

CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY MAY 21, 2019 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes:
Regular Common Council Meeting of May 7, 2019.
- D. Hearings.
- E. Organizational:
The following is a Mayoral appointment for Common Council confirmation:
Gregory P. Meier, 8157 W. Woodfield Dr., Ald. Dist. 1, Technology Commission for a
3 year unexpired term expiring 4/30/22.
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. 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).
 - 2. 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, City of Franklin, Milwaukee County, Wisconsin (Fred Arbanella, Arbanella/Carmody Homes, Applicant) (at 7475 South 49th Street).
 - 3. A Resolution Conditionally Approving a Preliminary Plat for Oak Ridge of Franklin Subdivision (at 7475 South 49th Street) (Fred Arbanella, Arbanella/Carmody Homes, Applicant).
 - 4. 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).
 - 5. 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).

6. 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).
7. 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 the Building C1 (office/retail) and the Stadium Uses and Additional/Future Buildings Uses.
8. 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.
9. 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' Requirements for the City to be in Compliance with Current Language in the State Electrical Code SPS 316, as Well as Other Minor Amendments.
10. 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.
11. A Resolution Conditionally Approving a 3 Lot Certified Survey Map, Being a Resubdivision of Lot 2, Certified Survey Map No. 7363, Being a Part 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 (Scott A. Mayer and Susanne Mayer, Applicants) (9533 West Ryan Road).
12. Request to Allow an on-Site Waste Treatment System and Private Well for the New Parcels in a Proposed CSM in the Vicinity of 9533 W. Ryan Road.
13. 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).
14. A Memorandum of Understanding Between the City of Greenfield and the City of Franklin Health Departments for Dispensary of Tuberculosis Clinical Services.
15. A Resolution for Acceptance of a Storm Drainage Easement and a Sanitary Sewer Easement for Aspen Woods Subdivision (VH Aspen Woods, LLC) South 51st Street and West Puetz Road, Tax Key Number 853-0095-010.

16. An Ordinance to Amend Ordinance No. 2018-2345, an Ordinance Adopting the 2019 Annual Budgets for the Capital Improvement Fund to Provide Additional \$650,000 Appropriations and Resources for the Roundabout at South 51st Street and West Drexel Avenue.
17. A Resolution Authorizing the Execution of an Agreement for Purchase and Sale of Real Estate Located at the Northwest Corner of West Drexel Ave and South 51st Street from Payne & Dolan for Intersection Improvements in an Amount of \$13,800.
18. Resolution to Award Construction Contract for Zignego Co. Inc. to Construct South 51st Street and West Drexel Avenue Intersection in the Amount of \$1,459,174.55.
19. Resolution to Enter an Interlocal Cooperation Agreement with Milwaukee Metropolitan Sewerage District ("MMSD") for Installation of a Stormguarden® at Franklin City Hall 9229 W. Loomis Road.
20. Designation of the Station Specific Alerting System Project as an "Approved Project" in the Capital Improvement Fund.
21. Authorization 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.
22. 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.
23. Settlement Agreement Between Sam's Real Estate Business Trust and the City of Franklin, Wisconsin, for Milwaukee County Circuit Court Case No. 17-CV-12977 (Consolidated) for the 2017-2018 Property Tax Years for the Store Located at 6705 South 27th Street in Franklin.
24. Settlement Agreement Between Wal-Mart Real Estate Business Trust and the City of Franklin, Wisconsin, for Milwaukee County Circuit Court Case No. 17-CV-12974 (Consolidated) for the 2017-2018 Property Tax Years for the Store Located at 6701 South 27th Street in Franklin.
25. Settlement Agreement Between Menard, Inc. and the City of Franklin, Wisconsin, for Milwaukee County Circuit Court Case No. 16-CV-8734 (Consolidated) for the 2016-2018 Property Tax Years for the Store Located at 10925 West Speedway Drive in Franklin.
26. 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.
27. 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.
28. An Ordinance to Amend Ordinance No. 2018-2345, an Ordinance Adopting the 2019 Annual Budgets for the Self Insurance Fund for the City of Franklin to Establish an Appropriation for Transfers to Operating Funds for Health Savings Account Contributions.

Common Council Meeting Agenda

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29. Opioid Crisis Litigation. The Common Council May Enter Closed Session Pursuant to Wis. Stat. § 19.85(1)(g), 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 Manufacturers and Distributors of Opiates with Regard to the Opioid Crisis, in Which it is Likely to Become Involved, and to Reenter Open Session at the Same Place Thereafter to Act on Such Matters Discussed Therein as it Deems Appropriate.

H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of May 21, 2019.

I. Bills.

Request for Approval of Vouchers and Payroll.

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:

May 23	Plan Commission Meeting	7:00 p.m.
May 27	Memorial Day	City Hall Closed
June 4	Common Council Meeting	6:30 p.m.
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	Fourth of July	City Hall Closed
July 16	Common Council Meeting	6:30 p.m.

C.

A. The regular meeting of the Common Council was held on May 7, 2019 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer (arrived at 7:14 p.m.), Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber, and Alderman John R. Nelson. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

B.1 Citizen comment period was opened at 6:32 p.m. and closed at 6:48 p.m.

B.2. Alderwoman Wilhelm presented a Mayoral Proclamation designating the Month of May as Lyme Disease Awareness Month.

C. Alderman Taylor moved to approve the minutes of the regular Common Council Meeting of April 16, 2019 as presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried.

E. Alderman Barber moved to confirm the following Appointments for Council confirmations:

1. Alderman Barber appointment, Maryanne Mlodzik, 7206 S. 36th St., Ald. Dist. 3, Board of Review (3 year term expiring 4/19/22).
2. Alderman Dandrea appointment, Peter Jankowski, 8160 S. 77th St., Ald. Dist. 1, Board of Review (3 year term expiring 4/19/22).
3. Alderman Mayer appointment, Carol Brunner, 7473 S. Karth Ct., Ald. Dist. 5, Board of Review (3 year term expiring 4/19/22).

Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderman Taylor moved to confirm the following Mayoral Appointments:

1. Richard Budny, 9237 S. 48th St., Ald. Dist. 4, Personnel Committee (3 year term expiring 4/30/22).

2. Frank Prusko, 8007 S. Steepleview Dr., Ald. Dist. 2, Personnel Committee (3 year term expiring 4/30/22).
3. Patricia Nissen, 8010 W. Coventry Dr., Ald. Dist. 2, Board of Health (2 year term expiring 4/30/21).
4. Wayne Hustad, 10320 W. St. Martins Rd., Ald. Dist. 2, Board of Health (2 year term expiring 4/30/21).
5. Patrick Leon, 7836 W. Winston Way, Ald. Dist. 2, Board of Zoning and Building Appeals (3 year term expiring 4/30/22).
6. Arthur Skowron, 9046 S. Cordgrass Circle East, Ald. Dist. 6, Architectural Review Board (3 year term expiring 4/30/22).
7. James Bartoszek, 6720 S. Harvard Dr., Ald. Dist. 5, Parks Commission (3 year term expiring 4/30/22).
8. Barbara Wesener, 7479 Carter Circle South, Ald. Dist. 5, Economic Development Commission (2 year unexpired term expiring 6/30/19).
9. Barbara Wesener, 7479 Carter Circle South, Ald. Dist. 5, Economic Development Commission (2 year term expiring 6/30/21).
10. Michelle Runte, 8235 W. Coventry Dr., Ald. Dist. 2, Park Ambassador Program Coordinator (Ex-Officio, Non-Voting Member of the Parks Commission).

Seconded by Alderman Nelson. On roll call, all voted Aye; motion carried.

CONSENT AGENDA	G.1. Alderman Taylor moved to approve the following consent agenda items:
GIS AGREEMENT	G.1.(a) Geographic Marketing Advantage, LLC Agreement for Geographic Information System (GIS) Support and Database Maintenance Services for 2019.
AUTOCAD LICENSE	G.1.(b) Purchase AutoCAD Annual Subscription Licenses for Engineering Department.
VMWARE SERVER & SAN DISK WARRANTY SUPPORT PURCHASE	G.1.(c) Purchase VMWare Server & SAN Disk Expansion & Warranty Support as Budgeted in the 2019 Information Services Capital Outlay Budget.
RES. 2019-7486	G.1.(d) Adopt Resolution No. 2019-7486, A RESOLUTION

POST EMPLOYMENT
BENEFIT ACTUARIAL
STUDY

ENGAGING ACTUARIAL AND HEALTH CARE SOLUTIONS, LLC TO PERFORM ACTUARIAL STUDY ON THE CITY OF FRANKLIN OTHER POST EMPLOYMENT BENEFIT PLAN FOR 2019.

RES. 2019-7487
OFFICIAL NEWSPAPER

G.1.(e) Adopt Resolution No. 2019-7487, A RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER.

RES. 2019-7488
RAWSON HOMES
DRAINAGE/WATER
MAIN

G.1.(f) Adopt Resolution No. 2019-7488, A RESOLUTION TO AUTHORIZE EXECUTION OF A CHANGE ORDER NO. 2 FOR RAWSON HOMES DRAINAGE IMPROVEMENTS AND WATER MAIN RELAY IN THE AMOUNT OF \$2,772.30 SAVINGS.

TOBACCO PREVENTION
CONTEST WINNERS

G.1.(h) Place on file the 23rd Annual Poster for Tobacco Prevention Contest Winners.

Approval of the above consent items was seconded by Alderman Dandrea. All voted Aye; motion carried.

FIRE DEPT. DONATION

G.1.(g) Alderman Dandrea moved to accept the donation from Virginia Norman and others in memory of Donald Norman in the amount of \$730 to be used to help fund fire and safety education programs in the community. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

Alderman Mayer arrived at 7:14 p.m.

BALLPARK COMMONS

G.2. No action was taken following a project update presentation for Ballpark Commons.

ENTERCOM CONTRACT
FOR HEALTH DEPT.
EVENTS MARKETING

G.12. Alderman Taylor moved to authorize the Director of Health and Human Services to sign a contract with Entercom to provide marketing services for two upcoming Health Department events in 2019 for \$2,698. Seconded by Alderwoman Wilhelm. On roll call, all voted Aye. Motion carried.

ORD. 2019-2368
AMEND SECTION 15-
3.0442 OF THE UDO PDD
NO.37 TO REVISE SKI
HILL HOURS, MIXED USE
BUILDING M-1 AND
REDUCE DWELLING
SIZE.

G.3. Alderman Barber moved to adopt Ordinance No. 2019-2368, AN ORDINANCE TO AMEND SECTION 15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO REVISE AND RELOCATE PROPOSED MIXED-USE BUILDING M-1 (TO A NEWLY ACQUIRED PARCEL EAST OF BALLPARK DRIVE (FORMERLY OWNED BY THE WISCONSIN DEPARTMENT OF TRANSPORTATION)) AT THE

SOUTHEAST CORNER OF RAWSON AVENUE AND BALLPARK DRIVE, TO ADD A SINGLE-STORY APPROXIMATELY 11,000 SQUARE FOOT COMMERCIAL/RETAIL BUILDING, AND TO REVISE THE HOURS OF OPERATION FOR THE SNOW PARK (BALLPARK COMMONS APARTMENTS LLC, AN AFFILIATE OF MANDEL GROUP, INC., AND IN PARTNERSHIP WITH ZIM-MAR PROPERTIES, LLC, APPLICANTS, ZIM-MAR PROPERTIES, LLC AND BPC COUNTY LAND, LLC, PROPERTY OWNERS) (AT APPROXIMATELY 7115 BALLPARK DRIVE AND VICINITY). Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderwoman Wilhelm, Alderman Taylor, Alderman Barber and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

RES. 2019-7489
APPROVE CSM FOR
BALLPARK COMMONS
APARTMENTS

G.4. Alderman Dandrea moved to adopt Resolution No. 2019-7489 A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (BALLPARK COMMONS APARTMENTS LLC, AN AFFILIATE OF MANDEL GROUP, INC., AND IN PARTNERSHIP WITH ZIM-MAR PROPERTIES, LLC, APPLICANT, ZIM-MAR PROPERTIES, LLC, AND BPC COUNTY LAND, LLC PROPERTY OWNERS) (7115 SOUTH BALLPARK DRIVE AND VICINITY (SOUTHWEST CORNER OF WEST RAWSON AVENUE AND BALLPARK DRIVE)), with technical corrections by the City Attorney. Seconded by Alderman Barber. All voted Aye; motion carried.

SPECIAL COMMON
COUNCIL MEETING
MAY 23, 2019

G.5. Alderman Barber moved to set a Special Common Council Meeting for Thursday, May 23, 2019, at 5:30 p.m. for the purpose of reviewing Tax Incremental Finance District No. 5 (Ballpark Commons) Project Plan and creation of proposed Tax Incremental Finance District No. 7 Overlay (Ballpark Commons Apartments) and consider resolutions to approve the District Project Plans. Seconded by Alderman Nelson. All voted Aye; motion carried.

CITY HALL ROOF, HVAC
AND FASCIA PROJECT
BID

G.6. Alderman Mayer moved to authorize to go to bid on the City Hall roof, HVAC and fascia wood replacement project. Seconded by Alderman Nelson. On roll call, Alderman Nelson,

Alderman Barber, Alderwoman Wilhelm and Alderman Mayer voted Aye; Alderman Taylor and Alderman Dandrea voted No. Motion carried.

FRANKLIN SENIOR
TRAVEL YEAR END
UPDATE

- G.7. Alderman Taylor moved to accept and file the Senior Travel Program 2018 year-end report and to direct the Finance Director to bring forward a 2019 Budget modification to re-appropriate \$1,450 of unused 2018 appropriations. Seconded by Alderman Barber. All voted Aye; motion carried.

CONCEPT REVIEW
CHILDCARE/LEARNING
FACILITY AT 7760 S.
LOVERS LANE RD.

- G.8. No action was taken on the presentation of a concept review for a proposed childcare and learning facility at 7760 S. Lovers Lane Road (TKN 794-9999-009) (Franklin-Wyndham LLC, Owner) (Bradford Franklin LLC, Applicant).

RES. 2019-7490
FINAL PLAT
RYANWOOD MANOR
(OAKWOOD AT RYAN
CREEK, LLC,
APPLICANT)

- G.9. Alderman Nelson moved to adopt Resolution No. 2019-7490, A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR RYANWOOD MANOR ADDITION NO. 1 SUBDIVISION (AT APPROXIMATELY SOUTH 76TH STREET AND WEST OAKWOOD ROAD) (OAKWOOD AT RYAN CREEK, LLC, APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2019-7491
SUBD. DEV AGREEMENT
WITH RYANWOOD
MANOR DEVELOPMENT

- G.10. Alderman Nelson moved to adopt Resolution No. 2019-7491, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF RYANWOOD MANOR SUBDIVISION ADDITION #1, as amended. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2019-7492
WHISPERING WOODS
STORM DECK
INSTALLATION NEAR
SEWER EASEMENT
6828 W. FOX HAVEN CT.
(BRION THOMAS
WINTERS, APPLICANT)

- G.11. Alderman Dandrea moved to adopt Resolution No. 2019-7492, A RESOLUTION APPROVING A PARTIAL RELEASE AND PARTIAL RESTRICTION WAIVER OF A CITY STORM SEWER EASEMENT UPON LOT 24, IN WHISPERING WOODS SUBDIVISION, TO ALLOW FOR THE LOCATION OF A DECK WITHIN THE EASEMENT AREA RELEASED AND WAIVED (6828 WEST FOX HAVEN COURT) (BRION THOMAS WINTERS, APPLICANT). Seconded by Alderman Taylor. On roll call, Alderman Nelson, Alderman Barber, Alderman Taylor, Alderman Mayer and Alderman Dandrea voted Aye; Alderwoman Wilhelm voted No. Motion carried.

MARCH 2019 MONTHLY
FINANCIAL REPORT

- G.13. Alderman Taylor moved to receive and place on file the March 2019 Financial Report. Seconded by Alderman Nelson. All voted Aye; motion carried.

COMMITTEE OF THE
WHOLE
RECOMMENDATIONS

G.14 Following a presentation at the Committee of the Whole Meeting on May 6, 2019, no action was required on the 2018 Annual Comprehensive Financial Report for the City.

LICENSES AND PERMITS H.1.

Alderman Taylor moved to approve the following:
Grant Extraordinary Entertainment & Special Event license to the Rock Sports Complex Summer Concert Series (Scot Johnson) every Saturday from 6/1/2019 through 9/21/2019 and Thursday 7/4/2019, contingent on changes related to parking and an update on the status of conducting any noise and/or light studies;

Hold for appearance the 2018-2019 Operator's License application of Grace Ann Lucille Cole, 10863 S. 60 St.; 2018-2019 Operator's License application of Sandy Y. Gallagher 1707 Ellis Ave., Racine; 2018-2019 and 2019-2020 Operator's License applications of Zachary M. Grmick, 10202 W. Ridge Rd., Hales Corners; and Day Care License application of Discovery Days Childcare III, Inc., d/b/a Discovery Days Childcare, 9758 S. Airways Ct., Kristopher Kraussel, Manager; and

Grant 2018-2019 Operator Licenses to Thomas A. Holtz, 3835 S. 76th St. #4, Milwaukee; Camille M. Nicolai, 9243 S. 51st St.; Diane T. Mueller-Yarnell, 3574 S. 84th St., Milwaukee; and

Grant 2018-2019 and 2019-2020 Operator Licenses to Jennifer M. Aguilar, 2121 W. Grant St., Upper, Milwaukee; Hope E. Bollinger, 201 Rainbow Ridge, Apt. 902, Oak Creek; Jeffrey F. Dejna, 8417 W. Willow Pointe Pkwy.; Sanjeev K. Dhingra, 4525 W. Ramsey Ave., Apt # 80, Greendale; Vicki L. Jessen, 375 E. Arbor Circle West, Oak Creek; Kayla A. Tomaro, 4259 W. Tumble Creek Ct.; and

Grant 2019-2020 Amusement Device Operator licenses to Games R Us Inc., Owner Steven Murphy, W144 S6315 College Ct., Muskego; Red's Novelty Ltd, Agent Jay Jacomet, 1921 S. 74th St., West Allis; Wisconsin P & P Amusements, Owner Michael Weigel, 12564 W. Lisbon Rd., Brookfield; and

Hold for clarification from the Clerk's office the 2019-2020 Amusement Device Operators' License applications of National Amusements, Owner Janis Thein, 2740 S. 9th Pl., Milwaukee; and Reggie's Amusements, Owner Reginald Zeniecki, 4918 S. Packard Ave., Cudahy; and

Grant 2019-2020 Auto Salvage License to Al's Auto Salvage, Owner Albert Schill; 10942 S. 124th St., subject to satisfactory inspections; and

Grant 2019-2020 Day Care License, subject to satisfactory

inspections and payment of fees, to Knowledge Universe LLC, Manager Theresa Castronovo, 6350 S 108th St.; and Grant 2019-2020 Entertainment & Amusement license, subject to compliance with City Ordinances and approval of inspections, to Innovative Health & Fitness Building LLC, Owner Scott Cole, 8800 S. 102nd St.; Marcus Cinemas of Wisconsin LLC, Agent Mark Gramz, 8910 S. 102nd St.; Milwaukee County Parks, Agent Andrea Wallace, 6000 W. Ryan Rd.; Milwaukee County Parks, Agent Andrea Wallace, 3600 W. Oakwood Rd.; Milwaukee County Parks, Agent Andrea Wallace, 6751 S. 92nd St.; and Grant Extraordinary Entertainment & Special Event license and Temporary Class B Beer & Wine License to Xaverian Missionaries (Fr. Alejandro Rodriguez, SX) for their Annual Mission Festival on 6/22/2019 to 6/23/2019. Seconded by Alderman Nelson. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

- I.1. Alderman Dandrea moved to approve the following: City vouchers with an ending date of May 2, 2019 in the amount of \$3,841,328.65; and payroll dated April 26, 2019 in the amount of \$376,132.97 and payments of the various payroll deductions in the amount of \$486,709.14, plus City matching payments; and estimated payroll dated May 10, 2019 in the amount of \$418,000.00 and payments of the various payroll deductions in the amount of \$217,000.00, plus City matching payments; and Property Tax refunds and investments with an ending date of May 2, 2019 in the amount of \$2,485,701.01; and the release of payment to Knight Barry Inc. in the amount of \$565,481.90. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
LITIGATION MATTER

- G.15 Alderman Nelson moved to enter closed session at 8:46 p.m. pursuant to Wis. Stats. §19.85(1)(f) to confer with Legal Counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigations of Menard, Inc. v. City of Franklin, Milwaukee County Circuit Court, Case No. 16-CV-8734 (Consolidated): Claims of Excessive Property Assessment for 2016, 2017, & 2018. 2019 Assessment may be incorporated. Wal-Mart Real Estate Business Trust v. City of Franklin, Milwaukee County Circuit Court, Case No. 17-CV-12974 (Consolidated): Claims of Excessive Property Assessment for 2017 and 2018. 2019 Assessment may be Incorporated. Sam's Real Estate Business Trust v. City of Franklin, Milwaukee County Circuit Court, Case No. 17-CV-12977 (Consolidated): Claims of Excessive Property Assessment for 2017 and 2018.

2019 Assessment may be incorporated, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 9:27 p.m.

Alderman Taylor left the meeting at 9:27 p.m.

CLOSED SESSION
ROUNDAABOUT LAND
ACQUISITION

- G.16 Alderman Dandrea moved to enter closed session at 9:28 p.m. for competitive and bargaining reasons, to consider the potential acquisition of property at and about the northwest corner of South 51st Street and West Drexel Avenue to be used for public road purposes in the South 51st Street and West Drexel Avenue Roundabout Public Works Road Improvement Project and the negotiating of the purchase and the investing of public funds with regard to the potential acquisition thereof, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Nelson. On roll call, all voted Aye. Motion carried.

Alderwoman Wilhelm left the meeting at 9:31 p.m.

Upon reentering open session at 9:38 p.m., Alderman Barber moved to authorize staff to provide in negotiations for [Potential Acquisition of Property at and about the Northwest corner of South 51st Street and West Drexel Avenue to be used for public road purposes in the South 51st Street and West Drexel Avenue Roundabout Public Works Road Improvement Project), and making an offer to the property owner in the amount of \$13,800 as set forth in the Appraisal Report dated April 10, 2019. Seconded by Alderman Nelson. All voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Nelson moved to adjourn the meeting at 9:38 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 05/21/19
ORGANIZATIONAL BUSINESS	Boards and Commissions Appointment	ITEM NUMBER <i>E.</i>

The Mayor has made the following appointment for Council confirmation:

Gregory P. Meier, 8157 W. Woodfield Dr., Ald. Dist. 1, Technology Commission for a 3 year unexpired term expiring 4/30/22.

COUNCIL ACTION REQUESTED

The following appointment is for Council confirmation:

Gregory P. Meier, 8157 W. Woodfield Dr., Ald. Dist. 1, Technology Commission for a 3 year unexpired term expiring 4/30/22.

Shirley Roberts

From: volunteerfactsheet@franklinwi.info
Sent: Saturday, May 04, 2019 3:07 PM
To: Lisa Huening; Shirley Roberts; Sandi Wesolowski
Subject: Volunteer Fact Sheet

Name: Gregory P. Meier
PhoneNumber: 4148030612
EmailAddress: greg.meier@icloud.com
YearsasResident: 19
Alderman: Mark Dandrea
ArchitecturalBoard: 0
CivicCelebrations: 0
CommunityDevelopmentAuthority: 0
EconomicDevelopmentCommission: 1
EnvironmentalCommission: 0
FinanceCommittee: 0
FairCommission: 0
BoardofHealth: 0
FirePoliceCommission: 0
ParksCommission: 0
LibraryBoard: 0
PlanCommission: 0
PersonnelCommittee: 0
BoardofReview: 0
BoardofPublicWorks: 0
QuarryMonitoringCommittee: 0
TechnologyCommission: 1
TourismCommission: 0
BoardofZoning: 0
WasteFacilitiesMonitoringCommittee: 0
BoardWaterCommissioners: 0
CompanyNameJob1:
TelephoneJob1:
StartDateandPositionJob1:
EndDateandPositionJob1:
CompanyNameJob2:
TelephoneJob2:
StartDateandPositionJob2:
EndDateandPositionJob2:
CompanyNameJob3:

TelephoneJob3:
StartDateandPositionJob3:
EndDateandPositionJob3:
Signature: Gregory P. Meier
Date: 5/4/2019
Signature2: Gregory P. Meier
Date2: 5/4/2019
Address: 8157 W. Woodfield Drive
PriorityListing: Economic Development Commission would be my top priority.
WhyInterested: I believe my background and experience will allow me to make a positive contribution to the future of Franklin.
CompanyAddressJob1:
DescriptionofDutiesJob1:
AddressJob2:
DescriptionofDutiesJob2:
AddressJob3:
DescriptionofDutiesJob3:
AdditionalExperience:
ClientIP: 70.92.160.79
SessionID: nos2dh55ftykp4vywjpwk555
See Current Results

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 05/21/19
REPORTS & RECOMMENDATIONS	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)	ITEM NUMBER <i>G.I.</i>

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 Pleasant View Estates Subdivision (at approximately South 49th Street and West Marquette Avenue), with the addition of some additional language pertaining to the proposed phasing of the pedestrian trail and phase one inclusions.

There was much discussion regarding the extension of Marquette Avenue, an east-west corridor connection, from South 51st Street to the existing terminus of Marquette Avenue at South 49th Street, as the eastern portion of the roadway would be included with this request and the western portion of the roadway would be included within an adjacent property to the North.

Per the above motion, and in accordance with Section 15-7.0502 AA of the City of Franklin Unified Development Ordinance, Staff added the following conditions to the draft resolution:

19. Applicant shall re-align a proposed trail along the west side of the property line to avoid natural resources and if a wetland buffer is present, proposed trail would need to go through the Natural Resource Special Exception process as part of phase one.

COUNCIL ACTION REQUESTED

A motion to approve Resolution 2019-_____, 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).

RESOLUTION NO. 2019-_____

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)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a preliminary plat for Pleasant View Estates Subdivision, such plat being unplatted lands lying within and being a part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at approximately South 49th Street and West Marquette Avenue [the Preliminary Plat includes the balance of the approximately 32.132 acre site known as both Evergreen Park Estates and the proposed Pleasant View Estates, which also includes a portion of the extension of Marquette Avenue from its current location westward to South 51st Street (in conjunction with the recently proposed Oak Ridge Subdivision to the north), to create a 26 lot, 4 outlot single-family subdivision, including a proposed sidewalk or trail from the cul-de-sac of Pleasant View Court southward and eastward to the City's Pleasant View Park, (home sites ranging in size from 13,000 square feet to 25,000 square feet) (Outlot 1 purpose undetermined, Outlot 2 consists almost entirely of protected natural resource features, Outlot 3 would be partly for stormwater management purposes and Outlot 4 would be entirely for stormwater management purposes)], bearing Tax Key No. 788-9981-003, Rick J. Przybyla, President of Creative Homes, Inc., applicant; 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 Pleasant View Estates Subdivision, as submitted by Rick J. Przybyla, President of Creative Homes, Inc., as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant.
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. Creative Homes, Inc., successors and assigns and any developer of the Pleasant View Estates 26 lot and 4 outlot single-family residential 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 Pleasant View Estates 26 lot and 4 outlot single-family residential 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 Rick J. Przybyla, President of Creative Homes, Inc., successors and assigns, and the Pleasant View Estates 26 lot and 4 outlot single-family residential subdivision development project for the property located at approximately South 49th Street and West Marquette Avenue: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
5. The Pleasant View Estates 26 lot and 4 outlot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
6. Should the pedestrian access easement be determined to be publicly owned, a written easement document shall be submitted as part of the Final Plat Application for Common Council review and approval, and recording with the Milwaukee County Register of Deeds Office at the time of recording of the Final Plat.
7. The pedestrian trail shall be 10' wide, paved, and installed simultaneously with the construction of the first phase of the subdivision plat.
8. A Natural Resource Special Exception must be applied for prior to submittal of the Final Plat, and City approval obtained prior to recording the Final Plat, for all impacts upon protected natural resource features. Should such impacts be attributable to public

streets, public sidewalks, or public trails, a practicable alternatives analysis pursuant to City of Franklin Ordinance No. 2016-2224 may be appropriate.

9. All necessary approvals and required documentation shall be obtained and provided to the City of Franklin to confirm dedication of the remaining right-of-way associated with Marquette Avenue prior to submittal of the Final Plat.
10. All utility easements shall be located along rear lot lines, and in mid block locations where necessary, and shown on the face of the plat prior to submittal of the Final Plat.
11. A written conservation easement document shall be submitted as part of the Final Plat Application for Common Council review and approval, and recording with the Milwaukee County Register of Deeds Office at the time of recording the Final Plat.
12. All wetland buffers and all wetland setbacks shall be included within both a Conservation Easement and within an Outlot and depicted on the face of the plat, for Department of City Development review and approval prior to submittal of the Final Plat.
13. All necessary approval(s) from the Wisconsin Department of Natural Resources and/or United States Army Corps of Engineers shall be submitted to the City as part of the Final Plat Application.
14. Creative Homes , Inc., successors and assigns, developer of this plat, shall obtain instruction which shall include at a minimum full and complete construction of Marquette Ave., all lots adjacent to Marquette Ave., and the pedestrian access trail to Pleasant Valley park, as soon as is reasonably practicable, in cooperation with the developer of Oak Ridge Subdivision and shall complete no later than by Phase Two of this subdivision plat.
15. All technical corrections as identified in the One Source Consulting response to staff comments numbers 11, 41, 42, dated March 1, 2019 shall be incorporated into the plat at the time of Final Plat submittal.
16. A draft of the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners association) shall be submitted to the City as part of the Final Plat for review and approval solely as to form and as such may pertain to existing city rules and regulations.
17. Any proposed subdivision monument sign(s) shall be subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. – PRELIMINARY
PLAT
RESOLUTION NO. 2019-_____
Page 4

18. The Final Plat shall be in full compliance with all pertinent City of Franklin Design Standards and Construction Specifications.
19. Applicant shall re-align a proposed trail along the west side of the property line to avoid natural resources and if a wetland buffer is present, proposed trail would need to go through the Natural Resource Special Exception process as part of phase one.

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 _____

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

Meeting of May 9, 2019

Preliminary Plat

RECOMMENDATION: City Development Staff recommends approval of the Preliminary Plat for the Pleasant View Estates Subdivision, subject to the conditions as noted in the attached draft resolution.

Project Name:	Pleasant View Estates Preliminary Plat
Project Location:	Approximately S. 49 th Street and Marquette Avenue (Tax Key No: 788-9981-003)
Property Owner:	Creative Homes Inc.
Applicant:	Rick Pryzbyla, Creative Homes, Inc.
Agent:	Craig Donze, One Source Consulting
Current Zoning:	R-6 Suburban Single-Family Residence District
2025 Comprehensive Plan:	Residential and Areas of Natural Resource Features
Use of Surrounding Properties:	Single-family residential and vacant developable land to the north, a public school and public park to the east, single family residential to the south, and institutional/senior housing, single family residential, and Payne & Dolan quarry to the west.
Applicant's Action Requested:	Recommendation of approval of the Preliminary Plat for future single-family residential development

Introduction:

On November 28, 2018, the applicant submitted an application for a Preliminary Plat for a property located south of the intersection of South 49th Street and Marquette Avenue. The preliminary plat proposes to subdivide the 27-acre parcel into 26 R-6 single-family residential lots and four outlots. Outlot 1 would consist of vacant future developable land/open space, Outlot 2 would consist of natural resource features (to be protected by conservation easements), Outlot 3 would consist of a storm water management facility and additional open space lands, and Outlot 4 would consist of a storm water management facility. The subdivision also includes the extension of Marquette Avenue from 49th Street to 51st Street in coordination with the developer of the adjacent Oak Ridge of Franklin subdivision proposed by Arbanella/Carmody Homes.

Preliminary Plat Project Description/Analysis:

The proposed Pleasant View Estates subdivision development includes 26 single-family residential lots and four outlots. The plat also proposes to extend Marquette Avenue from 49th Street to 51st Street, and to create two cul-de-sacs (extensions of both 49th Street and 50th Street) southward from the proposed Marquette Avenue.

The applicant indicates the lots range in size from approximately 14,000 square feet to 28,500 square feet, all exceeding the R-6 minimum lot size of 11,000 square feet. All single-family lots abut a public right-of-way and have sufficient width.

The proposed subdivision will be served by municipal water and public sanitary sewer.

Pedestrian Amenities:

The preliminary plat depicts:

- One sidewalk along the west side of the 49th Street cul-de-sac.
- One sidewalk along Marquette Avenue (on the north side west of 50th Street and on the south side east of 50th Street).
- And a 5' wide trail within a 20' wide pedestrian access easement extending from the 50th Street cul-de-sac between lots 11 and 12, southward along the west side of the subject property, across a wetland, eastward to the existing Pleasant View Park.

While the Planning Department does not object to the location of the pedestrian amenities proposed by the applicant, the Engineering Department is recommending sidewalks along both sides of all streets, or at least along both sides of Marquette Avenue and one side of all other streets.

In addition, while the applicant is interested in selling Outlots 1 and 2 to the City of Franklin, and has presented this proposal to the Parks Commission, the Parks Commission at its March 11, 2019 meeting approved a motion to "Not to take any action at this time." Specifically in regard to the pedestrian access easement, the applicant has indicated that it is entirely located within Outlots.

Stormwater Management Plan:

A stormwater pond is proposed within both Outlots 3 and 4 within the southern and northwest portions of the property. A Stormwater Management Plan and calculations were submitted to the Engineering Department for review. The plan is currently under review and will require final Engineering Department approval as part of the review of the Final Plat Application.

Natural Resource Protection Plan:

A Natural Resource Protection Plan (NRPP) has been completed for the subject development by One Source Consulting, and the wetland delineations were completed by Dave Meyer (a Wisconsin Department of Natural Resources Assured Delineator). According to the NRPP, the site contains wetlands and associated wetland buffers and setbacks. The applicant has indicated they are aware that a Natural Resource Special Exception will be necessary for impacts associated with the proposed trail.

Signage:

Although signage is not being proposed at this time, should the applicant want a subdivision monument or other similar signage, separate City review and approval will be required.

Comprehensive Master Plan Consistency:

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

The subject property is designated as Residential on the City’s 2025 Future Land Use Map. As such, this Future Land Use Map designation is consistent with the existing zoning and the applicant’s proposed single-family residential development.

Staff Recommendation:

City Development Staff recommends approval of the Preliminary Plat for the Pleasant View Estates Subdivision, subject to the conditions as noted in the attached draft resolutions.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 5-3-19]

RESOLUTION NO. 2019-_____

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)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a preliminary plat for Pleasant View Estates Subdivision, such plat being unplatted lands lying within and being a part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at approximately South 49th Street and West Marquette Avenue [the Preliminary Plat includes the balance of the approximately 32.132 acre site known as both Evergreen Park Estates and the proposed Pleasant View Estates, which also includes a portion of the extension of Marquette Avenue from its current location westward to South 51st Street (in conjunction with the recently proposed Oak Ridge Subdivision to the north), to create a 26 lot, 4 outlot single-family subdivision, including a proposed sidewalk or trail from the cul-de-sac of Pleasant View Court southward and eastward to the City's Pleasant View Park, (home sites ranging in size from 13,000 square feet to 25,000 square feet) (Outlot 1 purpose undetermined, Outlot 2 consists almost entirely of protected natural resource features, Outlot 3 would be partly for stormwater management purposes and Outlot 4 would be entirely for stormwater management purposes)], bearing Tax Key No. 788-9981-003, Rick J. Przybyla, President of Creative Homes, Inc., applicant; 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 Pleasant View Estates Subdivision, as submitted by Rick J. Przybyla, President of Creative Homes, Inc., as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant.
2. That all land development and building construction permitted or resulting under this

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. – PRELIMINARY
PLAT

RESOLUTION NO. 2019-_____

Page 2

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. Creative Homes, Inc., successors and assigns and any developer of the Pleasant View Estates 26 lot and 4 outlot single-family residential 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 Pleasant View Estates 26 lot and 4 outlot single-family residential 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 Rick J. Przybyla, President of Creative Homes, Inc. and the Pleasant View Estates 26 lot and 4 outlot single-family residential subdivision development project for the property located at approximately South 49th Street and West Marquette Avenue: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
5. The Pleasant View Estates 26 lot and 4 outlot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
6. The two proposed cul-de-sac roads shall be renamed pursuant to the City's standard naming system (i.e. S. 50th Court and S. 49th Court) as part of the Final Plan Application.
7. Should the pedestrian access easement be determined to be publicly owned, a written easement document shall be submitted as part of the Final Plat Application for Common Council review and approval, and recording with the Milwaukee County Register of Deeds Office at the time of recording of the Final Plat.
8. The pedestrian trail shall be 10' wide, paved, and installed simultaneously with the construction of the first phase of the subdivision plat.

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. – PRELIMINARY
PLAT

RESOLUTION NO. 2019-_____

Page 3

9. A Natural Resource Special Exception must be applied for prior to submittal of the Final Plat, and City approval obtained prior to recording the Final Plat, for all impacts upon protected natural resource features. Should such impacts be attributable to public streets, public sidewalks, or public trails, a practicable alternatives analysis pursuant to City of Franklin Ordinance No. 2016-2224 may be appropriate.
10. All necessary approvals and required documentation shall be obtained and provided to the City of Franklin to confirm dedication of the remaining right-of-way associated with Marquette Avenue prior to submittal of the Final Plat.
11. All utility easements shall be located along rear lot lines, and in mid block locations where necessary, and shown on the face of the plat prior to submittal of the Final Plat.
12. A written conservation easement document shall be submitted as part of the Final Plat Application for Common Council review and approval, and recording with the Milwaukee County Register of Deeds Office at the time of recording the Final Plat.
13. All wetland buffers and all wetland setbacks shall be included within both a Conservation Easement and within an Outlot and depicted on the face of the plat, for Department of City Development review and approval prior to submittal of the Final Plat.
14. All necessary approval(s) from the Wisconsin Department of Natural Resources and/or United States Army Corps of Engineers shall be submitted to the City as part of the Final Plat Application.
15. The first phase of the subdivision plat construction shall include at a minimum full and complete construction of Marquette Avenue, all lots adjacent to Marquette Avenue, and the pedestrian access trail to Pleasant View Park.
16. All technical corrections as identified in the One Source Consulting response to staff comments numbers 11, 41, 42, dated March 1, 2019 shall be incorporated into the plat at the time of Final Plat submittal.
17. A draft of the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners association) shall be submitted to the City as part of the Final Plat for review and approval solely as to form and as such may pertain to existing city rules and regulations.
18. Any proposed subdivision monument sign(s) shall be subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. – PRELIMINARY
PLAT

RESOLUTION NO. 2019-_____

Page 4

19. The Final Plat shall be in full compliance with all pertinent City of Franklin Design Standards and Construction Specifications.

20. [other conditions, etc.]

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

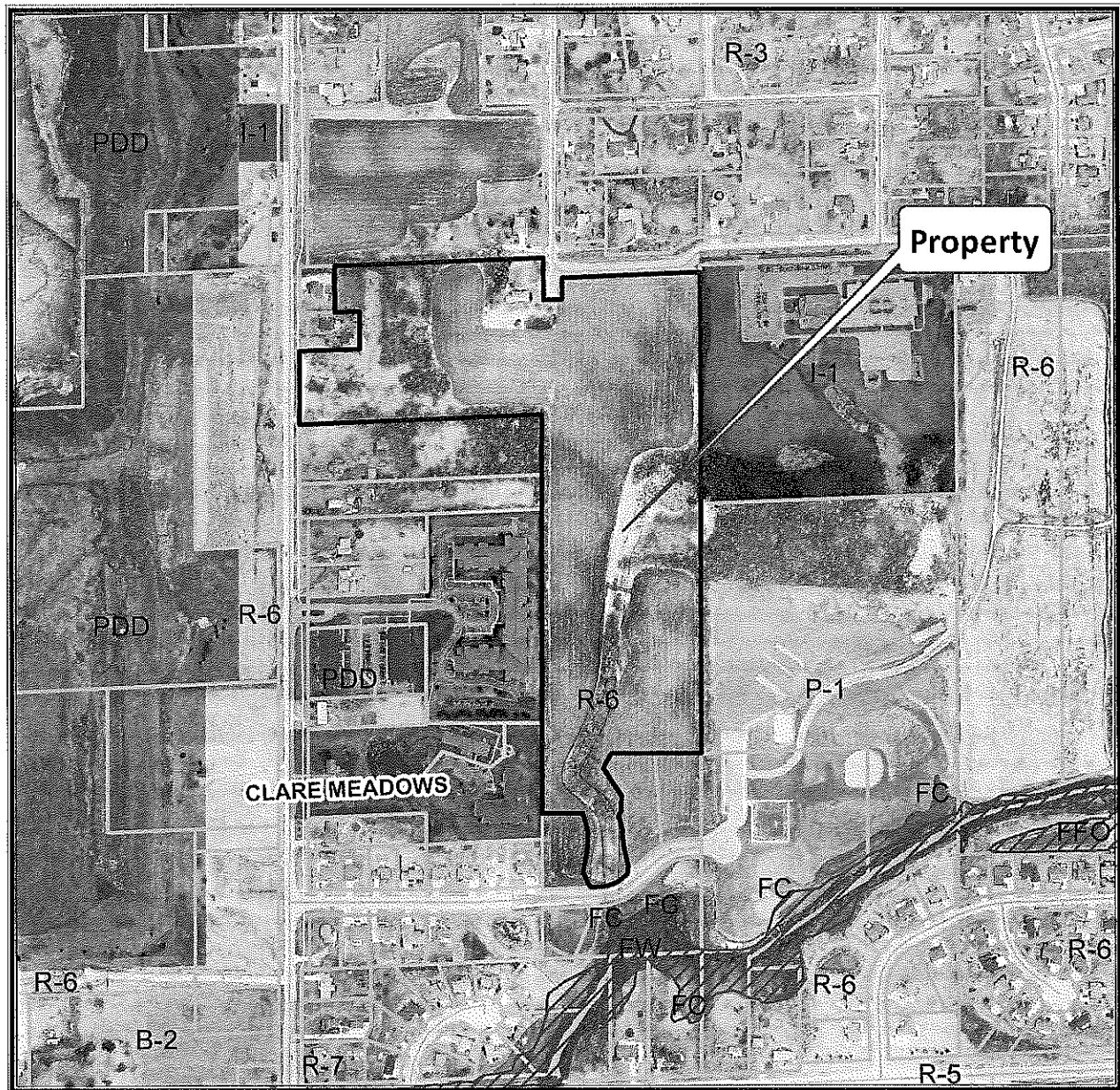
ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



TKN: 788 9981 003



Planning Department
(414) 425-4024

0 305 610 1,220 Feet

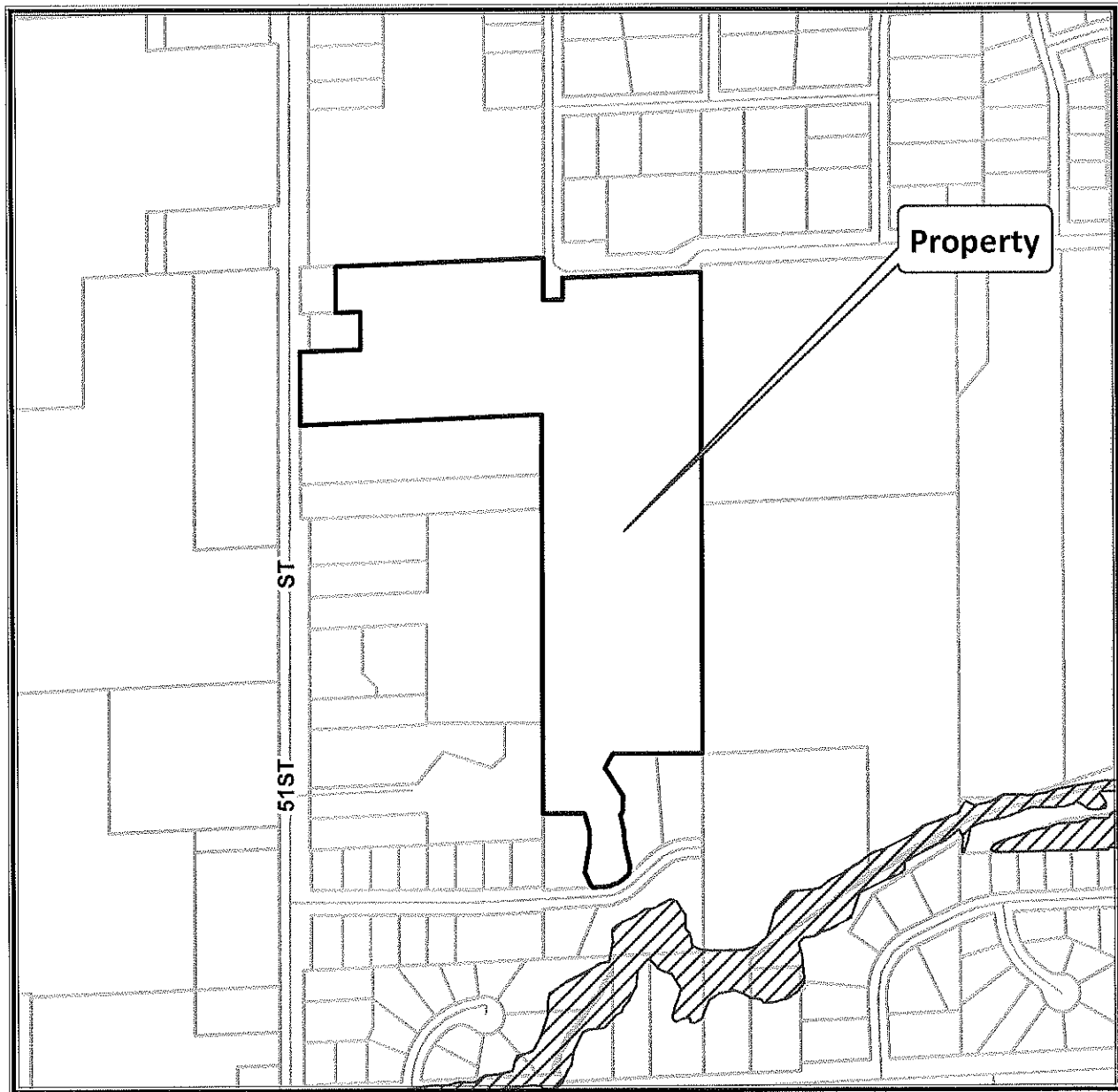


2017 Aerial Photo

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.



TKN: 788 9981 003



Planning Department
(414) 425-4024

0 305 610 1,220 Feet



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.

PLEASANT VIEW ESTATES

PROJECT SUMMARY

- Located just east of S. 51st Street near Marquette Avenue and Pleasant View Elementary School
- All lots serviced by municipal sewer and water
- 26 single family, estate sized lots
- Architecturally controlled community
- Anticipated minimum square foot requirements – Ranch 1,800 sq. ft / 2-story 2,100 sq.ft
- Lot sizes ranging from approximately 13,000 – 25,000 square feet
- Current zoning R-6 (minimum 11,000 square feet)
- Balance of a 32 acre parcel (prior phase completed – Evergreen Estates)

DEVELOPER / COMPANY PROFILE

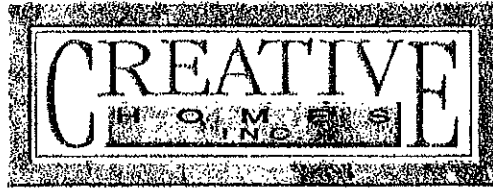
Creative Homes, Inc., is a small family owned and operated business, located in the City of Franklin, which has been a builder of quality homes and developments for over 30 years. Creative Homes, Inc. has developed over 500 lots throughout the communities of Franklin, Muskego, and Greenfield, with significant concentration in the City of Franklin. Creative Homes, Inc. also builds semi-custom homes.

MARKET ANALYSIS

- 26 single family, estate sized lots
- Packages starting at approximately \$ 450,000, with an average of \$ 475,000 - \$ 525,000
- 26 lot/home packages x \$ 475,000 = \$ 12,350,000 (approximate)
- School impact = less than .5 / lot x 26 lots = 13 students

BENEFITS

- High demand for single family lots in Franklin, especially those open to other builders
- Tax benefit to the City of Franklin with higher priced homes



March 8, 2019

City of Franklin
Attn: Joel Dietl
9229 W Loomis Road
Franklin, WI 53132

RE: PLEASANT VIEW ESTATES NATURAL RESOURCE PROTECTION PLAN INFORMATION
FOLLOW UP TO STAFF COMMENTS

Dear Joel,

This letter is in response to your staff comment regarding the NRPP for Pleasant View Estates. Please refer back to the October 2018 letter in which we have advised you of the report which confirmed there are no young or mature woodlands located on this property, and therefore satisfies all of your comments regarding the woodlands.

Please be advised we obtained an updated letter from Tom Riha, City Forester, confirming that there are no woodlands present. A copy of such correspondence is included for your reference.

In addition, to your comment regarding the calculations of wetlands, the calculations will be revised to reflect the current 27.37 acres.

Thank you.

A handwritten signature in cursive script that reads "Nicole M. Watson".

Nicole M. Watson
Creative Homes, Inc.

"A Builder of Quality Homes & Developments"

9244 West Grandview Court • Franklin, WI 53132 • Phone: 414.529.0958 • Fax: 414.529.4032

Pleasant View Development

Tom Riha <TRiha@franklinwi.gov>

Mon 3/4/2019 11:24 AM

To: Joel Dietl <JDietl@franklinwi.gov>

Cc: 'Rick Przybyla' <rickprzybyla@hotmail.com>

Hi Joel,

I had a chance to measure the spruce trees off 49th St. on 3/4/19. I found that the trees don't meet the size or quantity necessary to qualify as a grove. Only 3 of the spruce trees measured over 12in. The UDO states 8 or more over 12 are necessary. In regards to the other trees on the property I will stick with my original findings that no mature or young woodlands exist on the property. The fragmentation and small area doesn't meet the criteria for canopy coverage.

Please let me know if you need any further information from me.

Tom Riha

City Forester

ISA- Certified Arborist/Municipal Specialist



Franklin Logo Final email w text

March 15, 2019

Mr. Rick Przybyla:

This letter serves as a follow up to my 2017 assessment of the woody plant communities on a property at 7501 S. 49th Street, Franklin, WI (Tax Key: 7889981001).

Referencing the photo of the property below, neither the green encircled area, nor the tree line outlined in red constitute a young woodland as defined by the City of Franklin. The green encircled 1.2-acre "woody area" was cleared of invasive Tatarian honeysuckle and Common buckthorn shrubs (most less than 3" diameter) to reveal many dead Green ash trees, dead and dying American elm trees, and a few apple trees that collectively have a canopy coverage of approximately 10% - well below 50% to constitute a young woodland. In looking at historical aerial photographs this area appeared to be previously cultivated as an apple orchard and was not historically a woodland area. Per City of Franklin guidelines, remnant commercially grown apple trees would not be counted in determining young woodland.

Similarly, the canopy of the (red encircled) woody area along the property line has a preponderance of invasive Common buckthorn and Tatarian honeysuckle less than 3" diameter. The scattered mature trees on this property line / crop field edge are primarily dead or dying Green Ash and American elm. Existing live trees that exceed 3" diameter comprise much less than 50% canopy. Therefore, this area is also not young woodland as defined in Franklin's guidelines.

I concur with Franklin's goal to preserve the community's remaining natural quality woodlands where they still exist but no such woodlands, young and/or mature, are located on this site.

Please let me know if you need any further clarification on this matter.





Respectfully,

A handwritten signature in black ink, appearing to read "Tom Zagar", with a stylized flourish at the end.

Tom Zagar
ISA Certified Arborist
WI-0541A

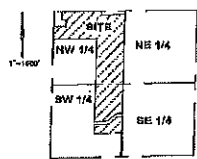
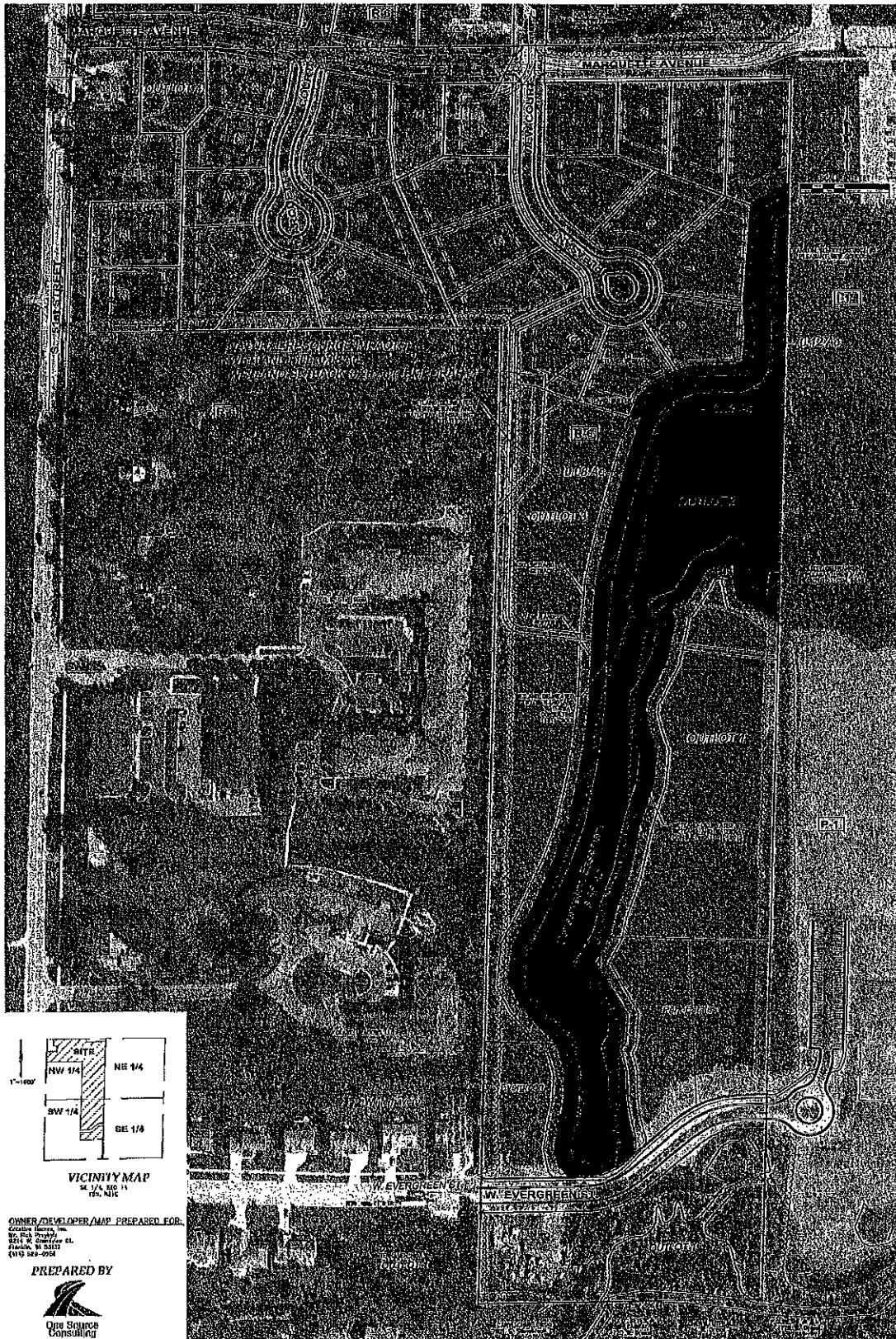


LEGEND:

-  CONSERVATION EASEMENT
-  50' WETLAND SET BACK
-  30' WETLAND BUFFER
-  NATURAL RESOURCES IMPACT

NATURAL RESOURCE PROTECTION PLAN

BEING UNPLATTED LANDS LYING WITHIN AND BEING A PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
LANDS CONTAINING 27.38 ACRES MORE OR LESS OF LAND. LANDS TO BE DEDICATED CONTAIN 2.50 ACRES. NET AREA REMAINING CONTAINS 24.88 ACRES MORE OR LESS OF LAND



VICINITY MAP
SE 1/4, SW 1/4
1/4, NW 1/4

OWNER/DEVELOPER/MAP PREPARED FOR:
Crestline Services, Inc.
500 N. Park Street
Suite 200
Franklin, WI 53132
(414) 438-0058

PREPARED BY



One Source
Consulting
1000 N. Lincoln Avenue
Franklin, WI 53132
(414) 438-0058

COVENANTS AND DECLARATIONS OF RESTRICTIONS

PLEASANT VIEW PARK ESTATES FRANKLIN, WI

KNOW ALL MEN BY THESE PRESENTS that the undersigned, CREATIVE HOMES, INC., being the owner of lots 1-6 being described as:

Being part of the Southwest ¼ and Northwest ¼ of the Southeast ¼ of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin. Lots 1-26.

And intending to establish a general plan for the use, occupancy and enjoyment of said Subdivision, does hereby declare that all lots therein shall be subject to the following restrictions and covenants, which shall remain in force for a period of thirty (30) years from the date of recording hereof.

1. **GENERAL PURPOSES.** The purpose of this Declaration is to insure the best use and most appropriate development and improvement of each building site thereof; to protect owners of building sites against such use of surrounding building sites as will detract from the residential value of their property; to preserve as far as is practical, the natural beauty of said property, to guard against the erection thereon of poorly designed or poorly proportioned structures; to obtain harmonious use of material and color scheme; to insure the highest and best residential development of said property; to encourage and secure the erection of attractive homes hereon with appropriate locations thereof on building sites; to prevent haphazard and inharmonious improvements of building sites; to secure and maintain proper setbacks from street and adequate free spaces between structures, and in general, to provide adequately for a high quality of improvement in said property, and thereby to preserve and enhance the value of investments made by purchasers of building sites therein.

2. **STRUCTURES.** No lot shall be used for anything other than single-family residence purposes. All structures shall be designed by a registered architect or professional engineer or designer, experienced in residential design. The plans shall show the square footage for both first floor and second floor if a two story. Each dwelling shall have a minimum of two full baths. Each dwelling shall have a minimum roof pitch of 7/12, however actual roof pitch shall be at the developer's discretion and may vary depending on the type of home. Roof color shall be limited to that of weathered-wood, driftwood, black, deep browns, or similar color tones, and must be approved by Developer. There shall be no bare walls allowed. It is at the sole discretion of the Developer to add windows, brick, shutters, trim boards, vents or any item that will enhance said dwelling. Vinyl windows will be allowed only when accompanied with trim boards and/or shutters around each vinyl window, or at Developer's discretion. All siding, corner boards and fascia boards must be of natural material, Hardi Plank, LP or equal. Soffit material may be vinyl or aluminum. It shall be solely at Developer's discretion to require front elevation of home to include some type of brick or stone.

Please note: Developer would like to see some brick or stone on the front elevation of homes, with the exception of a salt-box style home. Additional restrictions may be required for that of a salt-box style home. Please contact Developer for further information if needed. Exterior of all homes shall be of a traditional, craftsman, colonial, french, country, or tudor design. No contemporary or Spanish style homes will be allowed. All exterior color selections, including, but not limited to siding, trim, gutters, roof, front door, shutters, garage door, etc. MUST be approved by Developer PRIOR to submitting plans to the City of Franklin for architectural approval.

Lot owner is encouraged to get approval prior to purchasing said Lot if there is a doubt about home to be constructed.

The following items MUST be submitted to Developer/Creative Homes, Inc. PRIOR to obtaining any approvals. (this includes architectural approval), from the City of Franklin:

- A. Three (3) sets of final home plans
- B. Three (3) copies of final survey showing location of home on said lot
- C. Final Color Selection Form (supplied by Creative Homes, Inc.), indicating all final color selections

** Creative Homes, Inc. will not grant any approvals unless all of the required information is submitted **

** Creative Homes, Inc. will process and conduct an architectural review, within 20 Days, once all required information is submitted **

** Creative Homes, Inc. encourages buyer(s) to plan ahead in the submission of required information **

3. **RESTRICTION ON SUBDIVISION.** There shall be no further division or subdivision of lots in this Subdivision without approval of the Plan Commission of the City of Franklin.

4. **DWELLING STRUCTURE.** No Dwelling shall exceed two and one-half stories in height. The ground area within the perimeter of the building at grade exclusive of porches, garages, bays, patios, breezeways and similar additions, shall not be less than the following schedule: (a) Not less than 1,800 square feet in the case of a one-story dwelling; (b) Not less than 2,400 square feet total in the case of a dwelling of one and one-half stories; (c) Not less than 2,400 square feet in the case of a dwelling of two stories, and the floor area of the first floor shall not be less than 1,100 square feet.

For purposes of figuring total area, the undersigned, in his sole discretion, shall determine what constitutes a two-story or a one and one-half story dwelling. All buildings shall be completed within the allotted time set by the City of Franklin in its ordinance. Three (3) sets of plans, and three (3) copies of the survey, showing the location of the homes, and naming the roof color, trim color, and the siding color, shall be submitted to Creative Homes, Inc., / Developer 9244 W. Grandview Court, Franklin, WI 53132, of which one set will be signed by owner if it meets numbers 1, 2 and 4 above.

5. **GARAGES.** No garage shall be larger than necessary to accommodate four (4) cars and all garages shall be attached to the dwelling either forming an integral part with the dwelling house or by connection of porch or breezeway. Garage design at Developer's discretion.

6. **TEMPORARY STRUCTURES.** No structures of any kind shall be moved onto any lot and no living quarters of temporary character shall be permitted at any time, it being the intention that only permanent, private dwellings and garages shall be permitted. All garages shall be built at the same time as the private dwellings and shall be large enough to accommodate a minimum of two (2) cars. No boats, trailers, mobile homes, RV's, or commercial trucks may be parked on the premises outside the garage other than for the delivery of materials or merchandise, except during the construction or remodeling periods.

7. **STORAGE.** No lot shall be used in whole or in part for the storage of rubbish of any character whatsoever, nor for the storage of any property that will cause such lots to appear in an unclean or untidy condition, or that will be obnoxious to the eye; nor shall any substance be kept upon any lot that will emit foul or obnoxious odor. Also prohibited is anything that will cause any noise that will or might disturb the peace, quiet, comfort or serenity of the occupants of surrounding properties. Storage sheds which are constructed, must comply with City requirements. These said sheds must match the home constructed on said lot in color, roof material and siding material and be approved by developer prior to obtaining approval from the City of Franklin. (See No. 12)

8. **UTILITY LINES.** All electric, cable and telephone lines shall be placed underground.

9. **CONCRETE APPROACH.** It is at the sole discretion of the Developer / Creative Homes, Inc. to install curb cuts on any of the lots. Curb cuts are anticipated, not guaranteed, to be installed on all lots within the development and will be installed on the high sides of the lots. If Developer / Creative Homes, Inc. does not install a curb cut, it shall be solely the lot owner(s) responsibility to install a curb cut per City of Franklin requirements. If Creative Homes, Inc. does install curb cut(s), and it is (are) not in the appropriate location, it shall be the sole responsibility of the property owner to relocate the curb cut. Also, if curb, gutter, and/or sidewalks are damaged and the city requires replacement, it shall be paid for by the owner of the lot. Buyer and Developer to inspect curb, gutters, and sidewalks prior to closing and to ensure they meet City of Franklin standards.

10. **ANIMALS.** No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot except two dogs, two cats, and other small household pets such as canaries or parakeets, provided they are not kept, bred or maintained for any commercial purposes.

11. **GRADES.** The undersigned reserves the right to set finished yard grades. It is the sole responsibility of the lot owner to remove the excess dirt from excavation that is not needed. All dirt from excavation of any lot which is not used on the premises shall be deposited in such place in the Subdivision as shall be directed by the undersigned, or if not needed in the Subdivision, within a three (3) mile radius of said Subdivision, if and only if the undersigned specifies and approves a need for the dirt. Trucking of such dirt shall be solely at the cost of the lot owner. If the undersigned does not want or need the excess dirt, it shall be the sole responsibility of the lot owner to remove the excess dirt from excavation.

11a. **SPLIT LEVEL LOTS.** To be determined per final master plan. Any change from said plan must be approved by Developer and the City of Franklin Engineering Department.

11b. **DRIVEWAY GRADES.** The City of Franklin recommends grades less than 6%, however they do allow driveway grades up to 10%. All driveway grades shall be at the sole discretion of the City of Franklin. A waiver from the City of Franklin is required to be signed by the homeowner at the time of building permit processing. Homeowners have the option, and are recommended and encouraged by Developer / Creative Homes, Inc. to add an additional step(s) in the garage from the garage floor to dwelling. With each additional step added, the grade percentage is lowered.

All subdivision grading has been specifically designed for driveways to be located on the high side of the lot.

Buyer(s) are to solely follow the master grading plan, which specifies this information. Any desired change from said plan must be submitted to Developer / Creative Homes, Inc. in the form of a grading plan completed by a registered engineering firm, for review by Developer. Changes from master grading plan must be approved first by Developer, and second from the City of Franklin Engineering Department. Approval from both is required.

12. **CONTROL.** In order to maintain harmony in appearance and to protect the owners of the lots in the Subdivision, no building, fence, sign, wall, solar panels, satellite dish, 24" or larger, cyclone fences (landscape fences, open rail type, are the exception) or other structure shall be erected, constructed or maintained upon any lot, nor shall any change or alteration be made thereon unless the complete plans and specifications, thereof (a plot plan showing the exact location of such buildings, garage, fence, wall or other structure, the elevation thereof and the grade of the lot and sketch or view of such building or structures or changes), shall have been submitted to and approved in writing by the undersigned or his assigns as herein provided. The decision of the undersigned with respect to any such matter shall be final and binding upon all parties. (Upon the undersigned owner being divested of all rights, will, and interest in and to any lot in said Subdivision, control hereunder shall be passed to a committee, to be designed by a majority of the owners of record of the lots of the Subdivision.) See # 18

(Swimming pools shall be allowed, but must be located as close as possible to rear of home, with extensive landscaping and/or privacy fence surrounding swimming pool, per Developer's approval. A plan showing the exact location of the swimming pool, and landscape and/or privacy fence specifications must be submitted to Developer / Creative Homes, Inc. PRIOR to construction or installation). Above ground pools will require decking around the pool for aesthetic purposes.

13. **LANDSCAPE - ARCHITECTURAL CONTROL.** All landscaping, including driveway, must be completed within 18 months after the completion of the residence, or, if home is completed during the winter season, landscaping shall be completed at the earliest opportunity season permits, and should conform to the grading as set forth by the City of Franklin Engineering Department. Landscaping is the sole responsibility of the homeowner. Driveway shall consist of concrete or similar material. No permanent gravel drive will be permitted. Developer will select and approve a mailbox and post which shall be purchased by Developer and the cost charged to buyer at time of closing (\$395.00). Installation shall be the sole responsibility of the lot owner and installed per Postal Service requirements. At least two trees, minimum caliper of 1-1/2 to 2 inches shall be installed on each lot at time of landscaping. Also, developer will install a city tree (per city requirements) at a cost to the lot owner of \$ 450.00 per tree, to be paid at the time of closing. Note: Corner lots may require 2 trees per the City of Franklin requirements.

It is the sole responsibility of the lot owner to cut grass and/or noxious weeds per city requirements.

14. **VIOLATION.** Any violations of these restrictions, which exist for a period of three years without a written protest thereof being received by the owner of the lot involved, shall not be considered a violation thereafter. These restrictions shall be deemed and construed to run with the land and shall be binding upon the respective owners of each of said lots and upon all persons holding or claiming under or through them. Upon the violation of any one or all of these restrictions by any owner or owners of said lots, their heirs, executors, administrators or assigns, the owner shall have the right to proceed at law or inequity against the person or persons violating or attempting to violate any such covenant or restrictions and shall be entitled to both equitable and legal relief. Invalidation of any one of these covenants and restrictions by judgment of Court order shall be construed and deemed severable and all of which are not so invalidated, shall remain in full force.

15. **UTILITIES.** Developer reserves the right for a period of three months after the execution of this document hereof, to grant easements to WE Energies, or other similar applicable companies, for utility purposes over, upon, under and across ALL lots in this Subdivision, whether owned by the developer or third parties. Such easements shall, so far as is reasonably possible, be confined to areas within 20 feet of all lot lines and be granted on standard utility forms.

16. **CONSTRUCTION.** The owner's builder and/or owner of said lot, shall be responsible for cleaning up the debris that has blown from their building site under construction. The owner's builder and/or owner of said lot, shall also be responsible for cleaning up the mud and dirt on the roadways caused by their construction. The owner's builder and/or owner, shall clean roadway of debris and dirt within twenty-four (24) hours after receiving verbal or written notice. Owner/builder is to advise Developer of any cracks or damage to curbs, gutters, and/or sidewalks prior to closing of lot. The owner's builder and/or owner shall be responsible for any damage done to curbs and/or gutters after closing.

17. **BUILDING CONSTRUCTION.** Owner and/or builder shall begin construction within two (2) years from date of closing, unless otherwise approved in writing by Developer. Owner and/or builder shall complete dwelling within one (1) year from start of construction.
It is the sole responsibility of the lot owner to cut grass and/or noxious weeds per city requirements.

18. **HOMEOWNERS' ASSOCIATION / MEMBERSHIP.** Each Homeowner / Lot-owner shall be a Member of the Association. Such membership shall be appurtenant to and may not be separated from ownership of any Lot. Every member of the association shall have one vote for each Lot owned by the Member. When more than one person or entity holds an interest in a Lot, who votes shall be determined among themselves. So long as Developer, or its successors, shall own 3 or more Lots, the authority and functions of the Board of Directors of the Association shall remain in and be exercised solely by the Developer, or its successors. When Developer, or its successors no longer own 3 or more Lots, Developer shall select two Homeowners to serve as the

temporary Board of Directors of the Association until an annual meeting of Members is held. At that time the Board of Directors shall be elected. After Developer appoints the temporary Board of Directors of the Association, it is the sole responsibility for this temporary Board of Directors to act on behalf of the Members. The Members of the Board of Directors shall not be entitled to any compensation for their services. Any Member who is delinquent in the payment of assessments charged against his Lot shall not be entitled to vote until all such assessments have been paid in full.

19. **GENERAL PROVISIONS; TERMS & EXTENSIONS.** The restrictions and covenants herein contained shall be binding upon all persons, parties, and entities having an interest in the land affected thereby, claiming under them for a period of thirty (30) years from the date hereof, at which time these Declarations of Restrictions shall be automatically renewed for successive periods of ten (10) years, unless, prior to the end of the initial or any successive period, a document signed by the owners of at least seventy-five percent (75%) of the lots has been recorded terminating or amending these Declarations of Restrictions either in whole or in part.

20. **AMENDMENT.** It shall be understood that the contents found within these Declarations of Restrictions, or any provisions to these Declaration of Restrictions, may be annulled, waived, changed, modified, or amended, at any time, by a written declaration, executed in such manner as to be recordable, setting forth such annulment, waiver, change, modification, or amendment, as executed,

- a. Solely by Developer / Creative Homes, Inc., or its successors or assigns, until such time the Developer / Creative Homes, Inc. shall no longer own 3 or more Lots.
- b. Thereafter, by the owners of at least seventy-five percent (75%) of the Lots.

21. **ANNUAL GENERAL ASSESSMENT.** There will be an annual Homeowners Association Assessment each year, which shall be used exclusively for the care, maintenance, operation, and preservation of the common lands of Pleasant View Estates. The assessed fee shall include, but shall not be limited to, the cost of labor, equipment, materials, insurance, management, and supervision thereof, and fees paid for auditing the books of the Association, and for necessary legal services and counsel fees to the Board of Directors. No lot owner shall be responsible for more than one twenty-sixth (1/26) of the total cost of upkeep and maintenance of any common areas, if applicable. Payment may be made by special assessment or annual assessment, as the Association determines. The Homeowners Association shall have the power to levy assessments against the owners of individual lots for the purposes of carrying on the business of the Association, and for payment of expenses properly incurred by the Association.

21a. **DETERMINATION OF THE ASSESSMENT.** The Board of Directors of Pleasant View Estates, once appointed by Developer, shall prepare and annually submit to Homeowners a budget of expenses for the coming year listing all costs contemplated within the purposes of the annual general assessment described in # 18 above. Upon adoption and approval of the annual budget by a majority of the Members, the Board shall determine the assessments by dividing the amount of the budget among the Lots equally.

22b. **METHOD OF ASSESSMENT.** The assessment for each lot shall be levied at approximately the same time each year. The Board shall declare the assessments so levied due and payable within 30 days from the date of such levy. The Secretary or other officer shall notify the Homeowner of each lot as to the amount of the assessment and the date such assessment becomes due and payable. Such notice shall be mailed to the Homeowners at the last known post office address by United States mail, postage prepaid.

22c. **INTEREST ON UNPAID ASSESSMENTS.** Any assessment which is not paid when due shall thereafter until paid in full, bear interest at the rate of 12% per annum or the highest rate permitted by law, whichever is higher.

23. **CITY OF FRANKLIN RESPONSIBILITIES.** In the event that the Pleasant View Estates Association fails to maintain any common areas in reasonable and orderly condition, the City of Franklin Common Council may serve written notice upon the organization or upon the residents and/or lot owners of Pleasant View Estates, setting forth the manner in which the organization has failed to maintain the common areas. Said notice shall include a demand that such deficiencies of maintenance be remedied within thirty (30) days, and shall also state the date and place of a public hearing which shall be held within fourteen (14) days of the notice. At such hearing, the Common Council may modify the terms of the original notice as to the deficiencies and may give an extension of time to correct the problems. Deficiencies not corrected within thirty (30) days of any extension may result in the City, in order to preserve taxable values of the development, or any common landscape area from becoming a public nuisance, being allowed to enter upon these areas and maintain them for a period of one (1) year. Prior to the end of the one (1) year period described above, the Common Council shall call a public hearing upon notice to the organization, or upon notice to the residents and lot owners of Pleasant View Estates, at which hearing the residents and lot owners or the organization shall show why the City of Franklin shall not continue the maintenance on these lands for an additional year. If the Common Council does determine that the organization, and/or residents and lot owners are capable and able to maintain the applicable areas of Pleasant View Estates in reasonable conditions, then the Common Council shall cease to maintain common areas at the end of said year. If the Common Council determines that the organizations and/or residents and lot owners are not capable and able to maintain common areas, then the Common Council may, at its discretion, continue to maintain these areas subject to a similar hearing and determination in the next succeeding year and in each year thereafter. The cost of such maintenance by the City of Franklin, shall be assessed against the property owners within Pleasant View Estates, and shall become a tax lien on said property. The City of Franklin, at the time of entry upon the common areas, shall file a notice of such lien at the Milwaukee County Register of Deeds office, upon the properties affected by such liens.

24. **MODEL HOMES.** "MODEL HOMES" or "SPEC HOMES" will be allowed ONLY with written permission by CREATIVE HOMES, INC on any lot in the subdivision except those as may be constructed by CREATIVE HOMES, INC. or one of CREATIVE HOMES, INC.'s related entities. No owner, therefore, of any lot may construct thereon a home, which is not going to be occupied as a principal residence by the owner of said lot without written permission by CREATIVE HOMES, INC. For the purposes of this paragraph, a model home and/or spec home are defined as any home constructed on any lot with the intent, purpose, or result of being displayed, presented, and/or advertised as a home which is capable of being duplicated and/or constructed again elsewhere, and is advertised as a model or spec for such purposes. This clause may be enforced by injunction against any such use of the lot.

THIS INSTRUMENT DRAFTED BY:

CREATIVE HOMES, INC.
Nicole M. Watson

PLEASE RETURN TO:

NICOLE M. WATSON
CREATIVE HOMES, INC.
9244 West Grandview Court
Franklin, WI 53132

Signature of Nicole M. Watson authenticated the _____ day of _____, 2019.

Notary Public

My commission expires: _____



One Source Consulting

Construction Minded | Value Sensitive | Civil Engineers

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March 1, 2019

City of Franklin
Joel Dietl, AICP
Planning Manager
9229 W. Loomis Road
Franklin, WI 53132

Re: Pleasant View Estates Preliminary Plat -- Response to Planning Comments

One Source Consulting has reviewed the planning comments prepared by City of Franklin dated December 27, 2018 and offer the following responses.

Responses in red have been addressed with this resubmittal.

Responses in blue are related to final plat items and will be addressed at that time.

Unified Development Ordinance (UDO) Requirements Design Standards

1. Please correct the two cul-de-sac names, to be S. 49th Court and S. 50th Court respectively, per Section 15-5.0101B.10. of the UDO.

It is the desire of the developer that the cul de sacs be named as shown (Marquette Court and Pleasant View Court) for the following reasons.

There is already a S. 50th Court 2 miles south of the development and street names are unable to be duplicated. Additionally, police and fire had no objection to the proposed street names.

We ask that the decision be finalized by the Common Council as part of the preliminary plat approval.

2. Please note that the City's Comprehensive Master Plan identifies Marquette Avenue as a Collector Street, and per Table 15-5.0103 of the UDO, the right-of-way width should be 80 feet. Please also note condition #24 of Resolution No. 2018-7375 referenced above.

However, in the interest of getting Marquette Avenue dedicated and constructed at this time in a cooperative manner by both adjacent developers, as this portion of Marquette Avenue is only three blocks long, and as traffic concerns adjacent to the Pleasant View Middle School exist and would be significantly reduced by construction of the subject street, both the City Engineer and the Planning Manager do not object if this portion of Marquette Avenue is dedicated and constructed as a Minor Street with a right-of-way width of 66'.

The width of Marquette Avenue has been a collaborative effort with staff, Ald. Wilhelm, and the adjoining developer of Oak Ridge subdivision. The engineer for Oak Ridge has completed the design of the street per staff recommendations, and it is our understanding that it has been designed without any objections. The width is shown on the Pleasant View Estates preliminary plat and improvement plans based on this coordination. If changes are requested by the common council, we will make any necessary adjustments.

3. Please acquire and dedicate the remaining right-of-way for Marquette Avenue adjacent to the subject property per Table 15-5.0103 and Section 15-5.0103F. of the UDO.

A mutually acceptable means will be determined to transfer the portion of Marquette Avenue south of the 1/4 section line to the City of Franklin for street purposes by Quit Claim Deed following approval of the Preliminary Plat and subsequent development agreement by the Common Council.

It is staff's understanding that the adjacent proposed Oak Ridge preliminary plat has also identified Marquette Avenue in the same location and configuration as shown on the Pleasant View Estates subdivision plat. If both plats proceed simultaneously, this issue may thus be addressed.

The alignment and width of Marquette Avenue and the proposed intersections have been closely coordinated between the two developments as presented. Construction of Marquette Avenue is anticipated to be completed in conjunction with the Oak Ridge subdivision and Creative Homes with a mutually agreed upon cost split still to be finalized and enumerated in development agreements for both developments once final costs are obtained.

4. Please provide a 20' wide pedestrian access easement for the sidewalk extending south from Pleasant View Court per Table 15-5.0103 and Section 15-8.0107 of the UDO.
The pedestrian path is located entirely within and Outlot. A pedestrian access easement has been shown on preliminary plat, which will also serve as the maintenance access to the stormwater pond.
5. Please note that street grades as required by Section 15-5.0103D. of the UDO may have been superseded by new standards in the City's Design Standards and Construction Specifications. You must contact the Engineering Department to obtain the latest most up-to-date requirements.
The roadway cross slope has been updated on the improvement plans as is reflected in the updated contours shown on the preliminary plat with no impact to lot layout and density.
6. Please provide utility easements along rear lot lines, and in mid-block locations where necessary, as required by Section 15-5.0105D. of the UDO. Please note that these utility easements are required to be shown on the Final Plat.
We Energies has developed a preliminary utility layout and a coordination meeting has been held for the subdivision. The layout will be refined to coordinate with the improvement plans and based on phasing of the subdivision. Once the layout is acceptable to Creative Home and We Energies, a copy will be provided to Engineering for review. The easement will be included on the final plat as required.
7. Please revise the plat to identify the correct width for lot 14 (approximately 130', not 144'), depth for lot 14 (approximately 120', not 100'), and label the lot depth between lots 22 and 23, as required by Section 15-5.0106D. of the UDO.
The lot line dimension have been reviewed and updated.
8. Please revise the plat to provide the correct Building Setback Line from an Arterial Street of 40' for lots 25 and 26 per Section 15-5.0108B. of the UDO.
The setback lines have been reviewed and updated.
9. Please prepare a Conservation Easement for City review and approval encompassing all natural resource features to be protected as required by Section 15-5.0109A. of the UDO.
The conservation easement is depicted on the preliminary plat and a legal description has been prepared as requested.

In addition, please coordinate with the Engineering Department on all required utility easements for City review and approval. Please note that all required utility easements must be at least 12 feet wide, or wider if so recommended by the City Engineer, pursuant to Section 15-5.0109C. of the UDO.

Utility easements are still being coordinated with We Energies. Once the layout is approved by Engineering, the required easements will be included on the Final Plat.

General Plat Data

10. Please correct the Scale bar to reflect a scale of 1" = 60' per Section 15-7.0501E. of the UDO.
The bar scale text has been updated. The scale remains as noted.
11. Please correct the Site Data to reflect 26 lots **and 4 Outlots**, and to provide the density of the development, as required by Section 15-7.0501H. of the UDO.
The site data has been updated to include reference to the number of outlots.
12. Please add a note to the plat that Outlots 3 and 4 are reserved for stormwater management facilities per Section 15-7.0501J. of the UDO.
The purpose of outlots have been noted on the preliminary plat as requested. The purposes as noted may not be inclusive of all known future uses at this time.
13. Please correctly depict all existing setbacks, buffers, and building lines as required by Section 15-7.0501K. of the UDO.
Building lines/envelopes must reflect the R-6 zoning requirements, please correct the 30' rear yard setback for lots 18, 19, 23, and 24.
The setbacks have been reviewed and updated.

*The setback and buffer must be clearly shown and labeled on all portions of all wetlands.
The wetland setback and buffer area have been further enhanced to make them more clear. Lots 7 – 9 include the upland 20' of the wetland setback (no build) area within the lots as permitted by the UDO.*
14. Please depict all existing right-of-way immediately adjacent to the Plat, as required by Section 15-7.0502F. of the UDO.
Depict the existing Marquette Avenue right-of-way boundary to the east of the plat.
Marquette Avenue does include a 90' right-of-way east of the proposed subdivision. A note have been added to the depict the location of the width change.
15. Please clearly identify and label utility locations on the face of the Plat as required by Section 15-7.0502I. of the UDO.
This includes the light pole at 49th Street and Marquette Avenue, and the telephone poles along 51st Street.
The utility pole locations have been added to the preliminary plat. The pole at 49th Street will be relocated by We Energies when Marquette Avenue is extended to 51st Street.
16. Please identify the correct size of lots 14 (approximately 15,600 SF, not 15,440 SF) and 25 (approximately 18,515 SF, not 18,640 SF) per Section 15-7.0502L. of the UDO.
The lot areas have been reviewed and updated as necessary.
17. Please revise the plat to provide the correct existing zoning per Section 15-7.0502O. of the UDO.
The subject property does not appear to include any FW-Floodplain zoning.
The reference to floodplain zoning has been removed.
18. Please identify and label the soil types as required by Section 15-7.0502R. of the UDO.

For clarity purposes, staff recommends this information be placed on the Master Grading Plan.
Soil types have been added to the grading plan as recommended and are shown in orange on the preliminary plat to make the other lines on the document more visible.

19. Please revise the Market Analysis to include the anticipated absorption rate as required by Section 15-7.0502X. of the UDO.

Creative Homes has prepared this item and is included in the revised submittal.

20. Please provide a Financial Plan to include project implementation as required by Section 15-7.0502Y. of the UDO.

Creative Homes has prepared this item and is included in the revised submittal..

21. Please revise the Project Summary to include the fiscal impact upon the City, operational information, building schedule, and site improvement costs as required by Section 15-7.0502Z. of the UDO.

Creative Homes has prepared this item and is included in the revised submittal.

22. Please provide the paved trail from Marquette Avenue to Pleasant View Park during Phase 1 of the proposed plat, per condition #23 of Resolution No. 2018-7375.

Creative Homes is committed to providing a paved path between Marquette Avenue and Pleasant View Park. The location of the path is depicted on the Preliminary Plat. The timing of the path construction is when Pleasant View Court is constructed. This is the most feasible and sensible timing and can be clearly described in the development agreement. Note: There are already three access points to Pleasant View Park. The item is anticipated to be discussed with Common Council.

Site Intensity and Capacity Calculations

23. Please correct/verify the base site area, Table 15-3.0502 indicates 27.38 acres, while the NRPP indicates 32.132 acres. Correct all other calculations as necessary.

The base acreage has been updated in an updated NRPP as requested.

24. Please correct/verify the woodland calculation, Table 15-3.0503 indicates 0.0 acres, but the NRPP indicates 2.2 acres of young woodland. Please note that trees planted for nursery and landscaping purposes (unless included in an adopted Landscape Plan), and non-native trees (unless classified as noxious and subnoxious weeds in the Municipal Code), are to be included as woodlands. The Site Intensity and Capacity Calculations must be revised accordingly.

The NRPP has been updated to reflect the absence of woodlands within the site area based on the letters obtained from certified arborists by Creative Homes.

25. The wetland setback acreage must be added to Table 15-3.0503 pursuant to Section 15-4.0102I. and 15-7.0201I. of the UDO and the Site Intensity and Capacity Calculations revised accordingly.

The wetland setback acreage (no build) has been updated in the site intensity calculation based on the revised site area and excluded the portions of wetland setback with the Evergreen Park Estates subdivision.

Natural Resource Protection Plan

26. Please correct the project name on the NRPP report per Section 15-7.0201A. of the UDO.

The NRPP has been updated by the original preparer to reflect the reduced site area and subdivision name to be specific to Pleasant View Estates.

27. Please include all revision dates on the NRPP report and map per Section 15-7.0201A. of the UDO.
No revision date is necessary at this time, since staff is requesting that an NRPP be prepared exclusively for Pleasant View Estates.
28. Please verify what woodlands, if any, exist within the subject plat per Section 15-7.0201I. of the UDO. Please also note condition #24 of Resolution No. 2018-7375 referenced above.
As noted above, the NRPP text indicates that 2.2 acres of young woodlands exist but are not shown on the NRPP map. And as noted above, trees planted for nursery and landscaping purposes (unless included in an adopted Landscape Plan), and non-native trees (unless classified as noxious and subnoxious weeds in the Municipal Code), are to be included as woodlands.
If acceptable to the City Engineer, the City's Forester/Arborist Tom Riha could be utilized to verify this information.
Please verify the amount of woodlands, wetland setback, and total acres of natural resource features, and correct the NRPP report, NRPP map, and Site Intensity Calculations accordingly.
The NRPP has been updated to reflect the absence of woodlands within the site area based on the letters obtained from certified arborists by Creative Homes.
29. Please graphically and numerically depict all of the natural resource features that will be disturbed and those that will be preserved per Section 15-7.0201J. of the UDO.
Staff recommends that the stormwater pond disturbance/encroachment into the wetland setback be identified on the NRPP map, and that the NRPP report be revised to include the wetland setback.
The impact has been incorporated into the NRPP map as requested.

Required Improvements for Land Divisions

30. Section 15-8.0100 of the UDO sets forth the required improvements for all land divisions. Closely review and incorporate that information onto the Preliminary Plat, or associated plans, as appropriate. Additional information about these requirements, and any questions about them, can be directed to the Engineering Department.
This is a general statement about the scope of required improvements, no changes to the preliminary plat are required.

Staff Recommendations Plat

31. Please note that staff recommends that S. 50th Street on the adjacent Oak Ridge subdivision plat be moved an additional 20' eastward.
The location of the S. 50th Street has been closely coordinated with Oak Ridge subdivision and no changes to the location of intersection are necessary at this time.
- a. Therefore, staff herein recommends that that the plat be revised to move Marquette Court eastward as well. Staff also recommends that lot 15 be removed, and lots 11 through 24 be revised in such a manner that all of these lots are more closely aligned in size and depth.
No changes are necessary based on the close coordination with the Oak Ridge subdivision.
32. Should S. 50th Street not be moved as noted above, staff recommends that the plat be revised to provide a minimum lot depth of 115' for lot 16.
Accordingly, staff recommends that lot 14 be reduced in depth by approximately 5'. In turn, staff recommends that the depth of lots 11, 12, and 13 be reduced by a comparable amount, and that the depth of lots 17 and 18 be increased by a comparable amount (staff recommends that lot 19 remain as is as much as possible).

Lot 14 already exceeds the 118' minimum lot depth required for the R-6 zoning district. The lot line length was shown incorrectly as noted above. No lot layout changes were made as suggested. The lot sizes were closely selected by Creative Homes based on anticipated market conditions.

33. Staff suggests that Pleasant View Court be extended southward from Marquette Avenue the full 800' that is allowed by the UDO for cul-de-sacs, to allow the creation of additional lots in the Pleasant View Estates subdivision, and to provide frontage/access opportunities for any future land divisions of the adjacent properties to the west.

The length of Pleasant View Court has been maximized so that sanitary sewer flows to the north by gravity to an existing sewer at the intersection of Marquette Avenue and S. 49th Street.

If this suggestion is pursued, a Natural Resource Special Exception and/or Alternatives Analysis for Public Road Purposes will be required to fill and remove the small isolated wetland located south of lot 10.

A special exception is being pursued for the small isolated wetland (undrained crop row) to accommodate the pedestrian path to Pleasant View Park. The location of the path was carefully selected based on consultation with Wetland & Waterway Consulting to be along the ridge of the slope and at the edge of the drip line of the tree canopy that extends over the lot line from the adjacent residential properties.

34. Pursuant in part to Section 15-7.0502M. of the UDO, staff recommends that the plat be revised to label and indicate the purpose of each proposed Outlot.

This is a duplicate comment to #12 above.

35. Staff recommends that Outlots 2 and 3 be revised to encompass all wetland setbacks and wetland buffers, and that the adjacent lots be revised accordingly.

Numerous ownership options are still being pursued for the areas in Outlots 2 & 3 with the City of Franklin. The options included ownership by the HOA, an adjacent lot owner, City Park & Open Space, or retained by the Developer. Resolution of the ownership will be known prior to submittal of Final Plat.

The Conservation sign notes should then be removed from the plat.

The note has been removed from the plat.

36. Staff recommends that the sidewalk on Marquette Avenue be located on the south side of the road, to match the location of the existing sidewalk by Pleasant View Middle School.

The location of the sidewalks have been closely coordinated with Oak Ridge subdivision and the extension plans for Marquette Avenue. The proposed sidewalk is generally located on the south side of Marquette Avenue with the exception of the block immediately east of S. 51st Street. The need for a retaining wall adjacent to the Drexel Avenue LLC owned parcel to construct the intersection make the south side location undesirable for this segment of Marquette Avenue.

Please note that the City Engineer recommends, and the Planning Manager suggests, that sidewalks be provided along both sides of Marquette Avenue. Additionally, the City Engineer recommends sidewalks along both sides of all streets within the proposed subdivision plat.

The UDO requires sidewalks along one side of streets with a functional classification of collector and lower. As such, sidewalks are only proposed along one side of Marquette Avenue and the west side of Pleasant View Court to provide a connection of Pleasant View Park from S. 49th Street. No sidewalks

are desired on Marquette Court.

37. Staff recommends that the phasing of the subdivision plat be revised to clearly and specifically identify what lots, roads, etc. will be included within each phase.

The phasing was depicted as desired on the preliminary plat in order to ensure the financial viability of the development based on feedback from the Common Council that the budgeted funds for the extension of Marquette Avenue were unlikely to be authorized for construction of the roadway. The phasing anticipated is as follows:

Phase I: Lots 1, 2, 3, 25 & 26.

Phase II: Pleasant View Court and Lots 4-15, both stormwater ponds and the pedestrian trail to Pleasant View Park.

Phase III: Marquette Court and Lots 16-24

*** Phase I and II may be considered to be completed simultaneously depending on the final costs of Marquette Avenue construction.*

Furthermore, staff recommends that Phase 1 include all lots adjacent to one of the cul-de-sacs and the two lots on S. 51st Street, and that Phase 2 include all lots adjacent to the other cul-de-sac.

Please see above. Creative Homes has carefully analyzed the best options for financial feasibility to ensure the future construction of Marquette Avenue.

38. Staff recommends that the utility easements required by Section 15-5.0105D. of the UDO also be shown on the Preliminary Plat.

The preliminary plat has been provided to We Energies for design of the utility system as noted above.

Once available, the layout will be provided to Engineering for approval and easements will be included on the final plat.

39. Please label all wetland buffers as "30-foot Wetland Buffer, No Touch" and please label all wetland setbacks as "50-foot Wetland Setback, No Build".

The text revision has been made as requested.

40. Staff recommends that all grading and land disturbing activities (including the trail) be kept out of the tree line associated with the Vance Trust property boundary (which appears more likely to be part of a young woodland) and with any signature trees. Staff suggests that all grading and land disturbing activities be kept out of all tree lines.

As noted above, the location of the trail was carefully selected based on consultation with Wetland & Waterway Consulting to be along the ridge of the slope and at the edge of the drip line of tree canopy that extends over the lot line from the adjacent residential properties.

Natural Resource Protection Plan (NRPP)

41. 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".

Same comment as #39 above

42. In the Conservation Easement Document, please provide individual exhibit(s) for all natural resources that are to be protected as part of this development. This includes but is not limited to wetland buffers and wetlands.

Staff suggests that the wetland setbacks also be included within the conservation easement.

No objection.

If wetland setbacks would extend into individual lots, staff recommends that the setbacks be included within the conservation easement.

No objection.

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

43. 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.
Creative Homes has prepared this item and is submitted in this package.
44. 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.
It is possible that portions of the conservation easement lands will become property of the City of Franklin prior to recording or in conjunction with the final plat. As a result, the conservation easement legal description has not been developed. The conservation easement is depicted in the NRPP and shown on the preliminary plat.
45. 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.
Creative Homes has prepared this item and is included within the Declaration and Covenants.
46. 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.
This has been the City's practice and is clear in the UDO.

Sign Plan

47. If a subdivision monument sign is proposed in the future, it requires a separate application and review and approval by the Plan Commission.
Understood, no response necessary.

Engineering Staff Comments

48. The proposed West Marquette Avenue, connecting to South 51st Street, must be dedicated for public road right of way. Each lot must have direct access to the public road or street, no direct access to a dedicated right of way, and every Outlot should be considered an unbuildable lot. Below are some of the comments for the Final Plat review submittal;
No objection. The mechanism of transfer remains undecided, but will occur upon the approval and agreement of both developers.
- Show the proposed right of way width (minimum 60-ft) for the two Courts.
Labels added as requested.
 - Show the vision triangle at the intersections.

As required by UDO 15-5.0201, vision clearance spaces will be ensured by easements on the final plat. A note has been added to the preliminary plat.

- *Show all the utility easements such as storm drainage, sewer & water, access, trail, gas & electric, etc. Once the utility locations are finalized and infrastructure plans are approved by Engineering, all utility, access and drainage easements will be depicted on the infrastructure plans and created with the final plat.*

Police Department Staff Comments

The Franklin Police Department has reviewed the application for Pleasant View Estates. The Police Department has no issues with this request.

Milwaukee County

To be provided when available.

Milwaukee County provided a "No objection" letter dated December 13, 2018 which included several minor Scribner's corrections that have been incorporated into the preliminary plat.

Please feel free to contact me directly regarding concerns that remain with the plans as resubmitted.

Sincerely,

ONE SOURCE CONSULTING, LLC



Craig Donze, PE PLS
Principal

DIVISION 15-3.0500 SITE INTENSITY AND CAPACITY CALCULATIONS

**SECTION 15-3.0501 NATURAL RESOURCE PROTECTION AND SITE
INTENSITY AND CAPACITY CALCULATIONS FOR
RESIDENTIAL AND NONRESIDENTIAL USES REQUIRED**

- A. **Recognition of Natural Resource Features.** This Ordinance recognizes that landforms, parcel size and shape, and natural resource features vary from site to site and that development regulations must take into account these variations. The maximum density or intensity of use allowed in any zoning district is controlled by the various district standards set forth for each of the various zoning districts of this Ordinance.
- B. **When Natural Resource Protection and Site Intensity and Capacity Calculations Are Required.** Natural resource protection is required for all development and the site intensity and capacity calculations set forth in this Division shall be made for each parcel of land to be used or built upon in the City of Franklin including all new Certified Survey Maps, Preliminary Plats, condominiums, multiple-family residential developments, all nonresidential development, and as may be required elsewhere in this Ordinance except as excluded under the provisions of Section 15-3.0501C. of the Unified Development Ordinance.
- C. **Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are Not Required).** Natural resource protection shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for the construction of single-family and two-family residential development located on non-divisible existing lots of record within existing platted Subdivisions (with an approved Final Plat), Certified Survey Maps, and Condominiums existing on August 1, 1998, the effective date of this Ordinance or for which a natural resource protection plan and site intensity capacity calculations were filed at the time of division after August 1, 1998. A Natural Resource Protection Plan shall not be required with an application for certified survey map approval where a single property zoned I-1 Institutional District is divided as a result of a public work of improvement for street extension purposes, with related public sanitary sewer and water work for which special assessment was made, into two or more parcels through the property fee acquisition by the City for the extension of the public street. The foregoing exclusions from Natural Resource Protection Plan submission requirements for certified survey map applications shall only be available upon the conditions that in lieu of the Plan submission requirement, the certified survey map application shall be accompanied by the "best available information" as to the existence of any natural resource features, such as existing topographical maps, wetland inventories, and other such inventories as may be available; and that a Natural Resource Protection Plan must be submitted upon any further development of any portion of the mapped property. A Natural Resource Protection Plan shall also not be required with an application for certified survey map approval where lots are being created from a larger surrounding parcel, with the larger in area in relation to the lots created remnant parcel being vacant, or already having being developed by the existence of a principal structure and not being the subject of current further development application, and with the only natural resources within the map area being upon the remnant parcel and being more than 500 feet away from the lots being created. The foregoing exclusion from Natural Resource Protection Plan submission requirement for certified survey map applications shall only be available upon the conditions that i) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in §15-4.0102, located on

the parcels of the Certified Survey Map based upon the "best available" information; (ii) that a Natural Resource Protection Plan must be submitted upon any further development of the "remnant" parcel; and iii) the following note shall be placed upon the face of such Certified Survey Map: "The Natural Resource Features identified herein are not based upon field surveys. In the event of further land division or development of a parcel herein with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel" For the purposes of this section, the Zoning Administrator shall not require that the "best available" information be a "first source" of information, as identified in §15-4.0102A., B., C., D., and G. Notwithstanding any other provision of this Ordinance, natural resource protection and any such related Natural Resource Protection Plan, shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for any accessory use structure or accessory use development or for an addition or modification to an existing principal structure development which does not increase the existing developed structure and impervious surface area upon the parcel by more than 50% or 2,500 square feet, whichever is smaller, where natural resource feature(s) are not within 100 feet of the area to be disturbed by the new development, upon a parcel supporting an existing principal structure with an existing principal use; determination as to whether natural resource features are within 100 feet of the area to be disturbed, the boundaries of which shall be clearly identified within application materials, shall be made by the City Engineer or designee; however, if any resources identified by the Southeastern Wisconsin Regional Planning Commission in PR 176 or in PR 42, as may be amended from time to time, as Primary or Secondary Environmental Corridor and/or Isolated Natural Resources Area, are located on the site by the City Engineer or designee, but are outside of 100 feet of the area to be disturbed, a written plan shall be provided by the applicant detailing the protective measures that will be implemented to prevent such natural resource feature(s) adverse impacts, which shall be subject to approval by the Plan Commission and shall be installed as may be provided on site as detailed within the plan as a condition of application approval.

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**

STEP 1:	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.	27.38 acres
STEP 2:	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.	- 2.50 acres
STEP 3:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space.	- 0.00 acres
STEP 4:	In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed residential use, subtract (-) the land proposed for nonresidential uses; or In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed nonresidential use, subtract (-) the land proposed for residential uses.	- 0.00 acres
STEP 5:	Equals "Base Site Area"	= 24.88 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.

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 0.00 =	0.00
20-30%	0.65	0.75	0.70	X 0.00 =	0.00
+ 30%	0.90	0.85	0.80	X 0.00 =	0.00
Woodlands & Forests:					
Mature	0.70	0.70	0.70	X 0.00 =	0.00
Young	0.50	0.50	0.50	X 0.00 =	0.00
Lakes & Ponds	1	1	1	X 0.00 =	0.00
Streams	1	1	1	X 0.00 =	0.00
Shore Buffer	1	1	1	X 0.00 =	0.00
Floodplains	1	1	1	X 0.00 =	0.00
Wetland Buffers	1	1	1	X 2.32 =	2.32
Wetlands & Shoreland Wetlands	1	1	1	X 3.77 =	3.77
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)					6.09

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.

1

Table 15-3.0504

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

STEP 1:	CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): 24.88 Acres Multiple by Minimum <i>Open Space Ratio (OSR)</i> (see specific residential zoning district OSR standard): X 0.00 Equals MINIMUM REQUIRED ON-SITE OPEN SPACE = 0.00 acres
STEP 2:	CALCULATE NET BUILDABLE SITE AREA: Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): 24.88 Acres 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: - 6.09 Acres Equals NET BUILDABLE SITE AREA = 18.79 acres
STEP 3:	CALCULATE MAXIMUM NET DENSITY YIELD OF SITE: Take <i>Net Buildable Site Area</i> (from Step 2 above): 18.79 Acres Multiply by Maximum <i>Net Density (ND)</i> (see specific residential zoning district ND standard): X 2.972 Equals MAXIMUM NET DENSITY YIELD OF SITE = 55 D.U.s
STEP 4:	CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE: Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): 24.88 Acres Multiply by Maximum <i>Gross Density (GD)</i> (see specific residential zoning district GD standard): X 2.972 Equals MAXIMUM GROSS DENSITY YIELD OF SITE = 73 D.U.s
STEP 5:	DETERMINE MAXIMUM PERMITTED D.U.s OF SITE: 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): 55 D.U.s

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.

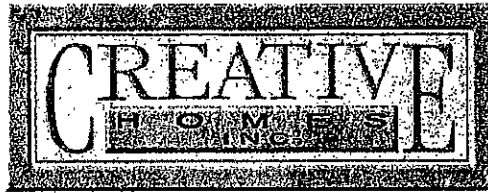
A. Maximum Permitted Floor Area for a Retail Building:

- 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, PDD District, 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**

STEP 1:	CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE: Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): _____ Multiply by Minimum <i>Landscape Surface Ratio (LSR)</i> (see specific zoning district LSR standard): X _____ Equals MINIMUM REQUIRED ON-SITE LANDSCAPE SURFACE = _____ acres
STEP 2:	CALCULATE NET BUILDABLE SITE AREA: Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): _____ 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: _____ Equals NET BUILDABLE SITE AREA = _____ acres
STEP 3:	CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE: Take <i>Net Buildable Site Area</i> (from Step 2 above): _____ Multiply by Maximum <i>Net Floor Area Ratio (NFAR)</i> (see specific nonresidential zoning district NFAR standard): X _____ Equals MAXIMUM NET FLOOR AREA YIELD OF SITE = _____ acres
STEP 4:	CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE: Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): _____ Multiply by Maximum <i>Gross Floor Area Ratio (GFAR)</i> (see specific nonresidential zoning district GFAR standard): X _____ Equals MAXIMUM GROSS FLOOR AREA YIELD OF SITE = _____ acres
STEP 5:	DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE: 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): _____ acres (Multiple results by 43,560 for maximum floor area in square feet): _____ (____ s.f.)



March 22, 2019

Steve Olson
Mayor
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

Steve,

It was great meeting with you last week regarding our Pleasant View Estates development. We look forward to continuing on this project.

One of the items discussed at that meeting, was the Outlot that is part of our preliminary plat, that we have received mixed feelings on, whether the City would be interested in pursuing this for future parkland and/or open space.

As you suggested, please accept this letter as notice that we would be willing to sell this Outlot to the city for their usage if they choose. However, we are at that stage that we really need to make a final decision on if the city is interested or not in purchasing this parcel. We have been approached by adjoining homeowners with possible interest to pursue the Outlot, but, would prefer to give the city the first option, again, because they expressed interest early on.

If you could please find some definitive answers from the city, we would appreciate it.

Thank you much.

Sincerely,

A handwritten signature in cursive script, reading "Rick Przybyla".

Rick Przybyla
President
Creative Homes, Inc.

"A Builder of Quality Homes & Developments"

9244 West Grandview Court • Franklin, WI 53132 • Phone: 414.529.0958 • Fax: 414.529.4032

PRELIMINARY PLAT PLEASANT VIEW ESTATES

PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE
SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST,
CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



Parcel 1 CSMB0278
Tax No. 788986009
Clare Meadows, LLC
7700 S 81st St
Franklin, WI 53132

BEARING REFERENCE
ALL BEARINGS ON THIS PLAT REFERENCED TO
WISCONSIN STATE PLATE COORDINATE SYSTEM, 1983
NAD 83, SOURCE ZONE WITHIN THE WEST HALF
OF THE SOUTHEAST 1/4 OF SECTION 11 FR. 21E HAS
AN ASSIGNED BEARING OF 100°00'00" (PER 1983
CSM) AS REVISED JANUARY 2015

VERTICAL DATUM IS BASED ON MEAN SEA LEVEL
(NAD 83) 11. 2015 DATUM'S FROM FLOOD MAPS

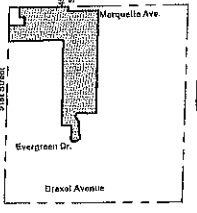
- LEGEND**
- 1) INDICATES RECORDED DIMENSION
WHICH DIFFERS FROM ACTUAL
MEASUREMENT
 - 2) 1/4 SECTION OR 1/4 SECTION
CANNOT BE RECORDED
 - 3) 1" IS NOT FOR ROAD
(UNLESS OTHERWISE NOTED)
 - 4) 1" IS NOT FOR 1/4 SECTION OR 1/4
SECTION (UNLESS OTHERWISE NOTED)
 - 5) 1" IS NOT FOR 1/4 SECTION OR 1/4
SECTION (UNLESS OTHERWISE NOTED)
 - 6) 1" IS NOT FOR 1/4 SECTION OR 1/4
SECTION (UNLESS OTHERWISE NOTED)
 - 7) 1" IS NOT FOR 1/4 SECTION OR 1/4
SECTION (UNLESS OTHERWISE NOTED)
 - 8) 1" IS NOT FOR 1/4 SECTION OR 1/4
SECTION (UNLESS OTHERWISE NOTED)
 - 9) 1" IS NOT FOR 1/4 SECTION OR 1/4
SECTION (UNLESS OTHERWISE NOTED)
 - 10) 1" IS NOT FOR 1/4 SECTION OR 1/4
SECTION (UNLESS OTHERWISE NOTED)
 - 11) 1" IS NOT FOR 1/4 SECTION OR 1/4
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 - 12) 1" IS NOT FOR 1/4 SECTION OR 1/4
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 - 13) 1" IS NOT FOR 1/4 SECTION OR 1/4
SECTION (UNLESS OTHERWISE NOTED)
 - 14) 1" IS NOT FOR 1/4 SECTION OR 1/4
SECTION (UNLESS OTHERWISE NOTED)
 - 15) 1" IS NOT FOR 1/4 SECTION OR 1/4
SECTION (UNLESS OTHERWISE NOTED)
 - 16) 1" IS NOT FOR 1/4 SECTION OR 1/4
SECTION (UNLESS OTHERWISE NOTED)
 - 17) 1" IS NOT FOR 1/4 SECTION OR 1/4
SECTION (UNLESS OTHERWISE NOTED)
 - 18) 1" IS NOT FOR 1/4 SECTION OR 1/4
SECTION (UNLESS OTHERWISE NOTED)
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DATED THIS 19th DAY OF SEPTEMBER, 2018
REVISED THIS 6th DAY OF MARCH, 2019

James R. Beaty
JAMES R. BEATY

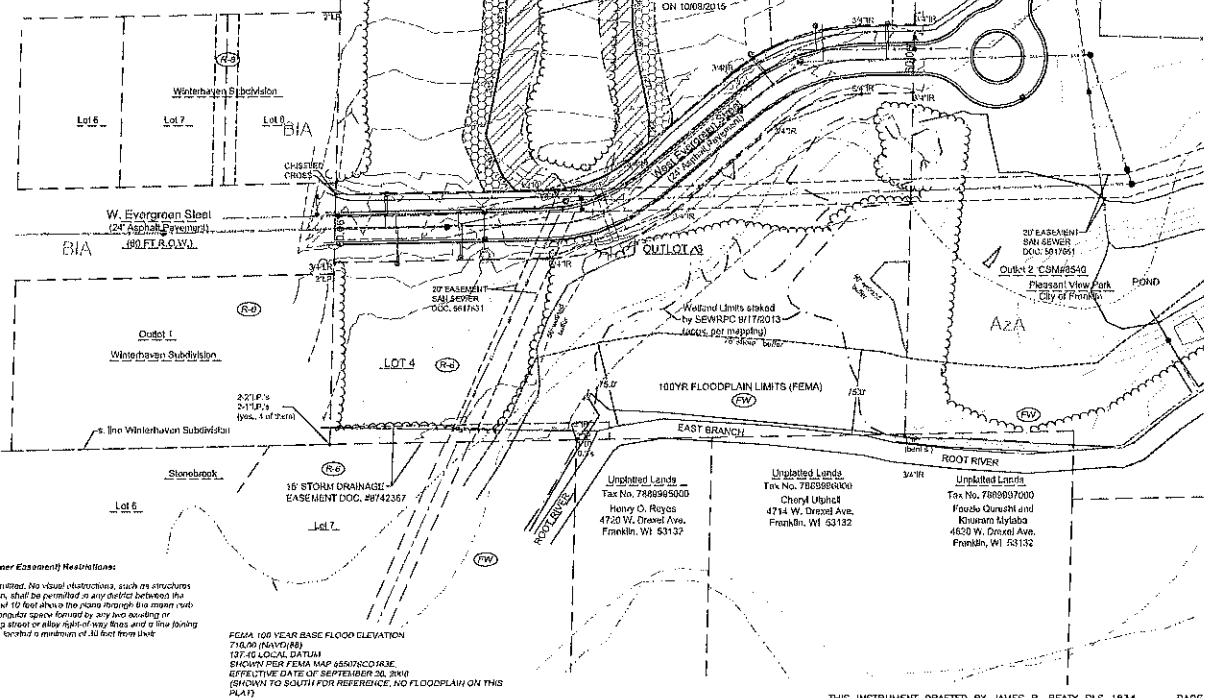
MzdB2

10" STORM SEWER
AND DRAINAGE EASEMENT
PER CBM 6278



VICINITY MAP
SE 1/4 SECTION 11, T5N, R21E

Parcel 2 CSMB0275
Tax No. 788986012
Clare Meadows of Franklin
7760 S 81st St
Franklin, WI 53132



V.C.E. - (Vision Corner Easement) Restrictions:
No Obstructions Permitted. No visual obstructions, such as structures,
parking, or vegetation, shall be permitted in any district between the
heights of 4' 5' and 10' feet above the ground through a main road
grades within the triangular space formed by any two roadways or
proposed intersecting street or alley right-of-way lines and a line joining
points on such lines, located a minimum of 30 feet from line
intersection.

FEMA 100 YEAR BASE FLOOD ELEVATION
716.00 (541.00)
137-6 LOCAL DATUM
SHOWN PER FEMA MAP 5800C0103E
EFFECTIVE DATE OF SEPTEMBER 20, 2018
(SHOWN TO SOUTH FOR REFERENCE, NO FLOODPLAIN ON THIS
PLAT)

PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

[illegible]

DATED THIS 18TH DAY OF SEPTEMBER, 2018 AT WALES, WI.
REVISED THIS 5th DAY OF MARCH 2019

Charles R. Beatty
JAMES R. BEATTY PERSONA

Creative Homes, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped, and dedicated as represented on this plat. Creative Homes, Inc. does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

IN WITNESS WHEREOF, the said Creative Horries, Inc. has caused these presents to be signed by Rick J. Przybyla, its president, and Nicole M. Watson, its Secretary, at Franklin Wisconsin, and its corporate seal to be hereunto attested on this _____ day of _____, 2019.

Creative Homes, Inc.

STATE OF WISCONSIN

Notary Public, _____, Wisconsin
My commission expires _____
(Notary Seal)

Date	Approved

Sender: Mendenhall City Clerk

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

_____, 2019
(Date)

STATE OF WISCONSIN)
MILWAUKEE COUNTY) S

(Date) David Cullen, Treasurer

Although all lots in the Subdivision have been reviewed and approved for development, with single-family residential use in accordance with Section 236 Wisconsin Statutes, some lots may contain soil conditions which, due to the possible presence of groundwater near the surface, may require soil engineering and foundation design with regard to basement construction. It is recommended that either a licensed professional engineer or other soils expert design a basement and foundation which will be suitable to withstand the various problems associated with saturated soil conditions on basement walls or floors or that special measures be taken. Soil conditions should be subject to each owner's special investigation prior to construction and no specific recommendation is made herein.

Those areas of land which are identified as Conservation Elements of this subdivision plat shall be subject to the following restrictions:

1. Graveling and filling any road not authorized.
2. The removal of topsoil or other earthen materials shall be prohibited.
3. The use of any type of spray or application of herbicides, pesticides, poisons, grasses, etc. shall be prohibited with the exception of the application of those substances for the eradication of the distribution of herbivores, or silvicultural burning upon the approval of a naturalist and the approval of the City of Franklin.
4. Grazing by domesticated animals (i.e., horses, cows, etc.) shall be prohibited.
5. The introduction of plant material, including seeds, shall be prohibited.
6. Ponds may be permitted subject to the approval of the municipality in which they are located and, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.

141	N65 25'02"E	87.17
142	N61 22'38"E	8.89
143	N26 25'09"E	7.17
144	N01 45'13"E	277.26
145	N80 46'18"E	78.17

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>05/21/19</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>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, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (FRED ARBANELLA, ARBANELLA/CARMODY HOMES, APPLICANT) (AT 7475 SOUTH 49TH STREET)</p>	<p>ITEM NUMBER</p> <p><i>G.2.</i></p>
<p>At its May 9, 2019, meeting the Plan Commission recommended approval of 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. (7475 South 49th Street).</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to adopt Resolution No. 2019-_____, 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) (7475 South 49th Street).</p>		

RESOLUTION NO. 2019-_____

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, CITY
OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
(FRED ARBANELLA, ARBANELLA/CARMODY HOMES, APPLICANT)
(AT 7475 SOUTH 49TH STREET)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such 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, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 7475 South 49th Street, bearing Tax Key No. 759-9981-010, Fred Arbanella, Arbanella/Carmody Homes, applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Fred Arbanella, Arbanella/Carmody Homes, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.

FRED ARBANELLA, ARBANELLA/CARMODY HOMES – CERTIFIED SURVEY MAP
RESOLUTION NO. 2019-_____

Page 2

3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.
4. Fred Arbanella, Arbanella/Carmody Homes, successors and assigns, and any developer of the Fred Arbanella, Arbanella/Carmody Homes 2 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon Fred Arbanella, Arbanella/Carmody Homes and the 2 lot certified survey map project for the property located at 7475 South 49th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. The applicant shall revise the Certified Survey Map to correctly depict the 30' front yard setback and the 19' corner side yard setback for Department of City Development review and approval prior to recording of the Certified Survey Map.
7. The applicant shall revise the Certified Survey Map to correctly depict all of Parcel 3 of Certified Survey Map No. 6949 and contiguous areas owned or controlled by the subdivider for Department of City Development review and approval prior to recording of the Certified Survey Map.
8. The applicant shall add a note on the face of the CSM that states "Details pertaining to any Utility and Drainage Easements, Special Restrictions, Existing and Proposed Contours, Locations of Proposed Deed Restrictions and Easements, and the Natural Resource Protection Plan within lot 2 of the subject Certified Survey Map have been provided in the associated Oak Ridge of Franklin subdivision plat" for Department of City Development review and approval prior to recording of the Certified Survey Map.

FRED ARBANELLA, ARBANELLA/CARMODY HOMES – CERTIFIED SURVEY MAP
RESOLUTION NO. 2019-_____

Page 3

9. The applicant shall revise the Certified Survey Map to address the technical corrections identified by the Department of City Development in the memo dated May 2, 2019 in staff comments numbers 4 through 8, for Department of City Development review and approval prior to recording of the Certified Survey Map.
10. The applicant shall contact the Engineering Department for a Subdivider's Agreement template which must be completed by the applicant, and reviewed and approved by the City, for any public improvements associated with the subject Certified Survey Map prior to recording of the Certified Survey Map.
11. The applicant shall contact the Engineering Department for all pertinent public easements templates/documents which must be completed by the applicant, and reviewed and approved by the City, for any public easements associated with the subject Certified Survey Map prior to recording of the Certified Survey Map.
12. The applicant shall revise the Certified Survey Map to address the technical corrections identified by the Engineering Department in the memo dated May 2, 2019, for Engineering Department review and approval prior to recording of the Certified Survey Map.
13. The resolution, wherever applicable, shall impose all conditions of the CSM applicable to the overall development to the plat and with regard to the single family home conditions, the remaining portion of the CSM, the obligation of the development agreement stays with the CSM and is performed under the plat approval process of subdivision.

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

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owners, Walter R. Habelwitz, Jr. and Carol A. Habelwitz, with the Office of the Register of Deeds for Milwaukee County.

FRED ARBANELLA, ARBANELLA/CARMODY HOMES – CERTIFIED SURVEY MAP
RESOLUTION NO. 2019-_____

Page 4

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 _____



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of May 9, 2019

Certified Survey Map and Preliminary Plat

RECOMMENDATION: City Development Staff recommends approval of the Certified Survey Map and Preliminary Plat for the Oak Ridge of Franklin Subdivision, subject to the conditions as noted in the attached draft resolutions.

Project Name:	Oak Ridge of Franklin CSM and Preliminary Plat
Project Location:	Approximately 7475 S. 49 th Street (Tax Key No: 759-9981-010)
Property Owner:	Walter Hablewitz
Applicant:	Fred Arbanella, Arbanella/Carmody Homes
Agent:	Timothy Lynch, Lynch & Associates Engineering Consultants, LLC
Current Zoning:	R-6 Suburban Single-Family Residence District
2025 Comprehensive Plan:	Residential
Use of Surrounding Properties:	Single-family residential to the north and east, vacant developable land to the south, and Payne & Dolan quarry to the west.
Applicant's Action Requested:	Recommendation of approval of the Certified Survey Map and Preliminary Plat for future single-family residential development

Introduction:

On February 20, 2019, the applicant submitted applications for a Certified Survey Map and a Preliminary Plat for a property located northwest of the intersection of South 49th Street and Marquette Avenue. The Certified Survey Map proposes to divide the existing farmhouse and associated 0.7 acre of land from the remainder of the property (which remainder would then be platted as the proposed Oak Ridge of Franklin subdivision).

The preliminary plat proposes to subdivide the remaining 11.2-acre parcel into 23 R-6 single-family residential lots and one outlot. The outlot would consist of natural resource features (to be protected by conservation easements), and a storm water management facility. The subdivision also includes the extension of Marquette Avenue from 49th Street to 51st Street in coordination with the developer of the adjacent Pleasant View Estates subdivision proposed by Rick Pryzbyla.

Certified Survey Map and Preliminary Plat Project Description/Analysis:

As noted above, the applicant has requested approval of a Certified Survey Map (CSM) in order to allow the existing farmhouse to remain separate from the Oak Ridge of Franklin subdivision plat. Staff has no objection to that request, contingent upon a number of technical corrections to

the proposed CSM as noted in the attached draft resolution. In addition, it should be noted that the sidewalk, easements, and utility recommendations associated with the subdivision plat would also apply to this CSM.

The proposed Oak Ridge at Franklin subdivision development includes 23 single-family residential lots and one outlot. The plat also proposes to extend Marquette Avenue from 49th Street to 51st Street, and to extend 50th Street southward to the proposed Marquette Avenue.

The lots range in size from 11,585 square feet to 21,483 square feet, all exceeding the R-6 "minimum lot size of 11,000 square feet. All single-family lots abut a public right-of-way and have sufficient width.

The proposed subdivision will be served by municipal water and public sanitary sewer.

Pedestrian Amenities:

The preliminary plat depicts one sidewalk along the east side of 50th Street and one sidewalk along Marquette Avenue (on the north side west of 50th Street and on the south side east of 50th Street). It should be noted that while the Planning Department is recommending an additional sidewalk along the west side of 49th Street, the Engineering Department is recommending sidewalks along both sides of all streets, or at least along both sides of Marquette Avenue and one side of all other streets.

Stormwater Management Plan:

A stormwater pond is proposed within Outlot 1 within the northwest portion of the property. A Stormwater Management Plan and calculations were submitted to the Engineering Department for review. The plan is currently under review and will require final Engineering Department approval as part of the review of the Final Plat Application.

Natural Resource Protection Plan:

A Natural Resource Protection Plan (NRPP) has been completed for the subject development by Lynch & Associates Engineering Consultants, LLC, and the wetland delineations were completed by Alice Thompson (a Wisconsin Department of Natural Resources Assured Delineator). According to the NRPP, the site contains wetlands and associated wetland buffers and setbacks. The applicant has applied for, and received approval of (with conditions) of a Natural Resource Special Exception (NRSE), and of a Public Streets, Sidewalks, and Trails Practicable Alternatives Analysis pursuant to Ordinance No. 2016-2224.

In regard to the NRSE, the applicant requested, and the Common Council approved with conditions at their April 16, 2019 meeting, a proposal to impact approximately 0.554 acre of protected natural resource features, more specifically:

- Clear, grade, fill and develop approximately 0.554 acre of protected natural resource features comprised of the following:
 - Approximately 0.067 acre of wetlands.
 - Approximately 0.242 acre of wetland buffers.
 - Approximately 0.245 acre of wetland setbacks.

In regard to the Public Streets, Sidewalks, and Trails Practicable Alternatives Analysis pursuant to Ordinance No. 2016-2224, the applicant requested, and the Common Council approved at its April 16, 2019 meeting, a request to fill approximately 0.506 acre of wetland, wetland buffer, and wetland setback, associated with construction of the proposed S. 50th Street and the associated sidewalk.

Signage:

Although signage is not being proposed at this time, should the applicant want a subdivision monument or other similar signage, separate City review and approval will be required.

Comprehensive Master Plan Consistency:

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

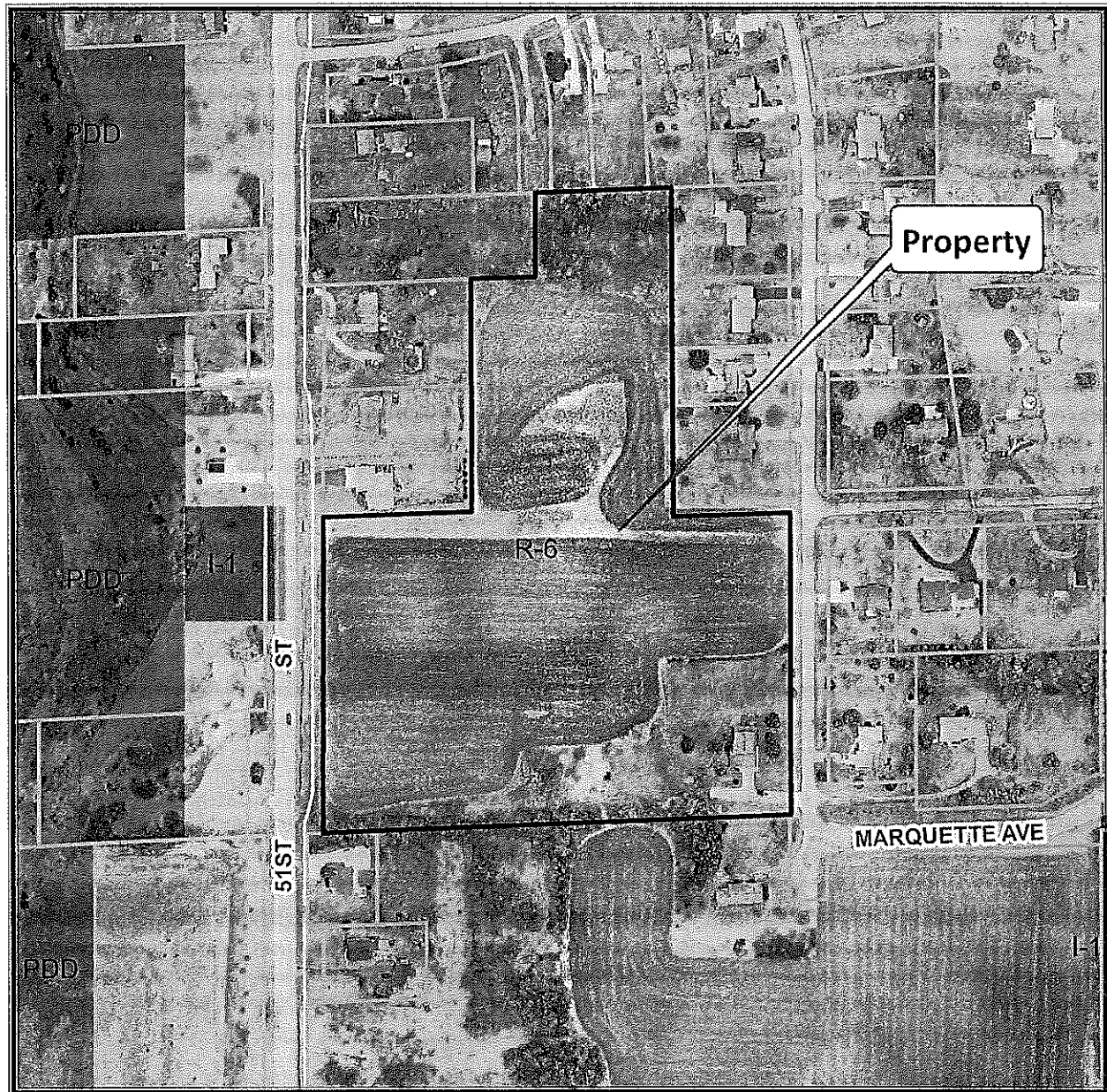
The subject property is designated as Residential on the City's 2025 Future Land Use Map. As such, this Future Land Use Map designation is consistent with the existing zoning and the applicant's proposed single-family residential development.

Staff Recommendation:

City Development Staff recommends approval of the Certified Survey Map and Preliminary Plat for the Oak Ridge at Franklin Subdivision, subject to the conditions as noted in the attached draft resolutions.



7475 S. 49th Street
TKN 759 9981 010



Planning Department
(414) 425-4024

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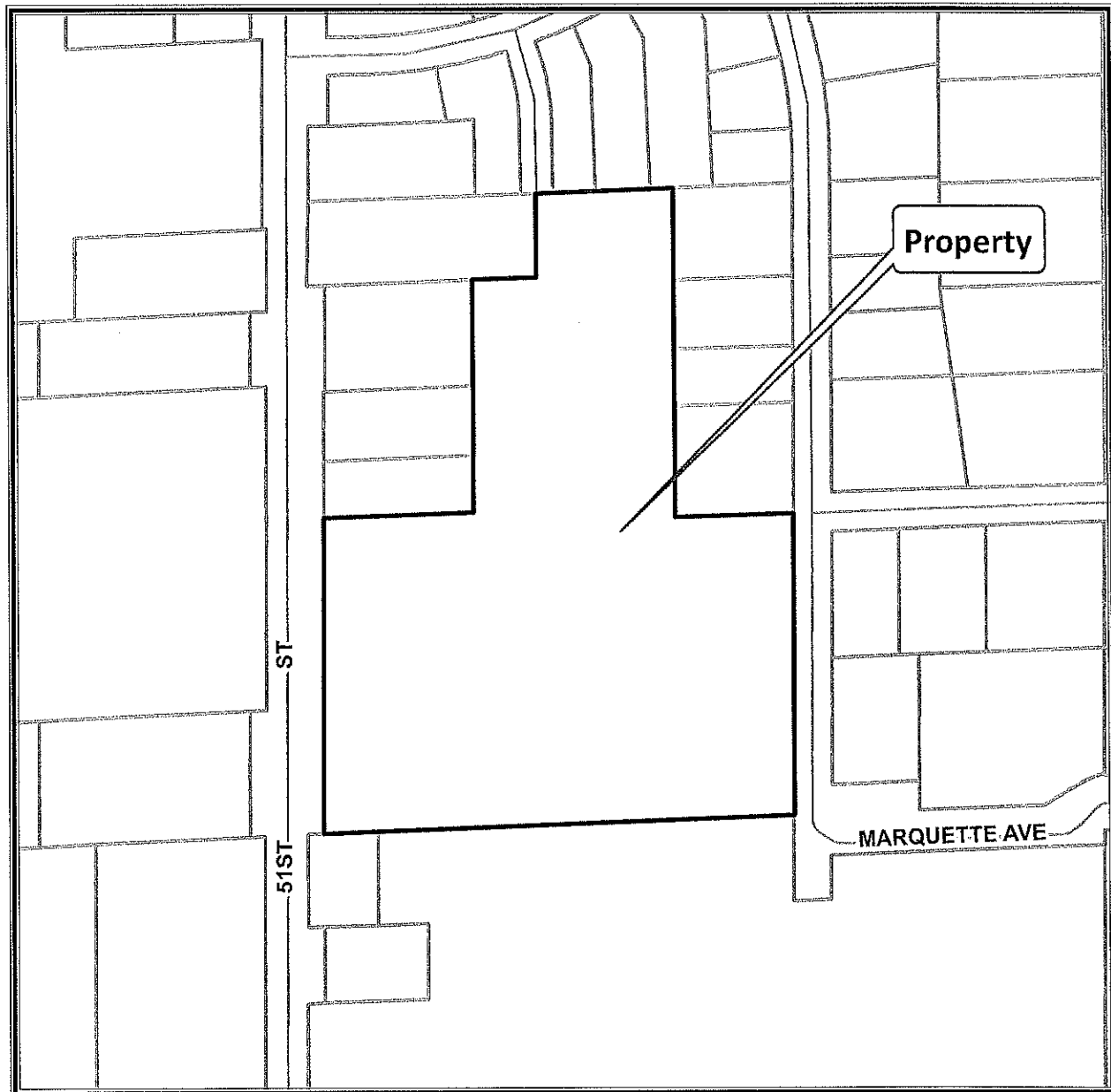


2017 Aerial Photo

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.



7475 S. 49th Street
TKN 759 9981 010



Planning Department
(414) 425-4024

0 155 310 620 Feet

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

City of Franklin Department of City Development

Date: May 2, 2019

To: Fred Arbanella, Arbanella/Carmody Homes
Peter Nielson, Lynch & Associates

From: Department of City Development Staff

RE: Hablewitz Certified Survey Map – Staff Comments

Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Certified Survey Map (CSM) Application submitted by Fred Arbanella and Peter Nielson and date stamped by the City of Franklin on February 20, 2019.

Department of City Development Staff Comments

1. Per Sections 15-7.0702B. and 15-5.0106D. of the UDO, please correctly depict on the CSM the 30' front yard setback along S. 49th Street and the 19' corner side yard setback along future Marquette Avenue.
 - Please note this CSM is anticipated to be reviewed, approved, and recorded concurrently with the proposed Oak Ridge subdivision plat, where Marquette Avenue is to be dedicated. This CSM must be revised to reflect that intent.
2. Per Sections 15-7.0702K. and 15-9.0309A. of the UDO, the CSM must include all parcels of land of any size, and all contiguous areas owned or controlled by the subdivider. Therefore, the proposed 2-lot CSM must be revised to show the entire 11 acre parcel, and designate the remainder of the subject property as lot 2.
3. As lot 1 is an existing developed lot, and the proposed lot 2 is anticipated to be concurrently platted with the proposed Oak Ridge subdivision plat, staff would accept a note on the face of the CSM that states "Details pertaining to any Utility and Drainage Easements, Special Restrictions, Existing and Proposed Contours, Locations of Proposed Deed Restrictions and Easements, and the Natural Resource Protection Plan within lot 2 of the subject Certified Survey Map, which are required pursuant to Sections 15-7.0702C., E., F., P., and Q. of the City of Franklin Unified Development Ordinance, have been included with the Oak Ridge of Franklin subdivision plat which is to be recorded concurrently with the subject Certified Survey Map.
4. Per Section 15-7.0702J. of the UDO, please include the owner, subdivider, and land surveyor names and addresses on the CSM.
5. Per Section 15-7.0702L. of the UDO, please include the lot size and dimensions for proposed lot 2.
6. Per Section 15-7.0702M. of the UDO, please indicate the existing zoning on the CSM.
7. Per Section 15-9.0309B.4. of the UDO, please verify that copies of the CSM were transmitted to all affected utilities.

8. Per Section 15-9.0309B.5. of the UDO, comments from Milwaukee County and the Franklin School District will be provided when available.
9. Per Section 15-9.0309F. of the UDO, please contact the Engineering Department for a Subdivider's Agreement template which must be completed by the applicant, and reviewed and approved by the City, for all public improvements prior to approval of the CSM.
10. Per Sections 15-9.0309G. and 15-7.0702C. of the UDO, please note that all public easements shown on the CSM require separate written agreements that must be submitted for review and approval, prior to recording the CSM. This includes, but may not be limited to, the 20'-wide water main easement.
11. Per Engineering Department comments, must rectify any review comments from Milwaukee County.

Engineering Staff Comments

- Must rectify review comments from the Milwaukee County.
- Must include all Parcel 3 of the recorded certified survey map on this proposal (Parcel 3 will be subdivided into two lots).
- Must indicate on the first page of this proposal, that these lots are served by sanitary sewer and public water.
- Must observe the required width of the arterial road on South 51st Street, an additional 5 -ft is required (65-ft) to achieve the 130-ft wide right of way.

Milwaukee County Comments

See attached.

Project Summary – Proposed CSM

The proposed CSM will divide the existing property, recorded as CSM 6949, into two parcels. The parcel identified as Lot 1 in the CSM will create a single family residential lot 0.662 acres in size. A house that is currently on the lot is to remain. The remainder of the parcel is currently farmed.

This area is within an R-6 Suburban Single-Family Residence District, which has a minimum lot size of 11,000 square feet (0.252 acres).

Franklin

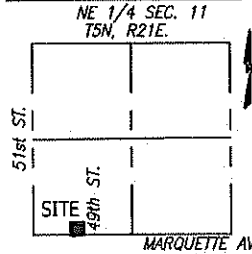
FEB 20 2019

City Development

CERTIFIED SURVEY MAP NO. _____

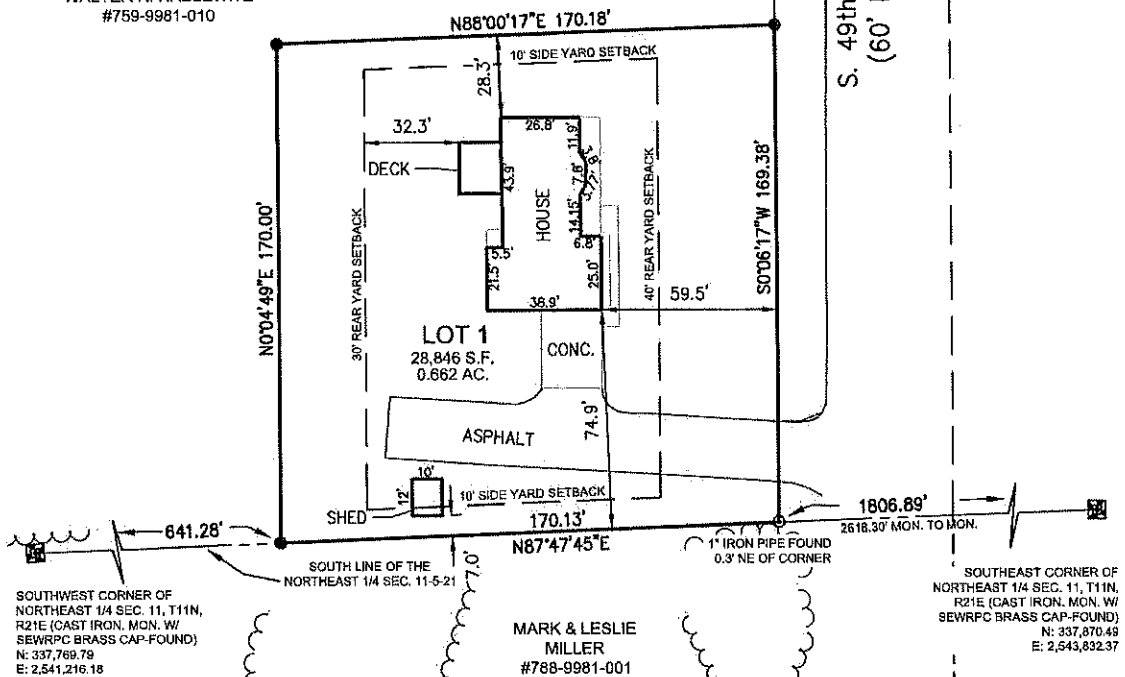
BEING A REDIVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 2153 AND PARCEL 3 OF CERTIFIED SURVEY MAP NO. 6949 ALL IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

VICINITY MAP



PARCEL 3
CSM 6949

WALTER R. HABLEWITZ
#759-9981-010



SOUTHWEST CORNER OF
NORTHEAST 1/4 SEC. 11, T11N,
R21E (CAST IRON, MON. W/
SEWRPC BRASS CAP-FOUND)
N: 337,769.79
E: 2,541,216.18

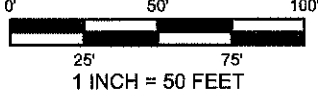
MARK & LESLIE
MILLER
#768-9981-001

SOUTHEAST CORNER OF
NORTHEAST 1/4 SEC. 11, T11N,
R21E (CAST IRON, MON. W/
SEWRPC BRASS CAP-FOUND)
N: 337,870.49
E: 2,543,832.37

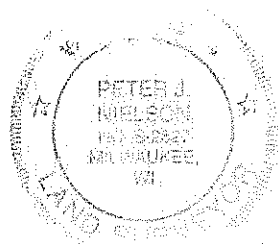
LEGEND

- 1" IRON PIPE, FOUND
- 5/8"x18" IRON ROD WEIGHING 1.13
LBS. PER LINEAR FOOT - SET.

GRAPHIC SCALE



BEARINGS ARE BASED ON THE
WISCONSIN STATE PLANE
COORDINATE SYSTEM - SOUTH ZONE
(NAD '27). THE SOUTH LINE OF THE
NORTHEAST 1/4 OF SECTION 11-5-21 IS
ASSUMED TO BEAR N 87°47'45" E.



Peter J. Nielson
1 FEB 19

CERTIFIED SURVEY MAP NO.

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 SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, PETER J. NIELSON, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE FOLLOWING LAND HEREIN DESCRIBED:

BEING A REDIVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 2153, RECORDED AS DOC. NO. 4779531 IN THE MILWAUKEE COUNTY REGISTER OF DEEDS OFFICE, AND PARCEL 3 OF CERTIFIED SURVEY MAP NO. 6949, RECORDED AS DOC. NO. 8064321 IN THE MILWAUKEE COUNTY REGISTER OF DEEDS OFFICE, ALL IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 11, T5N, R21E; THENCE S 87°47'45" W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 11, 1806.89 FEET TO THE WEST LINE OF S. 49th STREET, ALSO BEING THE SOUTHEAST CORNER OF SAID CERTIFIED SURVEY MAP (CSM) NO. 6949 AND THE POINT OF BEGINNING; THENCE CONTINUING S 87°47'45" W ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 AND CSM 6949, 170.13 FEET; THENCE N 0°04'49" E, 170.00 FEET; THENCE N 88°00'17" E, 170.18 FEET TO THE WEST LINE OF S. 49th STREET; THENCE S 0°06'17" W ALONG SAID WEST LINE OF S. 49th STREET, 169.38 FEET TO THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 11, ALSO BEING THE SOUTHEAST CORNER OF CSM 6949 AND THE POINT OF BEGINNING.

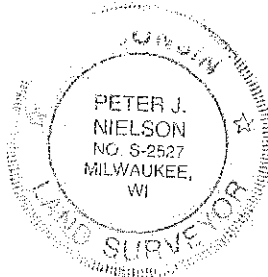
SAID PARCEL CONTAINS 28,852 SQUARE FEET OR 0.622 ACRES, MORE OR LESS.

I FURTHER CERTIFY THAT I HAVE MADE SAID LAND DIVISION BY THE DIRECTION OF WALTER R. HABLEWITZ, OWNER OF SAID LAND. THAT SUCH LAND DIVISION IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LANDS SURVEYED AND THE DIVISION THEREOF.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES AND THE LAND DIVISION AND DEVELOPMENT CONTROL ORDINANCE OF THE CITY OF FRANKLIN IN SURVEYING, DIVIDING, AND MAPPING THE SAME.

DATED THIS 31ST DAY OF JANUARY, 2019.

Peter J. Nielson 1 FEB '19
PETER J. NIELSON
PROFESSIONAL LAND SURVEYOR #S-2527



CERTIFIED SURVEY MAP NO. _____

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 SOUTHEAST 1/4 OF SECTION 11,
TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

I, WALTER R. HABLEWITZ OWNER, HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO
BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON.

AS OWNER, I FURTHER CERTIFY THAT THIS PLAT IS REQUIRED BY S. 236.10 OR S. 236.12 TO BE SUBMITTED TO THE FOLLOWING
FOR APPROVAL OR OBJECTION:

1. THE CITY OF FRANKLIN

DATED THIS _____ DAY OF _____, 2019.

WALTER R. HABLEWITZ - OWNER

STATE OF WISCONSIN) ss
COUNTY OF RACINE)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2019

THE ABOVE NAMED _____, TO ME KNOWN TO BE THE PERSONS
WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

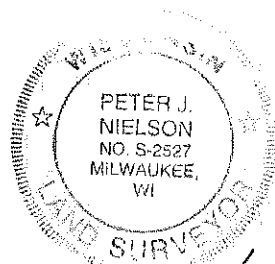
COMMON COUNCIL APPROVAL

APPROVED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN, RESOLUTION NO. _____

ON THIS _____ DAY OF _____, 2019.

STEVE OLSON - MAYOR

SANDRA WESOLOWSKI - CLERK



Peter J. Nielson
1 FEB '19

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 5-3-19]

RESOLUTION NO. 2019-_____

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, CITY
OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
(FRED ARBANELLA, ARBANELLA/CARMODY HOMES, APPLICANT)
(AT 7475 SOUTH 49TH STREET)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such 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, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 7475 South 49th Street, bearing Tax Key No. 759-9981-010, Fred Arbanella, Arbanella/Carmody Homes, applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Fred Arbanella, Arbanella/Carmody Homes, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9, of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.

FRED ARBANELLA, ARBANELLA/CARMODY HOMES – CERTIFIED SURVEY MAP
RESOLUTION NO. 2019-_____

Page 2

3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.
4. Fred Arbanella, Arbanella/Carmody Homes, successors and assigns, and any developer of the Fred Arbanella, Arbanella/Carmody Homes 2 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon Fred Arbanella, Arbanella/Carmody Homes and the 2 lot certified survey map project for the property located at 7475 South 49th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. The applicant shall revise the Certified Survey Map to correctly depict the 30' front yard setback and the 19' corner side yard setback for Department of City Development review and approval prior to recording of the Certified Survey Map.
7. The applicant shall revise the Certified Survey Map to correctly depict all of Parcel 3 of Certified Survey Map No. 6949 and contiguous areas owned or controlled by the subdivider for Department of City Development review and approval prior to recording of the Certified Survey Map.
8. The applicant shall add a note on the face of the CSM that states "Details pertaining to any Utility and Drainage Easements, Special Restrictions, Existing and Proposed Contours, Locations of Proposed Deed Restrictions and Easements, and the Natural Resource Protection Plan within lot 2 of the subject Certified Survey Map have been provided in the associated Oak Ridge of Franklin subdivision plat" for Department of City Development review and approval prior to recording of the Certified Survey Map.

9. The applicant shall revise the Certified Survey Map to address the technical corrections identified by the Department of City Development in the memo dated May 2, 2019 in staff comments numbers 4 through 8, for Department of City Development review and approval prior to recording of the Certified Survey Map.
10. The applicant shall contact the Engineering Department for a Subdivider's Agreement template which must be completed by the applicant, and reviewed and approved by the City, for any public improvements associated with the subject Certified Survey Map prior to recording of the Certified Survey Map.
11. The applicant shall contact the Engineering Department for all pertinent public easements templates/documents which must be completed by the applicant, and reviewed and approved by the City, for any public easements associated with the subject Certified Survey Map prior to recording of the Certified Survey Map.
12. The applicant shall revise the Certified Survey Map to address the technical corrections identified by the Engineering Department in the memo dated May 2, 2019, for Engineering Department review and approval prior to recording of the Certified Survey Map.
13. [other conditions, etc.]

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

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owners, Walter R. Habelwitz, Jr. and Carol A. Habelwitz, with the Office of the Register of Deeds for Milwaukee County.

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

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

FRED ARBANELLA, ARBANELLA/CARMODY HOMES – CERTIFIED SURVEY MAP
RESOLUTION NO. 2019-_____

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APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____