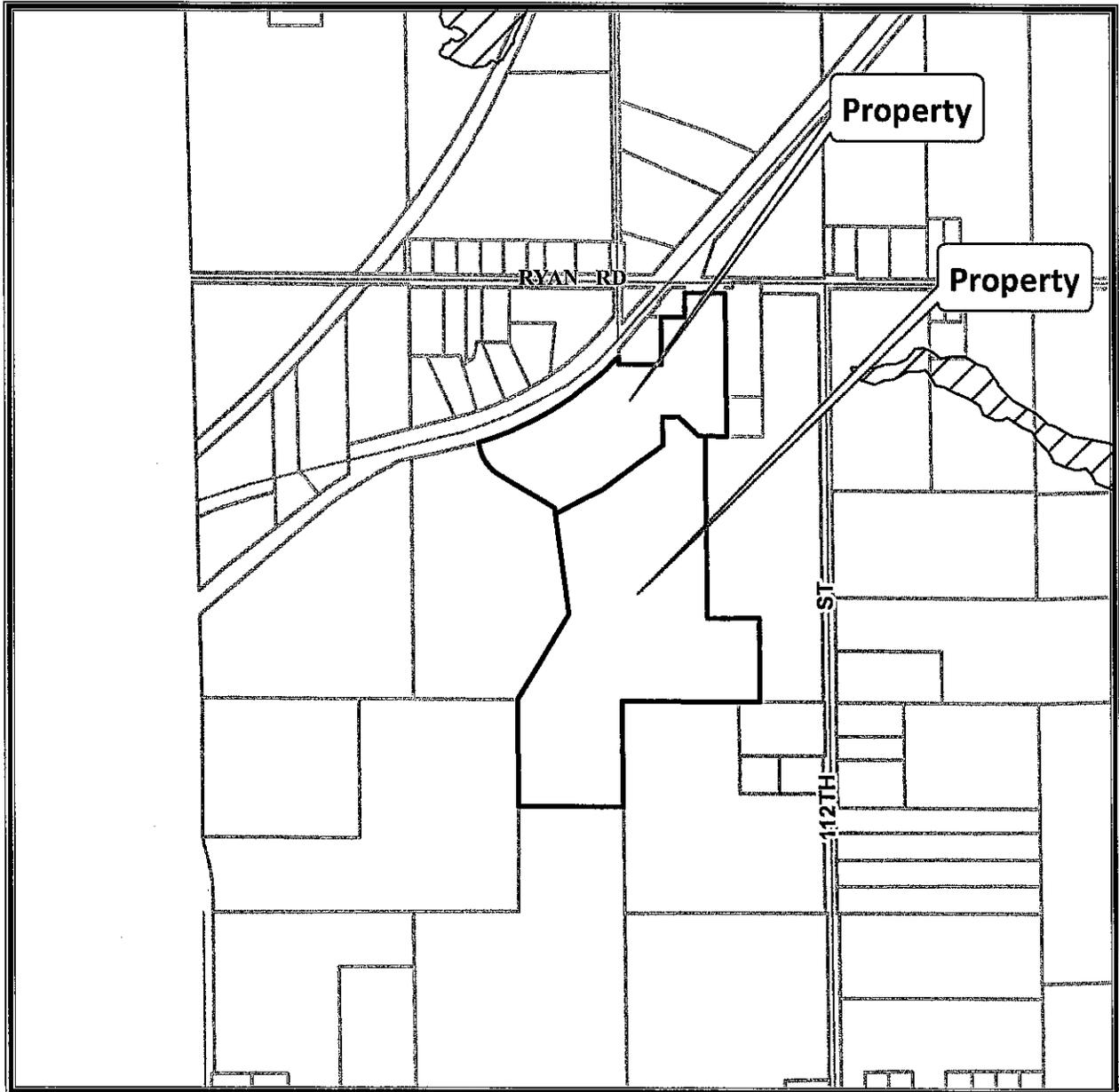


2017 Aerial Photo

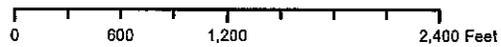
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



TKNs: 891 9008 000 and 891 9010 000



Planning Department  
(414) 425-4024



2017 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.*



**April 25, 2019**

Mr. Ben Kohout  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

**Re: Mills Hotel Wyoming Rezoning- Planning Area G**

Dear Mr. Kohout:

Please accept this letter and the enclosed submittal materials as formal application for zoning reclassification for portions of the Bear Development project at Loomis and Ryan Roads in the City of Franklin. Bear Development is acting on behalf of the owner of record, Mills Wyoming Hotel, LLC.

**Project Summary**

Mills Wyoming Hotel, LLC is the owner of record of approximately 130 acres of land in the City of Franklin. The land is located on the east side of STH 36 and lies south of Ryan Road. The property is included in the area commonly known as Planning Area G. Mills Hotel Wyoming is respectfully requesting several zoning amendments to facilitate a mixed-use development.

In 2018 Mills Hotel Wyoming requested zoning reclassification for much of the project. The rezoning was based on the boundaries shown in the original Concept Plan and Certified Survey Map. As the project advanced into the engineering stage, we discovered that our previous zoning petition did not include portions of the project which require proper zoning. *This request is intended to create zoning consistency between the boundaries and uses shown on the Preliminary Plat.*

**Current Zoning- East Side of Loomis Road**

The subject property is currently zoned R6 and R2 Residential, M-1 Limited Industrial District and C-1 Conservancy.

**Proposed Zoning**

Mills Hotel Wyoming, LLC is proposing several zoning amendments in preparation for a mixed-use development for Planning Area G. The areas of proposed zoning follow the proposed property lines of the submitted Preliminary Plat and the uses shown in the approved Concept Plan.

Zoning Area 1

Acreage: 24.56 Acres  
Current Zoning: R-2 Residential  
Proposed Zoning: M-1 Limited Industrial

Zoning Area 2

Acreage: 22.79 Acres  
Current Zoning: R-2 Residential and C-1 Conservancy  
Proposed Zoning: R-6 Residential

Zoning Area 3

Acreage: 3.32 Acres  
Current Zoning: M-1 Limited Industrial and C-1 Conservancy  
Proposed Zoning: R-6 Residential

**Proposed Land Use**

Zoning Area 1: A Light industrial development component with future lots of various sizes. The proposed use is consistent with the Comprehensive Land Use Plan designation of Business Park.

Zoning Area 2: Single-Family Residential and large open space Outlot.

Zoning Area 3: Single Family Residential. This property was previously zoned M-1 but is now shown as Single Family Residential on the Preliminary Plat.

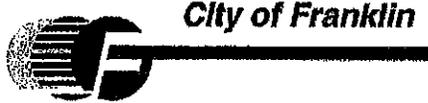
We feel the mix of land use shown on the Preliminary Plat offers an opportunity to create a development opportunity for Planning Area G that meets the goals of the Comprehensive Plan while providing a diverse land uses that will ensure a successful project.

Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, [dan@beardevelopment.com](mailto:dan@beardevelopment.com)

Thank you for your time and consideration.

Sincerely,

Daniel Szczap  
Bear Development, LLC



Date of Application: 4/12/2019

### REZONING APPLICATION

Complete, accurate and specific information must be entered. Please Print.

<b>Applicant (Full Legal Name(s)):</b> Name: <u>S.R. Mills</u> Company: <u>Bear Development, LLC</u> Mailing Address: <u>4011 80th Street</u> City / State: <u>Kenosha, WI</u> Zip: <u>53142</u> Phone: <u>(262) 842-0556</u> Email Address: <u>dan@beardevelopment.com</u>	<b>Applicant is Represented by: (contact person)(Full Legal Name(s))</b> Name: _____ Company: _____ Mailing Address: _____ City / State: _____ Zip: _____ Phone: _____ Email Address: _____
<b>Project Property Information:</b> Property Address: <u>11327 W. Ryan Road (rear parcel)</u> Property Owner(s): <u>Eugene &amp; Marlene Magarich</u>  Mailing Address: <u>11327 W. Ryan Road (rear parcel)</u> City / State: <u>Franklin, WI</u> Zip: <u>53132</u> Email Address: <u>d</u>	Tax Key Nos: <u>Part of 892-8883-001</u>  Existing Zoning: <u>R2 and C1</u> Existing Use: <u>Vacant</u> Proposed Use: <u>Outlot/Open Space/Storm Water Management</u> CMP Land Use Identification: <u>Business Park</u>

\*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/Resources/Documents/Maps.htm>

**Rezoning submittals for review must include and be accompanied by the following:**

- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin:  \$1,250  \$350 (One Parcel Residential)
- Legal Description for the subject property (WORD.doc or compatible format).
- Seven (7) complete colated sets of Application materials to include:
  - One (1) original and six (6) copies of a written Project Summary, including a general description of the proposed development of the property, proposal's intent, impacts, and consistency with the Comprehensive Master Plan.
  - Seven (7) folded copies of a Plot Plan, or Site Plan, drawn to a reasonable scale (at least 11"x17" or as determined by the City Planner or City Engineer) and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- Email (or CD ROM) with all plans/submittal materials.
- Additional information as may be required.

- Additional notice to and approval required for amendments or rezoning in the FW, FC, FFO, and SW Districts.
- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Requires a Class II Public Hearing notice at Plan Commission.
- Rezoning requests require Plan Commission review and recommendation and Common Council approval.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

*(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed-applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature(s) below. If more than one, all of the owners of the property must sign this Application).*

Signature - Property Owner  
S.R. Mills, President  
 Name & Title (PRINT)  
 Date: April 16, 2019

Signature - Applicant  
 \_\_\_\_\_  
 Name & Title (PRINT)  
 Date: \_\_\_\_\_

Signature - Property Owner  
 \_\_\_\_\_  
 Name & Title (PRINT)  
 Date: \_\_\_\_\_

Signature - Applicant's Representative  
 \_\_\_\_\_  
 Name & Title (PRINT)  
 Date: \_\_\_\_\_



**LEGAL DESCRIPTION:**

Part of Outlot 1 of Certified Survey Map No. 9095, located in the Northeast 1/4 of the Southwest 1/4 and the Southeast 1/4 and Northeast 1/4 of the Northwest 1/4, and the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Beginning at the southwest corner of said Outlot 1; Thence North 00°34'08" West along the west line of said Outlot 1, 668.97 feet; thence North 31°05'13" East along said west line, 632.11 feet; thence North 07°48'36" West along said west line, 642.42 feet to the northwest corner of said Outlot; thence North 63°19'38" East along the north line of said Outlot, 338.33 feet; thence North 53°26'01" East along said north line, 305.57 feet; thence South 00°34'43" East, 359.81 feet; thence South 89°25'17" West, 116.04 feet; thence South 01°10'06" East, 1155.10 feet to the south line of said Outlot 1; thence North 89°42'41" West along said south line, 35.01 feet to the Southwest corner of aforesaid Northeast 1/4; thence South 00°34'05" East along the east line of said Outlot 1, 667.46 feet to the south line of said Outlot 1; thence North 89°47'21" West along the south line of said Outlot 1, 662.96 feet to the Point of Beginning.

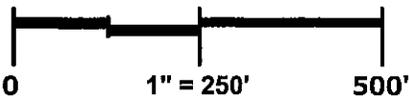
Containing 1,070,164 sq. ft. (24.5676 acres) more or less

**"ZONING AREA ONE"  
PROPERTY IS CURRENTLY ZONED  
AS R-2 TO BE ZONED AS M-1**

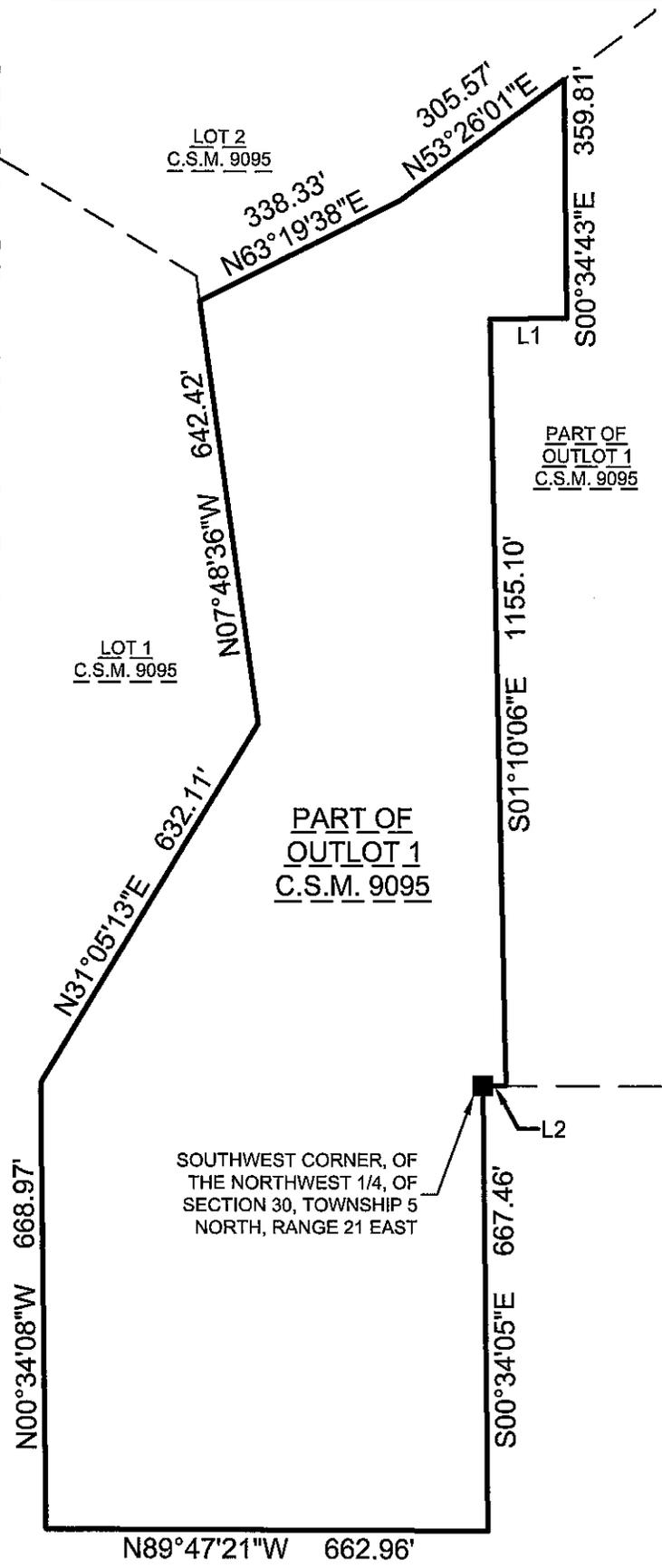
LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	S89°25'17"W	116.04'
L2	N89°42'41"W	35.01'



**GRAPHICAL SCALE (FEET)**



Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The west line of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East has a bearing of N00°34'43"W.



**REZONING EXHIBIT**

**PINNACLE ENGINEERING GROUP**

15850 W. BLUEMOUND ROAD | SUITE 210 | BROOKFIELD, WI 53005

WWW.PINNACLE-ENGR.COM

04/25/19

**PLAN | DESIGN | DELIVER**

PEG JOB#809.20

**LEGAL DESCRIPTION:**

Part of Outlot 1 of Certified Survey Map No. 9505, located in the Southwest 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Beginning at the southeast corner of said Outlot 1; thence North 89°42'41" West along the south line of said Outlot 1, 844.14 feet; thence North 01°10'06" West, 1155.10 feet; thence North 89°25'17" East, 116.04 feet; thence North 00°34'43" West, 359.81 feet to the north line of said Outlot 1; thence North 53°26'01" East along said north line, 169.70 feet; thence North 00°51'07" West along said north line, 180.39 feet; thence South 89°28'18" East along said north line, 102.69 feet; thence South 46°55'39" East along said north line, 177.07 feet; thence South 89°44'26" East along said north line, 41.64 feet to the northeast corner of said Outlot 1; thence South 00°36'33" East along the east line of said Outlot 1, 1153.26 feet; thence North 89°23'27" East along said east line, 330.12 feet; thence South 00°36'33" East along said east line, 529.83 feet to the Point of Beginning.

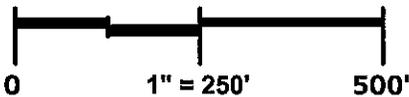
Containing 992,963 sq. ft. (22.7953 acres) more or less

**"ZONING AREA TWO"  
PROPERTY IS CURRENTLY ZONED  
AS R-2 AND C-1 TO BE ZONED AS R-6**

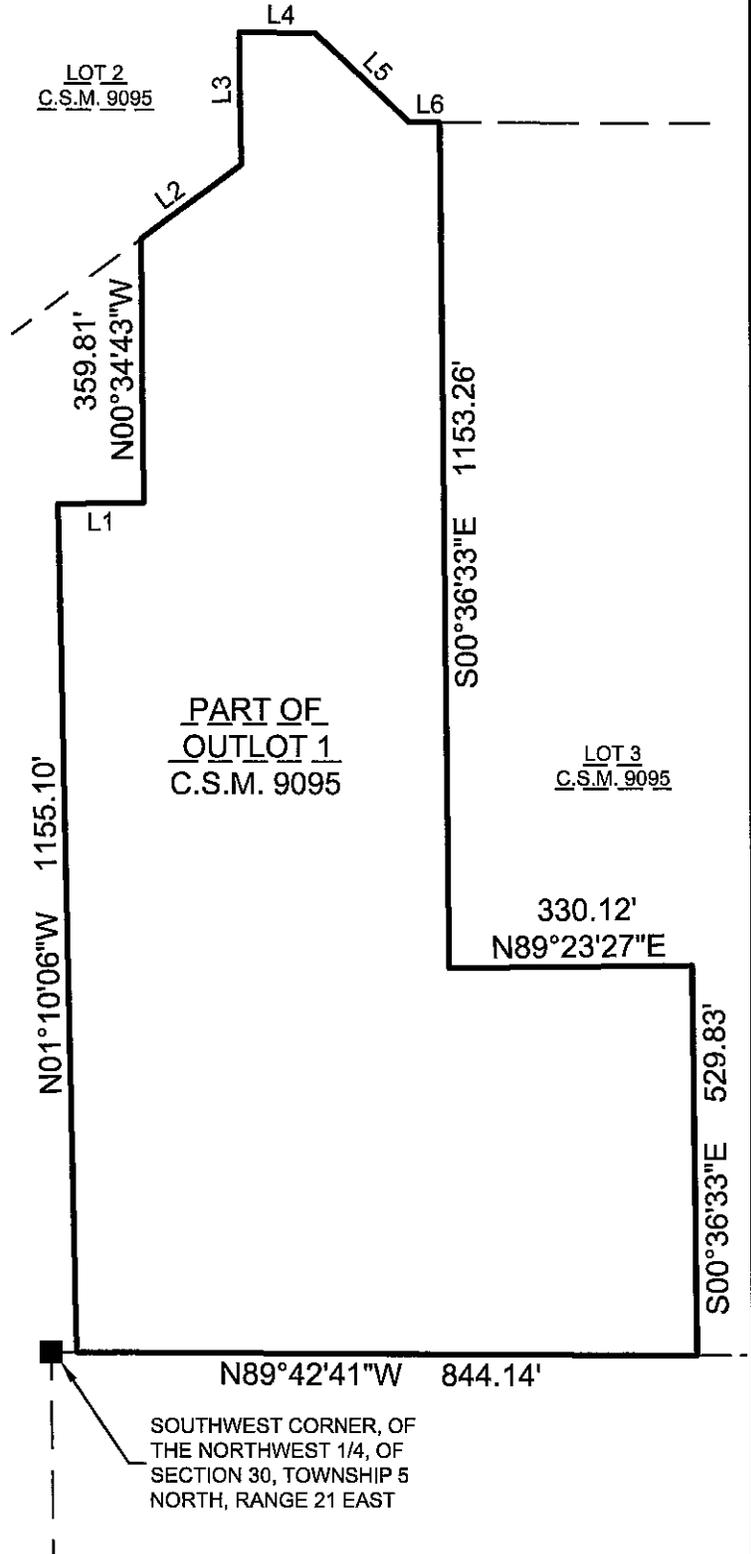
LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	N89°25'17"E	116.04'
L2	N53°26'01"E	169.70'
L3	N00°51'07"W	180.39'
L4	S89°28'18"E	102.69'
L5	S46°55'39"E	177.07'
L6	S89°44'26"E	41.64'



GRAPHICAL SCALE (FEET)



Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The west line of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East has a bearing of N00°34'43"W.



**REZONING EXHIBIT**

**PINNACLE ENGINEERING GROUP**

15850 W. BLUEMOUND ROAD | SUITE 210 | BROOKFIELD, WI 53005

WWW.PINNACLE-ENGR.COM

PLAN | DESIGN | DELIVER

PEG JOB#809.20

04/25/19

**LEGAL DESCRIPTION:**

Part of Lot 2 of Certified Survey Map No. 9505, located in the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

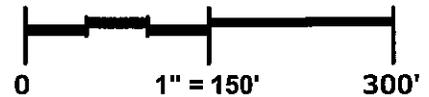
Beginning at the southeast corner of said Lot 2; thence North 89°44'26" West along the south line of said Lot 2, 177.55 feet; thence North 46°55'39" West along said line, 177.07 feet; thence North 89°28'18" West along said line, 102.69 feet; thence South 00°51'07" East along said line, 180.39 feet; thence South 53°26'01" West along said line, 169.70 feet; thence North 00°34'43" West, 5.31 feet; thence North 44°24'10" West, 200.97 feet; thence North 45°57'27" East, 382.31 feet; thence North 89°25'17" East, 406.44 feet to a point on the east line of said Lot 2; thence South 00°34'43" East along the east line of said Lot 2, 260.00 feet to the Point of Beginning.

Containing 144,762 sq. ft. (3.3233 acres) more or less

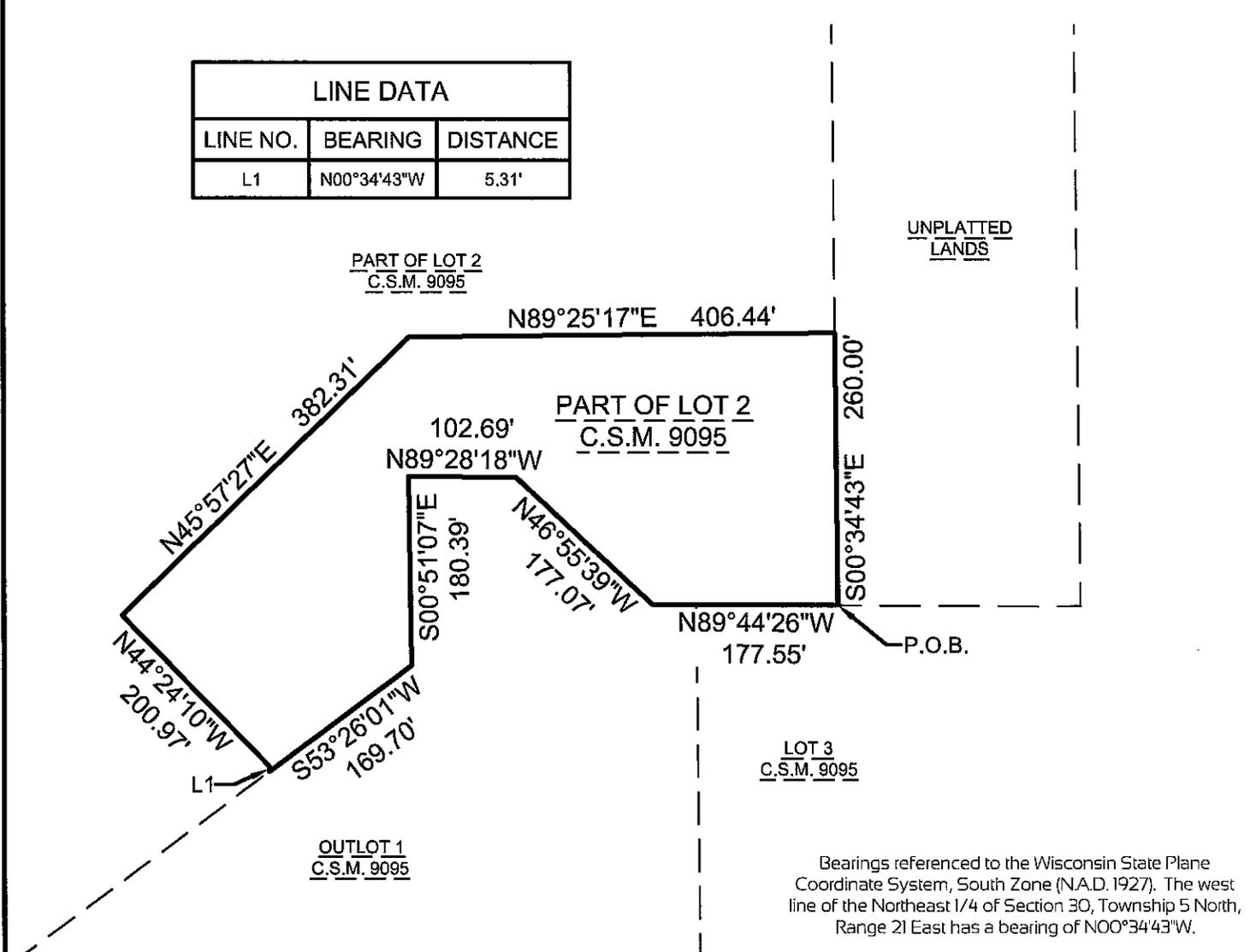
**"ZONING AREA THREE"  
PROPERTY IS CURRENTLY ZONED  
AS M-1 AND C-1 TO BE ZONED AS R-6**



**GRAPHICAL SCALE (FEET)**



LINE DATA		
LINE NO.	BEARING	DISTANCE
L1	N00°34'43"W	5.31'



**REZONING EXHIBIT**

**PINNACLE ENGINEERING GROUP**

15850 W. BLUEMOUND ROAD | SUITE 210 | BROOKFIELD, WI 53005

WWW.PINNACLE-ENGR.COM

04/25/19

**PLAN | DESIGN | DELIVER**

PEG JOB#809.20

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<b>APPROVAL</b>  <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  06/04/19
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>A RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR BEAR FRANKLIN SUBDIVISION (AT APPROXIMATELY WEST RYAN ROAD AND SOUTH 112TH STREET) (BEAR DEVELOPMENT, LLC, APPLICANT, ON BEHALF OF MILLS HOTEL WYOMING, LLC, PROPERTY OWNER)</b>	<b>ITEM NUMBER</b>  <i>G. 4.</i>
<p>At the May 9, 2019 meeting of the Plan Commission the following action was approved: move to recommend approval of a resolution conditionally approving a Preliminary Plat for Bear Franklin Subdivision (at approximately West Ryan Road and South 112<sup>th</sup> Street), with condition No. 26 pertaining to a new recreational trail be deleted from the resolution.</p> <p>This item was tabled from the May 21, 2019 meeting to the June 4, 2019 meeting by the Council due to a need to properly notice the Comprehensive Master Plan Amendment affecting the properties involved.</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to approve Resolution 2019-_____, conditionally approving a Preliminary Plat for Bear Franklin Subdivision (at approximately West Ryan Road and South 112th Street) (Bear Development, LLC, Applicant, on behalf of Mills Hotel Wyoming, LLC, Property Owner).</p>		

## RESOLUTION NO. 2019-\_\_\_\_\_

A RESOLUTION CONDITIONALLY APPROVING A  
PRELIMINARY PLAT FOR BEAR FRANKLIN SUBDIVISION  
(AT APPROXIMATELY WEST RYAN ROAD AND SOUTH 112TH STREET)  
(BEAR DEVELOPMENT, LLC, APPLICANT, ON BEHALF OF MILLS HOTEL  
WYOMING, LLC, PROPERTY OWNER)

---

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a preliminary plat for Bear Franklin Subdivision, such plat being Lot 1, Lot 2, Lot 3 and Outlot 1 of Certified Survey Map No. 9095, as recorded in the Register of Deeds office for Milwaukee County as Document No. 10830741, in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County Wisconsin, more specifically, of the property located at approximately West Ryan Road and South 112th Street [the Preliminary Plat includes an 87 lot subdivision with 83 lots and 4 Outlots; Lots 1-79 are single-family residential lots meeting the R-6 Suburban Single-Family Residence District standards; Lots 81-84 are light industrial lots meeting the M-1 Limited Industrial District standards; Outlots 1-3 are for proposed stormwater retention and maintenance and Outlot 4 is for proposed community open space and stormwater retention and maintenance (all lots are proposed to be served by public water and sanitary sewer service)], bearing Tax Key Nos. 891-9009-000, 891-9010-000, 891-9008-000, 892-9993-001 and 891-9007-000, Bear Development, LLC, applicant, on behalf of Mills Hotel Wyoming, LLC, property owner; said preliminary plat having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof at its meeting on May 9, 2019, 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 preliminary plat 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 Preliminary Plat of Bear Franklin Subdivision, as submitted by Bear Development, LLC, applicant, on behalf of Mills Hotel Wyoming, LLC, property owner, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant.

BEAR DEVELOPMENT, LLC, ON BEHALF OF MILLS HOTEL WYOMING, LLC –  
PRELIMINARY PLAT  
RESOLUTION NO. 2019-\_\_\_\_\_

Page 2

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. Bear Development, LLC, on behalf of Mills Hotel Wyoming, LLC, property owner, successors and assigns and any developer of the Bear Franklin 83 lot and 4 outlot mixed-use subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Bear Franklin 83 lot and 4 outlot mixed-use subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
4. The approval granted hereunder is conditional upon Bear Development, LLC, on behalf of Mills Hotel Wyoming, LLC, property owner, and the Bear Franklin 83 lot and 4 outlot mixed-use subdivision development project for the property located at approximately West Ryan Road and South 112th 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.
5. The Bear Franklin 83 lot and 4 outlot mixed-use subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
6. Applicant shall graphically indicate and clearly delineate and dimension the location of proposed deed restrictions, landscape easements, and/or conservation easements on the face of the Preliminary Plat per Section 15-7.0502-V of the UDO.
7. Applicant shall provide a Landscape Plan for the landscape bufferyard for Lots 6 & 7 along West Ryan Road, as required by Sections 15-7.0502-W and 15-9.0303 of the UDO.
8. Applicant shall provide a Market Analysis, prepared by an independent market analyst acceptable to the Plan Commission indicating anticipated absorption rate of

the lots as well as other information as may be required by the City Planner or Plan Commission per Section 15-7.0502-X of the UDO.

9. Applicant shall provide a Financial Plan for project implementation acceptable to the Plan Commission per Section 15-7.0502-Y of the UDO.
10. Applicant shall provide a written project summary including fiscal impact upon the City of Franklin, operational information, building schedule, and estimate of project value and including all site improvement costs per Section 15-7.0502-Z of the UDO.
11. Applicant shall submit a draft of declaration of deed restrictions and protective covenants whereby the Subdivider intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development, as required by Section 15-7.0507-A of the UDO.
12. Applicant shall submit a written conservation easement document (template attached) whereby the Subdivider intends to regulate the protection of natural resource features in the proposed Subdivision in conjunction with the “Natural Resource Protection Plan”, as required by Section 15-7.0507-B of the UDO.
13. Applicant shall submit draft legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners’ association), for the purpose of demonstrating its existence, when the Subdivider proposes the property within the Subdivision would be either owned or maintained by such an organization of property owners, as required by Section 15-7.0507-C of the UDO.
14. The City Attorney shall review all draft declaration of deed restrictions and protective covenants, conservation easements, and homeowners’ associations and shall approve said instruments as to form, as required by Section 15-7.0507-D of the UDO.
15. Applicant shall have the following restriction lettered on the face of the Plat, as required by Section 15-5.0102-A of the UDO:
  - a. “Landscape Bufferyard Easement: This strip is reserved for the planting of trees and shrubs; the building of structures hereon is prohibited.”
16. Applicant shall graphically and numerically depict and update those natural resource features that will be disturbed and those that will be preserved, inclusive of wetland impacts along Loomis Road due to the addition of a right turn lane and resubmit per Section 15-7.0201-J of the UDO.

BEAR DEVELOPMENT, LLC, ON BEHALF OF MILLS HOTEL WYOMING, LLC –  
PRELIMINARY PLAT  
RESOLUTION NO. 2019-\_\_\_\_\_

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17. Applicant shall provide a graphic illustration and notes relating those natural resource features, which are to be preserved, will actually be preserved in perpetuity using conservation easements, deed restrictions, protective covenants, etc. per Section 15-7.0201-K of the UDO due to the addition of a right turn lane along Loomis Road and resubmit to the Department of City Development for review and approval prior to recording of the Final Plat with the office of the Register of Deeds office.
18. Applicant shall provide the addresses, and telephone numbers of the owners, subdividers, lessee and/or developer per Section 15-7.0301-C of the UDO on the plat.
19. Applicant shall indicate all landscape bufferyard easements graphically on the plat per Section 15-7.0301-F of the UDO.
20. Applicant shall provide the location, extent, type and size of all existing trees and natural resource features. If any existing vegetation or other natural resource features are to be demolished or mitigated, applicant shall clearly delineate on the landscape plan. Both, common names and scientific names should be identified in the case of plant materials as required by Section 15-7.0301-G of the UDO.
21. Applicant shall provide the location, extent, type and size of all landscape materials and plantings per Section 15-7.0301-H of the UDO on the landscape plan. Both, common names and scientific names should be identified in the case of plant materials.
22. Applicant shall provide information regarding maintenance of the proposed landscape as required by Section 15-7.0301-J of the UDO.
23. Applicant shall address and correct all Milwaukee County review comments prior to consideration by the Common Council.
24. Applicant shall have acquired property shown to be a part of “Outlot 2” on the plat, with Tax Key Number 892-9993-001, a 1.33 acre property, and shall submit to the Department of City Development for review and approval a copy of the recorded deed of conveyance, together with a signed consent and acknowledgement to and of this application by the current property owner, prior to recording of the Final Plat with the office of the Register of Deeds office .

BEAR DEVELOPMENT, LLC, ON BEHALF OF MILLS HOTEL WYOMING, LLC –  
PRELIMINARY PLAT  
RESOLUTION NO. 2019-\_\_\_\_\_

Page 5

25. Applicant shall provide on the preliminary plat sidewalks, showing connectivity throughout the development, and meeting City of Franklin minimum standards and approved by City Staff, prior to recording of the Final Plat with the office of the Register of Deeds office.
26. Applicant shall show a landscape bufferyard of 30 feet along the rear of lots 6 and 7 in the form of a 30 foot wide bufferyard easement prior to recording of the Final Plat with the office of the Register of Deeds office.
27. Applicant shall provide a minimum of 60 feet of frontage along the roadway for lots 5, 58, 59 & 60 prior to recording of the Final Plat with the office of the Register of Deeds office.
28. Applicant shall provide an erosion control plan to the City Engineering office meeting UDO Section 15-8.0306 for review and approval prior to recording of the Final Plat with the office of the Register of Deeds office.
29. Applicant shall provide stormwater calculations for proposed stormwater management facilities to the City Engineering department for review and comment prior to recording of the Final Plat with the office of the Register of Deeds office.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

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

ATTEST:

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

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



REPORT TO THE PLAN COMMISSION

Meeting of May 9, 2019

**Comprehensive Master Plan Amendment, Rezoning and Preliminary Plat Approval**

---

**RECOMMENDATION:** City Development Staff recommends approval of the proposed Comprehensive Master Plan Amendment, Rezoning and Preliminary Plat Approval subject to the conditions in the draft resolutions.

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<b>Project Name:</b>	Mills Hotel Wyoming/Bear Development Comprehensive Master Plan Amendment, Rezoning and Preliminary Plat (aka Ryan Meadows)
<b>Project Address:</b>	Generally located southwest of W. Loomis Road, south of W. Ryan Road and west of S. 112 <sup>th</sup> Street, including 11205 W. Ryan Road
<b>Applicant:</b>	Bear Development, LLC
<b>Owners (property):</b>	Mills Hotel Wyoming, LLC
<b>Current Zoning:</b>	R-2 Estate Single Family Residence District, M-1 Light Industrial & C-1 Conservancy District
<b>2025 Future Land Use:</b>	Business Park, Areas of Natural Resource Features, and Residential
<b>Use of Surrounding Properties:</b>	Single-family residential to the north, east as well as the Irish Cottage to the north and agricultural land to the south and west
<b>Applicant Action Requested:</b>	Recommendation of approval of the Comprehensive Master Plan amendments, Rezoning and Preliminary Plat.

---

**Project Description and Analysis:**

On March 13, 2019, the applicant filed a Comprehensive Master Plan Amendment Application and Rezoning Application with the Department of City Development requesting approval to subdivide three existing parcels bearing Tax Key Nos. 891-9009-000, 891-9010-000, and 891-9008-000 and a fourth parcel currently under contract to purchase at 892-993-001 into lots for single family residential usage, industrial usage and resulting outlots to accommodate stormwater and natural areas. The applicant is also proposing to amend the City Comprehensive Master Plan for approximately 26.11 acres and to rezone for approximately 50.67 acres of land generally located southwest of W. Loomis Road, south of W. Ryan Road and west of S. 112<sup>th</sup> Street to match up with the proposed outer lots of the accompanying preliminary plat. The request would amend the Comprehensive Master Plan of the proposed areas as follows:

- Area Two: From Business Park to Residential (22.79 acres).
- Area 3: From Business Park to Residential (3.32 acres).

The application for rezoning proposes to amend the properties as follows:

- Area One: From R-2 Estate Single-Family Residence District to M-1 Limited Industrial District (24.56 acres).
- Area Two: From R-2 Estate Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District (22.79 acres).
- Area 3: From M-1 Limited Industrial District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District (3.32 acres).

The Preliminary Plat shows the resulting subdivision for residential and light industrial areas stemming from a previous request in 2018 and this proposal. The resulting amount of single family residential lots shown in the R-6 area is 78 residential lots. The resulting amount of light industrial area in the resulting M-1 district is four (4) lots.

It should be noted that the proposed “Outlot 2” consists of property recently contracted to purchase and at the time of the writing of this staff summary, it is understood by staff the property has not yet been closed on. Therefore, the proposed comprehensive land use amendment and rezoning for this particular property, with Tax Key Number 892-9993-001, would need to come back for an amendment to match adjacent properties and their respective Comprehensive Master Plan and Zoning Designations prior to final plat consideration by the City.

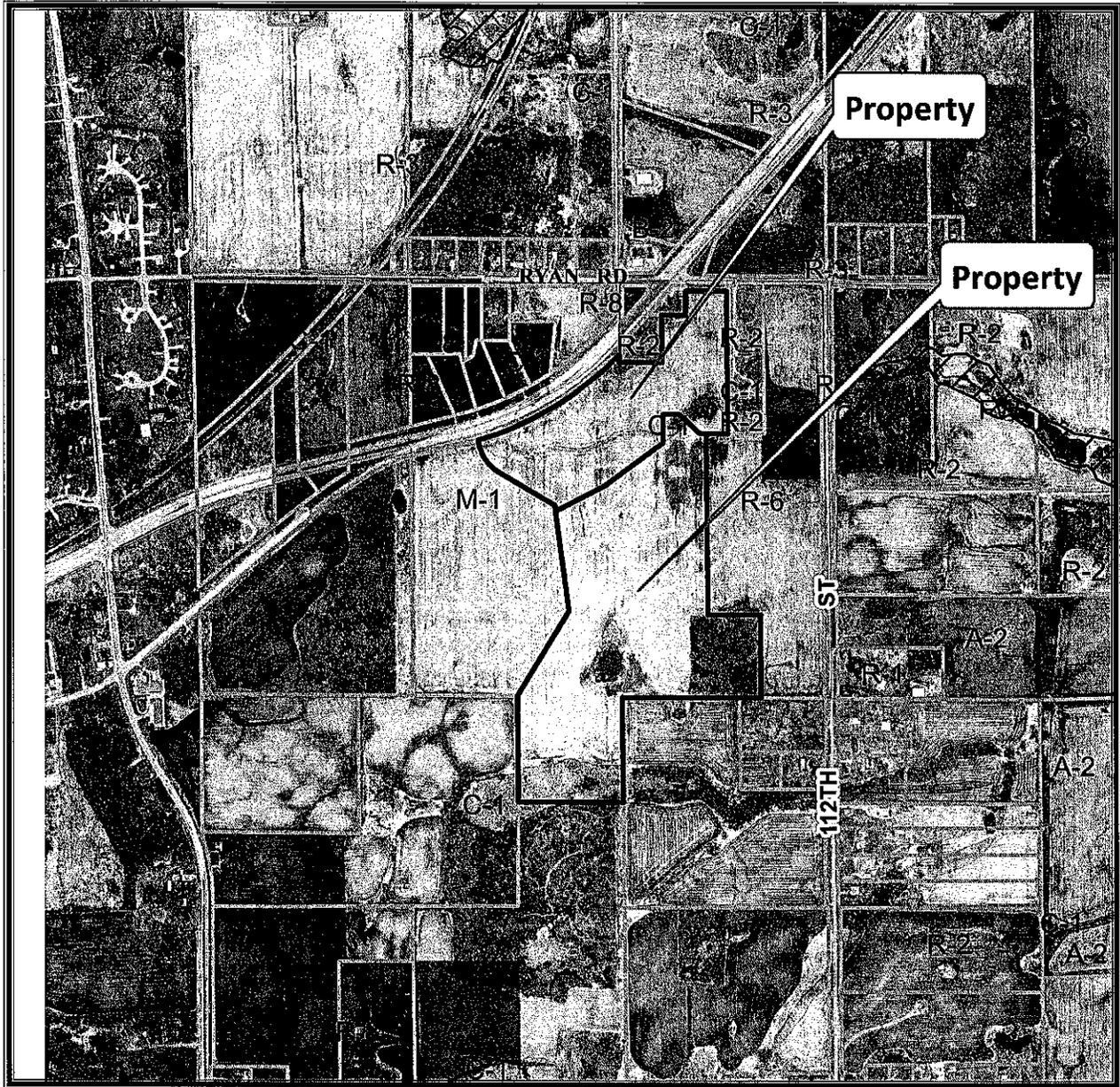
Please Note: As of the writing of this staff summary, the applicant has notified staff setback widths mentioned in staff comments nos. 2 and 24 for the residential lots will be shown on a revised set of plans, to be placed on the seats of the Commission members the night of the meeting.

**Staff Recommendation:**

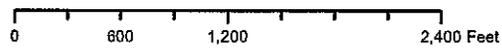
City Development Staff recommends approval of the proposed Comprehensive Land Use Map Amendments, Rezoning and Preliminary Plat, subject to the conditions in the draft resolutions.



TKNs: 891 9008 000 and 891 9010 000



Planning Department  
(414) 425-4024

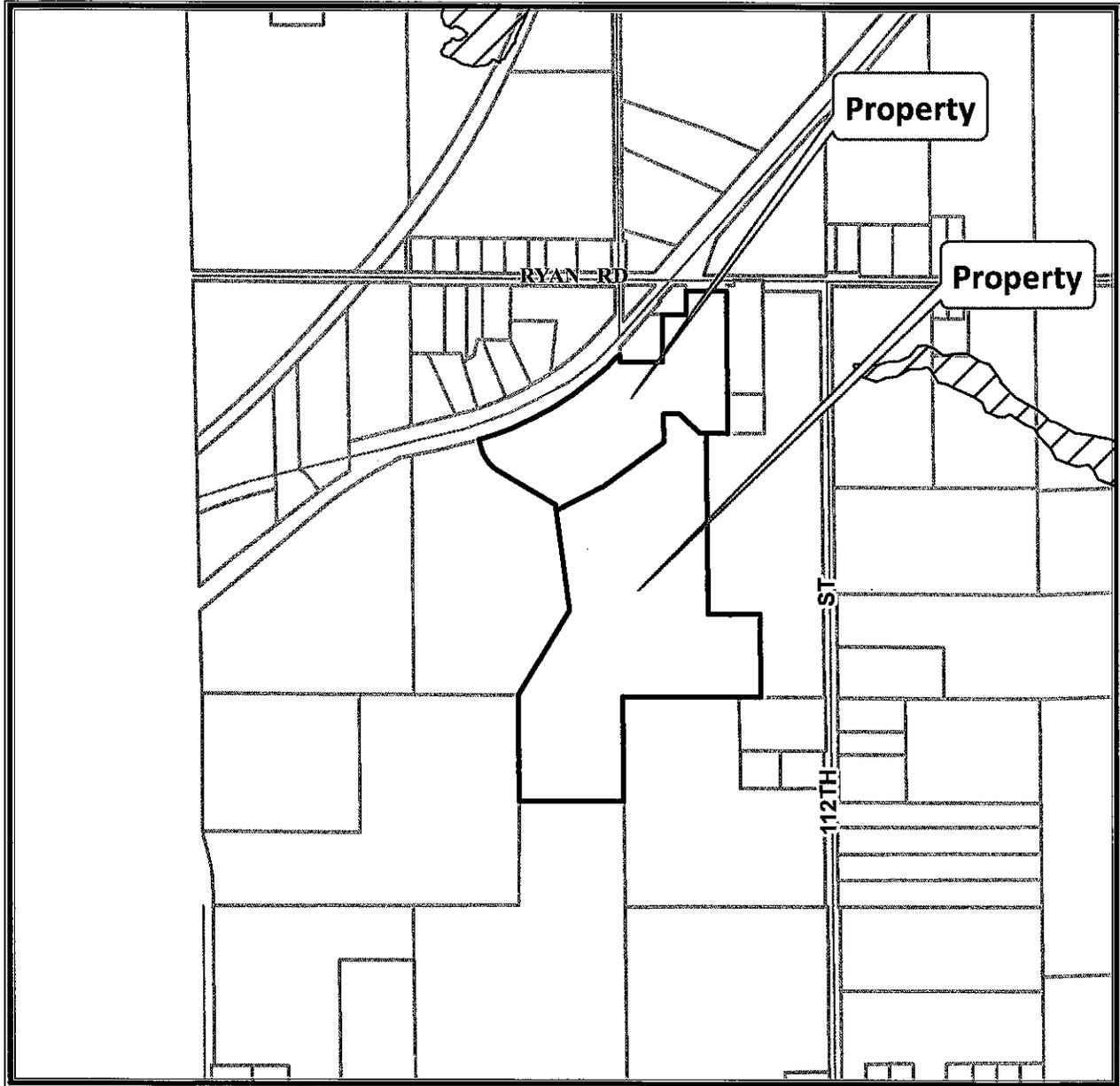


2017 Aerial Photo

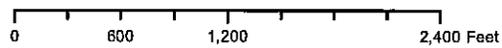
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



TKNs: 891 9008 000 and 891 9010 000



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



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



2017 Aerial Photo



**April 29, 2019**

Mr. Ben Kohout  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

**Re: Mills Hotel Wyoming – Preliminary Plat**

Dear Mr. Kohout:

Bear Development is pleased to submit this letter and the enclosed submittal materials as an amendments to the formal application for Preliminary Plat review. Bear Development is acting on behalf of the owner of record, Mills Wyoming Hotel, LLC.

**Project Summary**

Mills Wyoming Hotel, LLC is the owner of record of approximately 131.50 acres of vacant land in the City of Franklin. The land is located on the south sides of STH 36, south of West Ryan Road and west of 112<sup>th</sup> Street. The property is included in the area commonly known as Planning Area G and included in Tax Increment District #6.

Mills Hotel Wyoming, LLC is under contract to purchase approximately 1.16 acres from Eugene & Marlene Magarich. The subject is adjacent to the submitted Preliminary Plat. Our intention is to add the Magarich property into the submitted plat. Rezoning and Comprehensive Plan Amendments for this property have been previously submitted.

**Current Land Use**

The subject property is unimproved and vacant. The property is within the major drainage path for the surrounding area

**Proposed Use**

Mills Hotel Wyoming, LLC proposes to include the 1.16 acres into the overall Preliminary Plat. The added property will be mad part of Outlot 2 and be used for storm water management purposes. As stated above, the property is within the drainage path of the general area. We feel that this is the most efficient use of the property and will improve the storm water management paln for the overall development. By using this acreage for storm water detention, it in turn, allows the adjacent Commercial/Industrial Lot to be enlarged, a benefit for the entire project. Light industrial land uses along the Loomis Road and Ryan frontages and the western portion of the property. The proposed use is consistent with the Comprehensive Land Use Plan designation of Business Park.

**Existing Zoning**

The property currently holds R-2 and C-1 zoning classifications.

**Proposed Zoning**

Mills Hotel Wyoming has submitted application applications for Zoning Amendment to amend the zoning district boundaries to the surrounding R-6 District.

**Proposed Preliminary Plat**

Mills Hotel Wyoming, LLC and Bear Development, LLC, respectfully request City of Franklin review and approval of the enclosed Preliminary Plat. The Preliminary Plat includes:

- Gross Land Area of 132.72 acres
- A total of 83 Lots and 4 Outlots
- Lots 1-79 are Single Family lots with bulk requirements meeting the R-6 Residential zoning standards.
- Lots 81-84 are Light Industrial Lots meeting the M-1 Manufacturing zoning standards. Lots 81, 82 and 84 will be re-divided upon final users being secured within the development.
- Lot 80 is the existing Irish Cottage property (owned by Mills Hotel Wyoming, LLC)
- Outlots 1-3 are for Stormwater Retention and Maintenance and community open space.
- All Lots are to be serviced by public water and sanitary sewer service.
- The access points as shown on the Preliminary Plat have been located in compliance with an approved WDOT Traffic Impact Analysis.

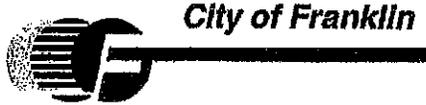
We feel the Preliminary Plat offers an opportunity to create a development opportunity for Planning Area G that meets the goals of the Comprehensive Plan while providing a diverse land uses that will ensure a successful project.

Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, [dan@beardevelopment.com](mailto:dan@beardevelopment.com)

Thank you for your time and consideration.

Sincerely,

Daniel Szczap  
Bear Development, LLC



Date of Application: \_\_\_\_\_

## APPLICATION FOR SUBDIVISION PLAT - PRELIMINARY

*Complete, accurate and specific information must be entered. Please Print.*

**Applicant** (Full Legal Name[s])  
 Name: S.R. Mills  
 Company: Bear Development, LLC  
 Mailing Address: 4011 80th Street  
 City / State: Kenosha, WI Zip: 53142  
 Phone: (262) 842-0556  
 Email Address: dan@beardevelopment.com

**Applicant Is Represented by (contact person)** (Full Legal Name[s])  
 Name: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City / State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

**Project Property Information:**

Property Address: 11327 W. Ryan Road (rear parcel)  
 Property Owner(s): Eugene & Marlene Magarich  
 Mailing Address: 11327 W. Ryan Road (rear parcel)  
 City / State: Franklin, WI Zip: 53132  
 Email Address: \_\_\_\_\_

Tax Key Nos: Part of 892-9993-001  
 Existing Zoning: R2 and C1  
 Existing Use: Vacant, southwest of W.Ryan Road and 112th Street  
 Proposed Use: Outlet/Open Space/Storm Water Management  
 Future Land Use Identification: Business Park

\*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/Resources/Documents/Maps.htm>

•All Preliminary Subdivision Plat submittals shall comply with Chapter 236 of the Wisconsin State Statutes and City of Franklin UDO Division 15-7.0500 Preliminary Plat. The Unified Development Ordinance (UDO) can be found at the City's web site: [www.franklinwi.gov](http://www.franklinwi.gov).

**Preliminary Subdivision Plat Application submittals for review must include and be accompanied by the following:**

- Milwaukee County Review Fee, payable to Milwaukee County Register of Deeds: \$150.00
  - Four (4) original map copies for Milwaukee County review, prepared at 22x30-inch on durable white media (s. 236.20(1) (a, b & c), Wis. Stats.
- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin:  \$5,000
- Legal Description for the subject property (WORD.doc or compatible electronic format).
- One copy of the completed DOA "Request for Land Subdivision Plat Review; and "WISDOT SUBDIVISION REVIEW REQUEST" if applicable. (Per s. 236.12 (4m) Wis. Stats. The surveyor must submit copies of the plat directly to all approving agencies.)
- Nine (9) complete collated and folded sets of Application materials to include:
  - One (1) original and eight (8) copies of a written Project Narrative, detailed description of the project.
  - Nine (9) full size copies of the Preliminary Plat, drawn to scale (22" x 30") per s. 236.25(2) (a) Wis. Stats.
  - Nine (9) full size copies of the Natural Resource Protection Plan, (22" x 30") per Division 15-7.0200 of the UDO, if applicable.
  - Nine (9) full size copies of the Landscape Plan (22" x 30") for any landscape bufferyard easement areas per Division 15-7.0300 of the UDO, if applicable.
- One copy of the Site Intensity and Capacity Calculations, see Division 15-3.0500 of the UDO.
- Three (3) copies of the Natural Resource Protection report, if applicable (see Section 15-7.0103Q of the UDO).
- Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable).

- Upon receipt of a complete submittal, staff review will be conducted within 20 days.
- Preliminary Subdivision Plat Review requests require Plan Commission review and recommendation within 60 days of filing.
  - Within 90 days of the date of filing, Common Council shall approve, conditionally approve or reject the plat, unless the time is extended by agreement with the Subdivider.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

*(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature(s) below. If more than one, all of the owners of the property must sign this Application).*

Signature - Property Owner S.R. Mills

Name & Title (PRINT) \_\_\_\_\_ Date: April 16, 2019

Signature - Property Owner \_\_\_\_\_

Name & Title (PRINT) \_\_\_\_\_ Date: \_\_\_\_\_

Signature - Applicant \_\_\_\_\_

Name & Title (PRINT) \_\_\_\_\_ Date: \_\_\_\_\_

Signature - Applicant's Representative \_\_\_\_\_

Name & Title (PRINT) \_\_\_\_\_ Date: \_\_\_\_\_

**City of Franklin**  
**Department of City Development**

Date: April 11, 2019

To: Bear Development, LLC

From: City Development Staff

RE: Bear Franklin Preliminary Plat – Staff Comments

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Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Preliminary Plat submitted by Bear Development, LLC and date stamped by the City of Franklin on February 27, 2019.

**Unified Development Ordinance (UDO) Requirements**

**Plat Data**

1. All wetland buffers shall be graphically indicated and dimensioned on the Preliminary Plat per Section 15-5.0501-K of the UDO.
2. If zoning changes are contemplated, the proposed zoning plan for the property, including dimensions shall be accurately shown on the face of the preliminary plat, per Section 15-7.0501-I of the UDO.
3. Please add the water elevation of all wetlands at the date of the survey, referred to National Geodetic Vertical Datum of 1929 (mean sea level) as required by Section 15-7.0502-D of the UDO.
4. Existing zoning of the proposed subdivision shall be depicted on the face of the preliminary plat per Section 15-7.0502-O of the UDO. *The Plat shall reflect the rezoning for Lots 1, 2, and 3 of CSM No. 9050, which was approved via Ordinance No. 2018-2330.*
5. Please graphically indicate and clearly delineate and dimension the location of proposed deed restrictions, landscape easements, and/or conservation easements on the face of the Preliminary Plat per Section 15-7.0502-V of the UDO. The location and extent of conservation easements should be directly related to the “Natural Resource Protection Plan”.
6. Please provide a Landscape Plan for the landscape bufferyard for Lots 6 & 7 along West Ryan Road, as required by Sections 15-7.0502-W and 15-9.0303 of the UDO.
7. Please provide a Market Analysis, prepared by an independent market analyst acceptable to the Plan Commission indicating anticipated absorption rate of the lots as well as other information as may be required by the City Planner or Plan Commission per Section 15-7.0502-X of the UDO.
8. Please provide a Financial Plan for project implementation acceptable to the Plan Commission per Section 15-7.0502-Y of the UDO.

9. Please provide a written project summary including fiscal impact upon the City of Franklin, operational information, building schedule, and estimate of project value and including all site improvement costs per Section 15-7.0502-Z of the UDO.

**Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowner's Association**

10. Please submit a draft of declaration of deed restrictions and protective covenants whereby the Subdivider intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development, as required by Section 15-7.0507-A of the UDO.
11. Please submit a written conservation easement document (template attached) whereby the Subdivider intends to regulate the protection of natural resource features in the proposed Subdivision in conjunction with the "Natural Resource Protection Plan", as required by Section 15-7.0507-B of the UDO.
12. Please submit draft legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners' association), for the purpose of demonstrating its existence, when the Subdivider proposes the property within the Subdivision would be either owned or maintained by such an organization of property owners, as required by Section 15-7.0507-C of the UDO.
13. The City Attorney shall review all draft declaration of deed restrictions and protective covenants, conservation easements, and homeowners' associations and shall approve said instruments as to form, as required by Section 15-7.0507-D of the UDO.

**Landscape Bufferyard Easement**

14. Please have the following restriction lettered on the face of the Plat, as required by Section 15-5.0102-A of the UDO.

*"Landscape Bufferyard Easement: This strip is reserved for the planting of trees and shrubs; the building of structures hereon is prohibited."*

**Site Intensity and Capacity Calculations**

15. Site Intensity and Capacity Calculations shall be for the entire base site of the Plat, not on a lot by lot basis. Please correct this accordingly.

**Natural Resource Protection Plan**

16. Please graphically and numerically depict those natural resource features that will be disturbed and those that will be preserved per Section 15-7.0201-J of the UDO.
17. Per Section 15-7.0201-K of the UDO, please provide a graphic illustration and notes relating those natural resource features, which are to be preserved, will actually be preserved in perpetuity using conservation easements, deed restrictions, protective covenants, etc.

**Landscaping**

18. Please indicate the proposed name of the subdivision plat per Section 15-7.0301-A of the UDO.

19. Please provide the names, addresses, and telephone numbers of the owners, subdividers, lessee and/or developer per Section 15-7.0301-C of the UDO.
20. Please note all applicable revision dates per Section 15-7.0301-D of the UDO.
21. Please illustrate the boundary line of the site with a solid line and indicated the total land area encompassed by the site as required by Section 15-7.0301-E of the UDO.
22. Please indicate all landscape bufferyard easements graphically per Section 15-7.0301-F of the UDO.
23. Please provide the location, extent, type and size of all existing trees and natural resource features. If any existing vegetation or other natural resource features are to be demolished or mitigated, please clearly delineate on the landscape plan. Both, common names and scientific names should be identified in the case of plant materials as required by Section 15-7.0301-G of the UDO.
24. Please provide the location, extent, type and size of all landscape materials and plantings per Section 15-7.0301-H of the UDO. Both, common names and scientific names should be identified in the case of plant materials.
25. Please provide information regarding maintenance of the proposed landscape as required by Section 15-7.0301-J of the UDO.

## **Staff Recommendations**

### **Plat**

1. Staff recommends no vehicular access to South 112<sup>th</sup> Street for Lots 4, 5, Outlot 1, Outlot 2, and Lots 61-67. Also, please see Engineering's condition about no access to W. Loomis Road – STH 36 and W. Ryan Road – CTH “H”. Finally, please graphically depict this on the Plat.  
 – NO ACCESS
2. Please provide evidence that Lots 4, 5, 6, 7, 32, 33, 34, 35, 36, 37, 43, 44, 45, 58, 59, 60, 61, 74, 75, and 76 are 90 feet wide at the front yard setback line.
3. Lots 6 & 7 are not deep enough to accommodate the required 30-Foot Landscape Bufferyard Easement and a useable rear yard for the proposed single-family lots. Staff recommends reconfiguring the Plat to correct this issue.
4. Please differentiate between existing conservation easements per CSM No. 9095 and those easements being proposed in association with the new wetland delineations conducted by Heartland Ecological Group, Inc. on September 6, 2018.
5. Please label the wetland buffer as the *30-foot Wetland Buffer “No Touch”* and please label the wetland setback as the *50-foot Wetland Setback “No Build”*.
6. Staff recommends buildings be setback a minimum of six (6) feet from a conservation easement boundary to allow construction of the building without disturbance or impact to the protected resource feature.
7. Please remove the wooded areas and exempt wetlands being impacted by the proposed development from the face of the Plat.
8. Please provide proposed grading elevations and an Erosion Control Plan.

### **Landscape Plan**

9. Please provide a planting schedule.
10. Please coordinate the Planting schedule with like types and designate the plants as a Canopy, Evergreen, Decorative Tree or Shrub. Please indicate the required amount of plantings in accordance with Section 15-5.0302 A. of the UDO.

### **Natural Resource Protection Plan (NRPP)**

11. When resources overlap, only the resource feature with the higher protection standard shall be counted. Please update the NRPP accordingly.
12. Are tree lines identified on the Plat protected resources (e.g. mature woodland, mature woodland grove, or young woodland) or not?
13. Woodland impacts shall be addressed on the NRPP per Staff's previous email.
14. Please label the wetland buffer as the *30-foot Wetland Buffer "No Touch"* and please label the wetland setback as the *50-foot Wetland Setback "No Build"*.
15. In the Conservation Easement Document, please provide individual exhibit(s) for all natural resources that are to be protected as part of this development.
16. Staff recommends buildings be setback a minimum of six (6) feet from a conservation easement boundary.
17. Further NRPP comments are forthcoming.

### **Sign Plan**

18. If a subdivision monument sign is proposed in the future, it will require a separate application, review and approval by the Plan Commission, and issuance of a Sign Permit by the Inspection Services Department.

### **Other**

19. Please submit a separate written conservation easement document for review and approval by the Common Council and to be recorded with the Milwaukee County Register of Deeds Office at the time of recording of the Plat.
20. Please check with the State regarding setback requirements and restrictions along State Trunk Highway 36 per Trans 233.08 of Wis. Stats.
21. Staff recommends the developer install a 10-foot wide public recreational multi-use trail (Ryan Creek Trail) along S. 112<sup>th</sup> Street in accordance with Map 7.1 of the City's 2030 Comprehensive Outdoor Recreation Plan.

### **Engineering Staff Comments**

22. Show the vision triangle at all intersections.
23. Show the missing side lot dimensions for lots 39, 38 & 37.
24. Show that the lots 5, 58, 59 & 60 meet the required frontage of minimum 60-ft.
25. Show the temporary turn around easement at the end of road A.
26. Show all the easements within the subdivision.
27. Show the symbol (hatch line) of "No Vehicular Access" at Ryan Road and STH 36.
28. Show the wetlands area line tables.

**Fire Department Staff Comments**

29. Roads constructed to existing standards.
30. Adequate water supply infrastructure for firefighting, as well as supporting any required fire protection systems for the commercial and industrial occupancies.

**Milwaukee County**

Milwaukee County comments are forthcoming.

# RYAN MEADOWS - RESIDENTIAL

**SECTION 15-3.0502**

**CALCULATION OF BASE SITE AREA**

The *base site area* shall be calculated as indicated in Table 15-3.0502 for each parcel of land to be used or built upon in the City of Franklin as referenced in Section 15-3.0501 of this Ordinance.

Table 15-3.0502

**WORKSHEET FOR THE CALCULATION OF BASE SITE AREA  
FOR BOTH RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT**

<b>STEP 1:</b>	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.	133.40 acres
<b>STEP 2:</b>	Subtract ( - ) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	- 0 acres
<b>STEP 3:</b>	Subtract ( - ) land which, as a part of a previously approved development or land division, was reserved for open space.	- 0 acres
<b>STEP 4:</b>	In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed residential use, subtract ( - ) the land proposed for nonresidential uses; <i>or</i> In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed nonresidential use, subtract ( - ) the land proposed for residential uses.	- 105.43 acres
<b>STEP 5:</b>	Equals "Base Site Area"	= 27.97 acres

**SECTION 15-3.0503**

**CALCULATION OF THE AREA OF NATURAL  
RESOURCES TO BE PROTECTED**

All land area with those natural resource features as described in Division 15-4.0100 of this Ordinance and as listed in Table 15-3.0503 and lying within the *base site area* (as defined in Section 15-3.0502), shall be measured relative to each natural resource feature present. The actual land area encompassed by each type of resource is then entered into the column of Table 15-3.0503 titled "Acres of Land in Resource Feature." The acreage of each natural resource feature shall be multiplied by its respective *natural resource protection standard* (to be selected from Table 15-4.0100 of this Ordinance for applicable agricultural, residential, or nonresidential zoning district) to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature. The sum total of all resource protection land on the site equals the *total resource protection land*. The *total resource protection land* shall be calculated as indicated in Table 15-3.0503.

Franklin  
APR 26 2010  
City Development

Table 15-3.0503

**WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND**

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	
	Agricultural District	Residential District	Non-Residential District.		
Steep Slopes:					
10-19%	0.00	0.60	0.40	X 0 =	0
20-30%	0.65	0.75	0.70	X 0 =	0
+ 30%	0.90	0.85	0.80	X 0 =	0
Woodlands & Forests:					
Mature	0.70	0.70	0.70	X 0.83 =	0.58
Young	0.50	0.50	0.50	X 0 =	0
Lakes & Ponds	1	1	1	X 0 =	0
Streams	1	1	1	X 0 =	0
Shore Buffer	1	1	1	X 0 =	0
Floodplains	1	1	1	X 0 =	0
Wetland Buffers	1	1	1	X 0 =	0
Wetlands & Shoreland Wetlands	1	1	1	X 0 =	0
<b>TOTAL RESOURCE PROTECTION LAND</b> (Total of Acres of Land in Resource Feature to be Protected)					<b>0.58</b>

*Note: In conducting the calculations in Table 15-3.0503, if two or more natural resource features are present on the same area of land, only the most restrictive resource protection standard shall be used. For example, if floodplain and young woodlands occupy the same space on a parcel of land, the resource protection standard would be 1.0 which represents the higher of the two standards.*

**SECTION 15-3.0504**

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

In order to determine the maximum number of dwelling units which may be permitted on a parcel of land zoned in a residential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0504 shall be performed.

Table 15-3.0504

WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND CAPACITY FOR RESIDENTIAL DEVELOPMENT

<p><b>STEP 1:</b></p>	<p><b>CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE</b></p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>27.97</u></p> <p>Multiple by Minimum <i>Open Space Ratio (OSR)</i> (see specific residential zoning district OSR standard): X <u>0</u></p> <p>Equals <b>MINIMUM REQUIRED ON-SITE OPEN SPACE</b> =</p>	<p>0 acres</p>
<p><b>STEP 2:</b></p>	<p><b>CALCULATE NET BUILDABLE SITE AREA:</b></p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>27.97</u></p> <p>Subtract <i>Total Resource Protection Land</i> from Table 15-3.0503) or <i>Minimum Required On-Site Open Space</i> (from Step 1 above), whichever is greater: - <u>0.58</u></p> <p>Equals <b>NET BUILDABLE SITE AREA</b> =</p>	<p>27.39 acres</p>
<p><b>STEP 3:</b></p>	<p><b>CALCULATE MAXIMUM NET DENSITY YIELD OF SITE:</b></p> <p>Take <i>Net Buildable Site Area</i> (from Step 2 above): <u>27.39</u></p> <p>Multiple by Maximum <i>Net Density (ND)</i> (see specific residential zoning district ND standard): X <u>2.972</u></p> <p>Equals <b>MAXIMUM NET DENSITY YIELD OF SITE</b> =</p>	<p>81.40 D.U.s</p>
<p><b>STEP 4:</b></p>	<p><b>CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE:</b></p> <p>Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): <u>27.97</u></p> <p>Multiple by Maximum <i>Gross Density (GD)</i> (see specific residential zoning district GD standard): X <u>2.972</u></p> <p>Equals <b>MAXIMUM GROSS DENSITY YIELD OF SITE</b> =</p>	<p>83.13 D.U.s</p>
<p><b>STEP 5:</b></p>	<p><b>DETERMINE MAXIMUM PERMITTED D.U.s OF SITE:</b></p> <p>Take the <i>lowest</i> of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above):</p>	<p>81.40 D.U.s</p>

# LOOMIS BUSINESS PARK - COMMERCIAL

**SECTION 15-3.0502**

**CALCULATION OF BASE SITE AREA**

The *base site area* shall be calculated as indicated in Table 15-3.0502 for each parcel of land to be used or built upon in the City of Franklin as referenced in Section 15-3.0501 of this Ordinance.

Table 15-3.0502

**WORKSHEET FOR THE CALCULATION OF BASE SITE AREA  
FOR BOTH RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT**

<b>STEP 1:</b>	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.	133.40 acres
<b>STEP 2:</b>	Subtract ( - ) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	- 0 acres
<b>STEP 3:</b>	Subtract ( - ) land which, as a part of a previously approved development or land division, was reserved for open space.	- 0 acres
<b>STEP 4:</b>	In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed residential use, subtract ( - ) the land proposed for nonresidential uses; <i>or</i> In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed nonresidential use, subtract ( - ) the land proposed for residential uses.	- 27.79 acres
<b>STEP 5:</b>	Equals "Base Site Area"	= 105.43 acres

**SECTION 15-3.0503**

**CALCULATION OF THE AREA OF NATURAL  
RESOURCES TO BE PROTECTED**

All land area with those natural resource features as described in Division 15-4.0100 of this Ordinance and as listed in Table 15-3.0503 and lying within the *base site area* (as defined in Section 15-3.0502), shall be measured relative to each natural resource feature present. The actual land area encompassed by each type of resource is then entered into the column of Table 15-3.0503 titled "Acres of Land in Resource Feature." The acreage of each natural resource feature shall be multiplied by its respective *natural resource protection standard* (to be selected from Table 15-4.0100 of this Ordinance for applicable agricultural, residential, or nonresidential zoning district) to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature. The sum total of all resource protection land on the site equals the *total resource protection land*. The *total resource protection land* shall be calculated as indicated in Table 15-3.0503.

Franklin

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City Development

Table 15-3.0503

WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	
	Agricultural District	Residential District	Non-Residential District.		
Steep Slopes:					
10-19%	0.00	0.60	0.40	X <u>0.31</u> =	<u>0.12</u>
20-30%	0.65	0.75	0.70	X <u>0</u> =	<u>0</u>
+ 30%	0.90	0.85	0.80	X <u>0</u> =	<u>0</u>
Woodlands & Forests:					
Mature	0.70	0.70	0.70	X <u>6.16</u> =	<u>4.31</u>
Young	0.50	0.50	0.50	X <u>0</u> =	<u>0</u>
Lakes & Ponds	1	1	1	X <u>0.66</u> =	<u>0.66</u>
Streams	1	1	1	X <u>0</u> =	<u>0</u>
Shore Buffer	1	1	1	X <u>0.34</u> =	<u>0.34</u>
Floodplains	1	1	1	X <u>0</u> =	<u>0</u>
Wetland Buffers	1	1	1	X <u>2.39</u> =	<u>2.39</u>
Wetlands & Shoreland Wetlands	1	1	1	X <u>5.76</u> =	<u>5.76</u>
<b>TOTAL RESOURCE PROTECTION LAND</b> (Total of Acres of Land in Resource Feature to be Protected)					<b>13.58</b>

*Note: In conducting the calculations in Table 15-3.0503, if two or more natural resource features are present on the same area of land, only the most restrictive resource protection standard shall be used. For example, if floodplain and young woodlands occupy the same space on a parcel of land, the resource protection standard would be 1.0 which represents the higher of the two standards.*

**SECTION 15-3.0505**

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

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

**A. Maximum Permitted Floor Area for a Retail Building:**

- 1 Notwithstanding the provisions of Table 15-3.0505, no individual retail building in any of the following districts shall exceed a total of 125,000 gross square feet of floor area, including all roofed area.
  - a. B-1 Neighborhood Business District
  - b. B-2 General Business District
  - c. B-3 Community Business District
  - d. B-5 Highway Business District
  
- 2 Notwithstanding, any other provision of this Ordinance, no special use permit, special exception or variance may be approved or granted that would allow a retail building to exceed the size limits of this subparagraph (1) and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subparagraph (1).

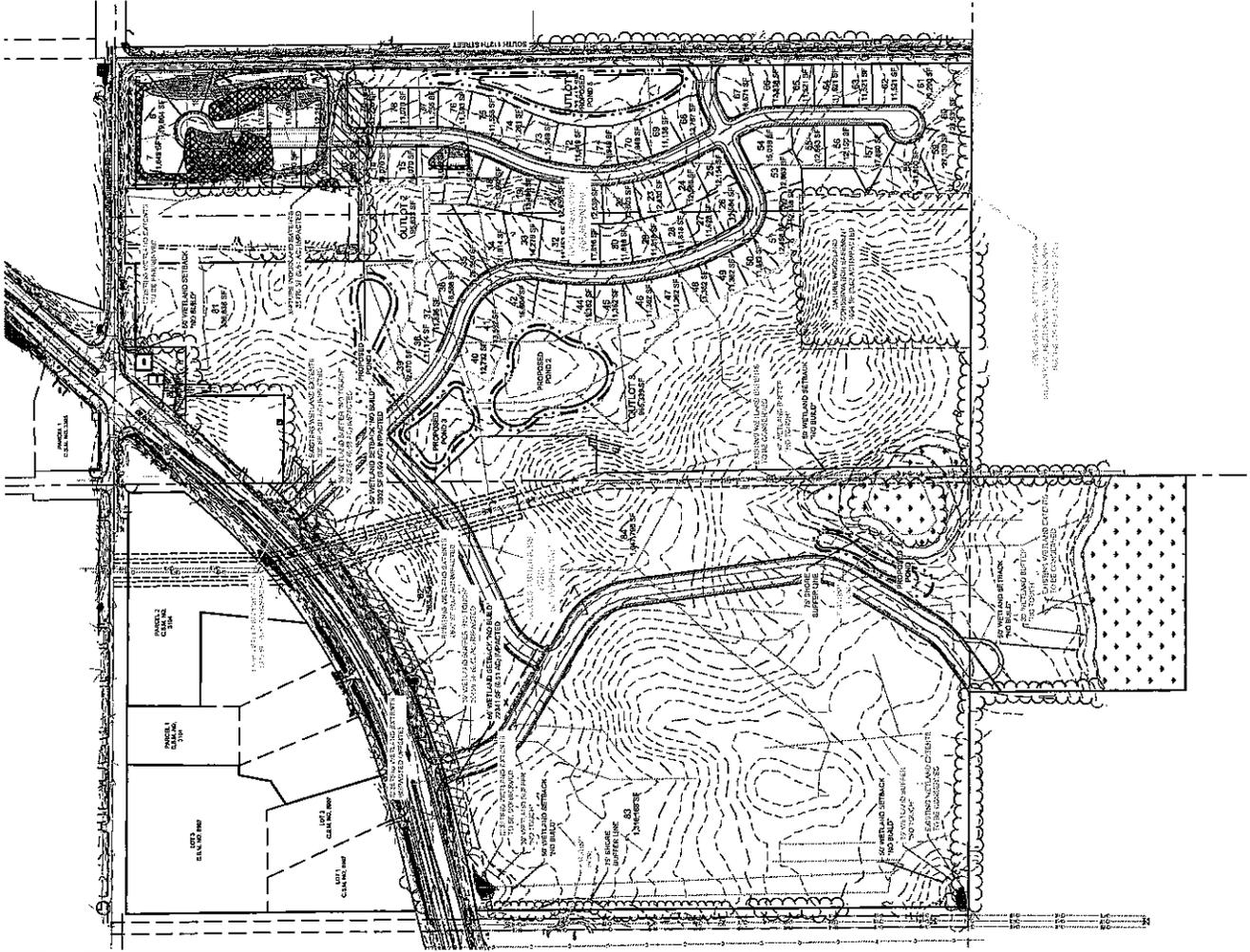
Table 15-3.0505

**WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND  
CAPACITY FOR NONRESIDENTIAL DEVELOPMENT**

<b>STEP 1:</b>	<p><b>CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE:</b></p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>105.43</u></p> <p>Multiple by Minimum <i>Landscape Surface Ratio (LSR)</i> (see specific zoning district LSR standard): X <u>0.4</u></p> <p>Equals <b>MINIMUM REQUIRED ON-SITE LANDSCAPE SURFACE</b> = 42.17 acres</p>	
<b>STEP 2:</b>	<p><b>CALCULATE NET BUILDABLE SITE AREA:</b></p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>105.43</u></p> <p>Subtract <i>Total Resource Protection Land</i> from Table 15-3.0503 or <i>Minimum Required Landscape Surface</i> (from Step 1 above), whichever is greater: - <u>42.17</u></p> <p>Equals <b>NET BUILDABLE SITE AREA</b> = 63.26 acres</p>	
<b>STEP 3:</b>	<p><b>CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE:</b></p> <p>Take <i>Net Buildable Site Area</i> (from Step 2 above): <u>63.26</u></p> <p>Multiple by Maximum <i>Net Floor Area Ratio (NFAR)</i> (see specific nonresidential zoning district NFAR standard): X <u>0.85</u></p> <p>Equals <b>MAXIMUM NET FLOOR AREA YIELD OF SITE</b> = 53.77 acres</p>	
<b>STEP 4:</b>	<p><b>CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE:</b></p> <p>Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): <u>105.43</u></p> <p>Multiple by Maximum <i>Gross Floor Area Ratio (GFAR)</i> (see specific nonresidential zoning district GFAR standard): X <u>0.42</u></p> <p>Equals <b>MAXIMUM GROSS FLOOR AREA YIELD OF SITE</b> = 44.28 acres</p>	
<b>STEP 5:</b>	<p><b>DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE:</b></p> <p>Take the <i>lowest</i> of Maximum Net Floor Area Yield of Site (from Step 3 above) or Maximum Gross Floor Area Yield of Site (from Step 4 above):</p> <p>(Multiple results by 43,560 for maximum floor area in square feet):</p>	<p>44.28 acres</p> <p>(<u>1,928,837</u> s.f.)</p>



GRAPHICAL SCALE (FEET)  
0 100 400  
1" = 200'



### NATURAL RESOURCE FEATURE AREAS

RESOURCE TYPE	RYAN MEADOWS (RESIDENTIAL) LOTS 1-79, OUTLOTS 1 & 4 (23.97 AC)	LOOMIS BUSINESS PARK (COMMERCIAL) LOTS 80-94, OUTLOTS 2 & 3 (105.43 AC)	ENTIRE BASE SITE (133.40 AC)
STEEP SLOPES AREA - PER PEG SURVEYED CONTOURS	N/A	13,461 SF (0.31 AC)	13,461 SF (0.31 AC)
STEEP SLOPES AREA - PER PEG SURVEYED CONTOURS	N/A	N/A	N/A
STEEP SLOPES - MAN-MADE - PER PEG SURVEYED CONTOURS	N/A	N/A	N/A
STEEP SLOPES - MAN-MADE - PER PEG SURVEYED CONTOURS	N/A	N/A	N/A
PONDS - SURVEYED BY PEG SURVEY IN JANUARY OF 2019	N/A	26,733 SF (0.66 AC)	26,733 SF (0.66 AC)
WETLANDS - INFORMATION BELOW**	N/A	251,003 SF (5.76 AC)	251,003 SF (5.76 AC)
WETLAND BUFFER "NO TOUCH"	N/A	104,124 SF (2.39 AC)	104,124 SF (2.39 AC)
WETLAND SETBACK "NO BUILD"	N/A	79,308 SF (1.82 AC)	79,308 SF (1.82 AC)
SHORE BUFFER - FIELD VERIFIED POND LOCATION	N/A	14,893 SF (0.34 AC)	14,893 SF (0.34 AC)
NATURAL WOODLAND - FIELD VERIFIED POND LOCATION AND CHERRY CREEK	36,224 SF (0.83 AC)	268,151 SF (6.16 AC)	304,375 SF (6.99 AC)

\* ADDITIONAL INFORMATION IS INCLUDED IN THE ATTACHED SITE INTENSITY CALCULATIONS  
 \*\* FIELD DELINEATED BY RA SMITH NATIONAL ON 10-29-14 & 10-30-14 (SEE "WETLAND DELINEATION REPORT" DATED 03-19-15)  
 RE-DELINEATED ALONG LOOMIS BY HEARTLAND ECOLOGICAL GROUP ON 09-15-13, 08-19-18 & 09-22-18  
 (SEE "WETLAND DELINEATION REPORT" DATED 09-11-16)

# PRELIMINARY PLAT OF RYAN MEADOWS

Being Lot 1, Lot 2, Lot 3 and Outlot 1 of Certified Survey Map No. 5005, as recorded in the Register of Deeds Office for Milwaukee County, Wisconsin, as Document No. FB32741, in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 AND the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 2 East, City of Franklin, Milwaukee County Wisconsin, Reference to Wisconsin Statutes, Chapter 89, Section 10.01.

**CURVE TABLE**  
SCALE 1"=200'

CURVE NO.	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH	TANGENT	PIECEWISE	PERCENTAGE
1	100.00	100.00	100.00	100.00	100.00	100.00	100.00
2	100.00	100.00	100.00	100.00	100.00	100.00	100.00

**LINE TABLE**

LINE NO.	BEARING	DISTANCE
1	S89°15'00"W	100.00
2	S89°15'00"W	100.00
3	S89°15'00"W	100.00
4	S89°15'00"W	100.00
5	S89°15'00"W	100.00
6	S89°15'00"W	100.00
7	S89°15'00"W	100.00
8	S89°15'00"W	100.00
9	S89°15'00"W	100.00
10	S89°15'00"W	100.00
11	S89°15'00"W	100.00
12	S89°15'00"W	100.00
13	S89°15'00"W	100.00
14	S89°15'00"W	100.00
15	S89°15'00"W	100.00
16	S89°15'00"W	100.00
17	S89°15'00"W	100.00
18	S89°15'00"W	100.00
19	S89°15'00"W	100.00
20	S89°15'00"W	100.00
21	S89°15'00"W	100.00
22	S89°15'00"W	100.00
23	S89°15'00"W	100.00
24	S89°15'00"W	100.00
25	S89°15'00"W	100.00
26	S89°15'00"W	100.00
27	S89°15'00"W	100.00
28	S89°15'00"W	100.00
29	S89°15'00"W	100.00
30	S89°15'00"W	100.00
31	S89°15'00"W	100.00
32	S89°15'00"W	100.00
33	S89°15'00"W	100.00
34	S89°15'00"W	100.00
35	S89°15'00"W	100.00
36	S89°15'00"W	100.00
37	S89°15'00"W	100.00
38	S89°15'00"W	100.00
39	S89°15'00"W	100.00
40	S89°15'00"W	100.00
41	S89°15'00"W	100.00
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43	S89°15'00"W	100.00
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63	S89°15'00"W	100.00
64	S89°15'00"W	100.00
65	S89°15'00"W	100.00
66	S89°15'00"W	100.00
67	S89°15'00"W	100.00
68	S89°15'00"W	100.00
69	S89°15'00"W	100.00
70	S89°15'00"W	100.00
71	S89°15'00"W	100.00
72	S89°15'00"W	100.00
73	S89°15'00"W	100.00
74	S89°15'00"W	100.00
75	S89°15'00"W	100.00
76	S89°15'00"W	100.00
77	S89°15'00"W	100.00
78	S89°15'00"W	100.00
79	S89°15'00"W	100.00
80	S89°15'00"W	100.00
81	S89°15'00"W	100.00
82	S89°15'00"W	100.00
83	S89°15'00"W	100.00
84	S89°15'00"W	100.00
85	S89°15'00"W	100.00
86	S89°15'00"W	100.00
87	S89°15'00"W	100.00
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89	S89°15'00"W	100.00
90	S89°15'00"W	100.00
91	S89°15'00"W	100.00
92	S89°15'00"W	100.00
93	S89°15'00"W	100.00
94	S89°15'00"W	100.00
95	S89°15'00"W	100.00
96	S89°15'00"W	100.00
97	S89°15'00"W	100.00
98	S89°15'00"W	100.00
99	S89°15'00"W	100.00
100	S89°15'00"W	100.00



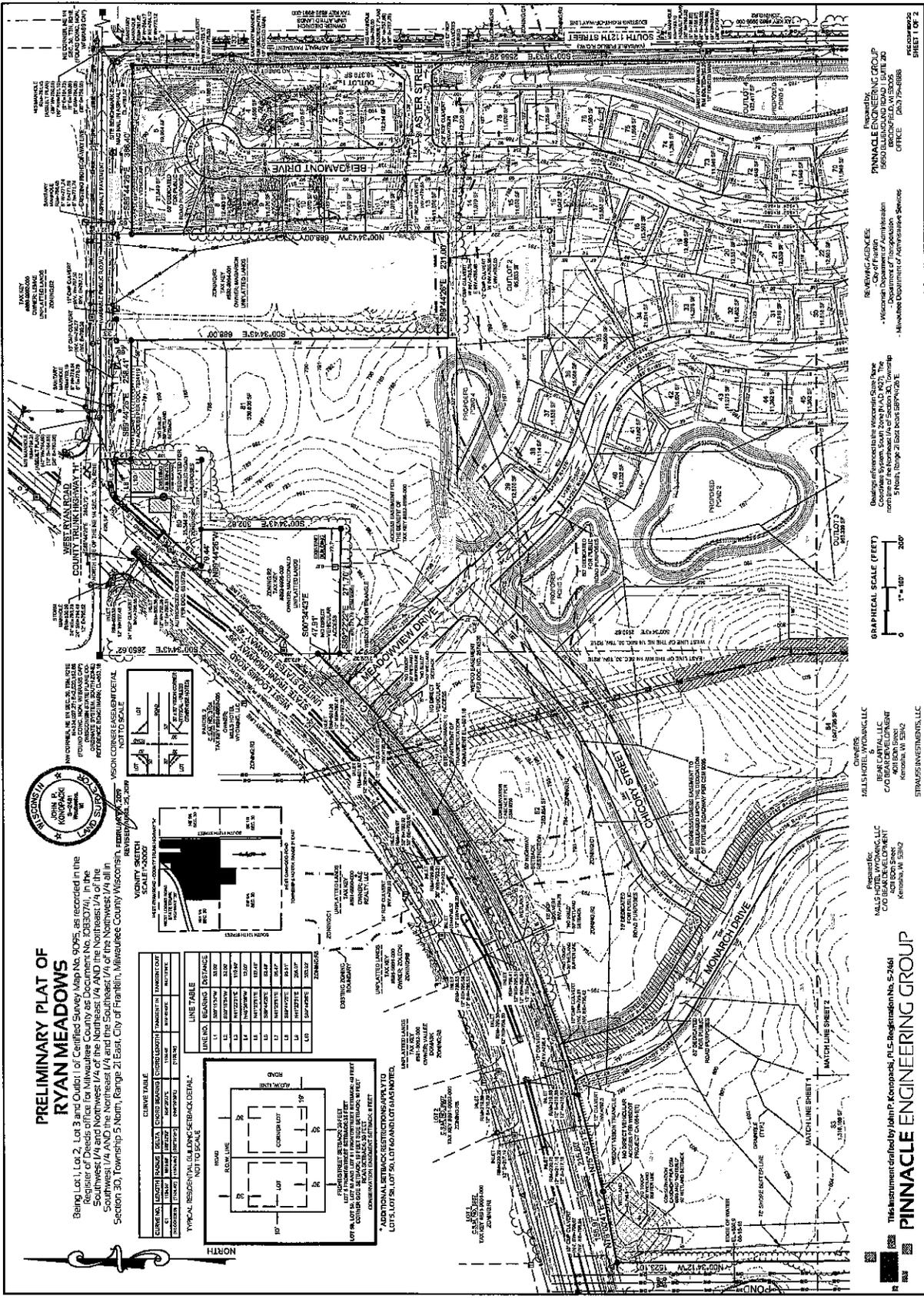
RESIDENTIAL GLEBE/RECREATIONAL LOT LAYOUT



VICINITY SKETCH  
SCALE 1"=200'



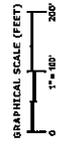
NORTH



Requested by:  
**PINNACLE ENGINEERING GROUP**  
1000 W. BEAUMONT DRIVE  
MILWAUKEE, WI 53226  
OFFICE (262) 754-8888

REVIEWING AGENCIES:  
City of Franklin  
Milwaukee Department of Transportation  
Milwaukee Department of Administrative Services

Ordering references to Wisconsin State Plane  
Coordinate System, South Zone NAD 83. The  
northern line of the horizontal line of station 30, Township  
5 North, Range 2 East, does not vary 1/4" ±.



CHANGERS:  
MILLS HOTEL, WYOMING, LLC  
BEAR CAPITAL, LLC  
C/O BEAR DEVELOPMENT  
Kenosha, WI 53142  
ETRADES INVESTMENTS, LLC

Requested by:  
MILLS HOTEL, WYOMING, LLC  
C/O BEAR DEVELOPMENT  
401 800 SOUTH  
KENOSHA, WI 53142

This instrument drafted by John P. Kompech, PLS-Registration No. 5-2461

**PINNACLE ENGINEERING GROUP**



**City of Franklin**  
**Department of City Development**

Date: April 11, 2019

To: Bear Development, LLC

From: City Development Staff

RE: Bear Franklin Preliminary Plat – Staff Comments

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Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Preliminary Plat submitted by Bear Development, LLC and date stamped by the City of Franklin on February 27, 2019.

**Unified Development Ordinance (UDO) Requirements**

**Plat Data**

1. All wetland buffers shall be graphically indicated and dimensioned on the Preliminary Plat per Section 15-5.0501-K of the UDO.
2. If zoning changes are contemplated, the proposed zoning plan for the property, including dimensions shall be accurately shown on the face of the preliminary plat, per Section 15-7.0501-I of the UDO.
3. Please add the water elevation of all wetlands at the date of the survey, referred to National Geodetic Vertical Datum of 1929 (mean sea level) as required by Section 15-7.0502-D of the UDO.
4. Existing zoning of the proposed subdivision shall be depicted on the face of the preliminary plat per Section 15-7.0502-O of the UDO. *The Plat shall reflect the rezoning for Lots 1, 2, and 3 of CSM No. 9050, which was approved via Ordinance No. 2018-2330.*
5. Please graphically indicate and clearly delineate and dimension the location of proposed deed restrictions, landscape easements, and/or conservation easements on the face of the Preliminary Plat per Section 15-7.0502-V of the UDO. The location and extent of conservation easements should be directly related to the “Natural Resource Protection Plan”.
6. Please provide a Landscape Plan for the landscape bufferyard for Lots 6 & 7 along West Ryan Road, as required by Sections 15-7.0502-W and 15-9.0303 of the UDO.
7. Please provide a Market Analysis, prepared by an independent market analyst acceptable to the Plan Commission indicating anticipated absorption rate of the lots as well as other information as may be required by the City Planner or Plan Commission per Section 15-7.0502-X of the UDO.
8. Please provide a Financial Plan for project implementation acceptable to the Plan Commission per Section 15-7.0502-Y of the UDO.

9. Please provide a written project summary including fiscal impact upon the City of Franklin, operational information, building schedule, and estimate of project value and including all site improvement costs per Section 15-7.0502-Z of the UDO.

**Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowner's Association**

10. Please submit a draft of declaration of deed restrictions and protective covenants whereby the Subdivider intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development, as required by Section 15-7.0507-A of the UDO.
11. Please submit a written conservation easement document (template attached) whereby the Subdivider intends to regulate the protection of natural resource features in the proposed Subdivision in conjunction with the "Natural Resource Protection Plan", as required by Section 15-7.0507-B of the UDO.
12. Please submit draft legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners' association), for the purpose of demonstrating its existence, when the Subdivider proposes the property within the Subdivision would be either owned or maintained by such an organization of property owners, as required by Section 15-7.0507-C of the UDO.
13. The City Attorney shall review all draft declaration of deed restrictions and protective covenants, conservation easements, and homeowners' associations and shall approve said instruments as to form, as required by Section 15-7.0507-D of the UDO.

**Landscape Bufferyard Easement**

14. Please have the following restriction lettered on the face of the Plat, as required by Section 15-5.0102-A of the UDO.  
*"Landscape Bufferyard Easement: This strip is reserved for the planting of trees and shrubs; the building of structures hereon is prohibited."*

**Site Intensity and Capacity Calculations**

15. Site Intensity and Capacity Calculations shall be for the entire base site of the Plat, not on a lot by lot basis. Please correct this accordingly.

**Natural Resource Protection Plan**

16. Please graphically and numerically depict those natural resource features that will be disturbed and those that will be preserved per Section 15-7.0201-J of the UDO.
17. Per Section 15-7.0201-K of the UDO, please provide a graphic illustration and notes relating those natural resource features, which are to be preserved, will actually be preserved in perpetuity using conservation easements, deed restrictions, protective covenants, etc.

**Landscaping**

18. Please indicate the proposed name of the subdivision plat per Section 15-7.0301-A of the UDO.

19. Please provide the names, addresses, and telephone numbers of the owners, subdividers, lessee and/or developer per Section 15-7.0301-C of the UDO.
20. Please note all applicable revision dates per Section 15-7.0301-D of the UDO.
21. Please illustrate the boundary line of the site with a solid line and indicated the total land area encompassed by the site as required by Section 15-7.0301-E of the UDO.
22. Please indicate all landscape bufferyard easements graphically per Section 15-7.0301-F of the UDO.
23. Please provide the location, extent, type and size of all existing trees and natural resource features. If any existing vegetation or other natural resource features are to be demolished or mitigated, please clearly delineate on the landscape plan. Both, common names and scientific names should be identified in the case of plant materials as required by Section 15-7.0301-G of the UDO.
24. Please provide the location, extent, type and size of all landscape materials and plantings per Section 15-7.0301-H of the UDO. Both, common names and scientific names should be identified in the case of plant materials.
25. Please provide information regarding maintenance of the proposed landscape as required by Section 15-7.0301-J of the UDO.

## **Staff Recommendations**

### **Plat**

1. Staff recommends no vehicular access to South 112<sup>th</sup> Street for Lots 4, 5, Outlot 1, Outlot 2, and Lots 61-67. Also, please see Engineering's condition about no access to W. Loomis Road – STH 36 and W. Ryan Road – CTH "H". Finally, please graphically depict this on the Plat.  
 - NO ACCESS
2. Please provide evidence that Lots 4, 5, 6, 7, 32, 33, 34, 35, 36, 37, 43, 44, 45, 58, 59, 60, 61, 74, 75, and 76 are 90 feet wide at the front yard setback line.
3. Lots 6 & 7 are not deep enough to accommodate the required 30-Foot Landscape Bufferyard Easement and a useable rear yard for the proposed single-family lots. Staff recommends reconfiguring the Plat to correct this issue.
4. Please differentiate between existing conservation easements per CSM No. 9095 and those easements being proposed in association with the new wetland delineations conducted by Heartland Ecological Group, Inc. on September 6, 2018.
5. Please label the wetland buffer as the *30-foot Wetland Buffer "No Touch"* and please label the wetland setback as the *50-foot Wetland Setback "No Build"*.
6. Staff recommends buildings be setback a minimum of six (6) feet from a conservation easement boundary to allow construction of the building without disturbance or impact to the protected resource feature.
7. Please remove the wooded areas and exempt wetlands being impacted by the proposed development from the face of the Plat.
8. Please provide proposed grading elevations and an Erosion Control Plan.

### **Landscape Plan**

9. Please provide a planting schedule.
10. Please coordinate the Planting schedule with like types and designate the plants as a Canopy, Evergreen, Decorative Tree or Shrub. Please indicate the required amount of plantings in accordance with Section 15-5.0302 A. of the UDO.

### **Natural Resource Protection Plan (NRPP)**

11. When resources overlap, only the resource feature with the higher protection standard shall be counted. Please update the NRPP accordingly.
12. Are tree lines identified on the Plat protected resources (e.g. mature woodland, mature woodland grove, or young woodland) or not?
13. Woodland impacts shall be addressed on the NRPP per Staff's previous email.
14. Please label the wetland buffer as the *30-foot Wetland Buffer "No Touch"* and please label the wetland setback as the *50-foot Wetland Setback "No Build"*.
15. In the Conservation Easement Document, please provide individual exhibit(s) for all natural resources that are to be protected as part of this development.
16. Staff recommends buildings be setback a minimum of six (6) feet from a conservation easement boundary.
17. Further NRPP comments are forthcoming.

### **Sign Plan**

18. If a subdivision monument sign is proposed in the future, it will require a separate application, review and approval by the Plan Commission, and issuance of a Sign Permit by the Inspection Services Department.

### **Other**

19. Please submit a separate written conservation easement document for review and approval by the Common Council and to be recorded with the Milwaukee County Register of Deeds Office at the time of recording of the Plat.
20. Please check with the State regarding setback requirements and restrictions along State Trunk Highway 36 per Trans 233.08 of Wis. Stats.
21. Staff recommends the developer install a 10-foot wide public recreational multi-use trail (Ryan Creek Trail) along S. 112<sup>th</sup> Street in accordance with Map 7.1 of the City's 2030 Comprehensive Outdoor Recreation Plan.

### **Engineering Staff Comments**

22. Show the vision triangle at all intersections.
23. Show the missing side lot dimensions for lots 39, 38 & 37.
24. Show that the lots 5, 58, 59 & 60 meet the required frontage of minimum 60-ft.
25. Show the temporary turn around easement at the end of road A.
26. Show all the easements within the subdivision.
27. Show the symbol (hatch line) of "No Vehicular Access" at Ryan Road and STH 36.
28. Show the wetlands area line tables.

**Fire Department Staff Comments**

29. Roads constructed to existing standards.
30. Adequate water supply infrastructure for firefighting, as well as supporting any required fire protection systems for the commercial and industrial occupancies.

**Milwaukee County**

Milwaukee County comments are forthcoming.

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<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> June 4, 2019
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Project Updates for Ballpark Commons</b>	<b>ITEM NUMBER</b> <i>G.5.</i>

A representative from Ballpark Commons will present an update on the development.

**COUNCIL ACTION REQUESTED**

No action requested. This presentation is only for providing updates on the Ballpark Commons project.

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