

CITY OF FRANKLIN  
COMMON COUNCIL MEETING\*  
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*\*  
TUESDAY, OCTOBER 1, 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 September 17, 2019.
- D. Hearings.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1. Presentation of the 2020-2024 Franklin Public Library Strategic Plan.
  - 2. Franklin Civic Celebrations Commission Report of the July 3-6, 2019 Civic Celebrations Event, Request for Spending Authority for 2020 and Summary of 2019 Activities.
  - 3. An Ordinance to Amend the Municipal Code Section 245-5 (D) Extending Parking Restrictions Near the Intersection of S. 51st Street and W. Drexel Avenue.
  - 4. A Resolution Authorizing Certain Officials to Accept a Conservation Easement for and as Part of the Review and Approval of a Certified Survey Map Upon Property Located at 8547 and 8567 South 76<sup>th</sup> Street (2 Mike’s LLC, Applicant).
  - 5. A Resolution Authorizing the Installation of a Deck and Accessory Structure Within the “20 Foot Drainage Easement” Plat Restriction, Upon Lot 5 in Serenity Estates Subdivision (6904 South Harvard Drive) (Chad E. Larsen and Jennifer L. Larsen, Applicants).
  - 6. A Resolution Conditionally Approving a Land Combination for Tax Key Nos. 842-9995-004 and 842-9995-002 (8570 South 116<sup>th</sup> Street and Adjacent Vacant Parcel Abutting 8628 South 116<sup>th</sup> Street) (Robert G. Montgomery, Applicant).
  - 7. An Ordinance to Amend §15-3.0418 of the Unified Development Ordinance, Planned Development District No. 13 (Wal-Mart/Sam’s Wholesale Club) to Allow for Parking Lot and Signage Changes (Wal-Mart Real Estate Business Trust, Applicant) (6701 South 27th Street).
  - 8. Release of Letter of Credit for the Development of the Autumn Leaves of Franklin Memory Care Facility Located at 9201 W. Drexel Avenue.
  - 9. Tentative Agreement Between the City of Franklin and the Franklin Professional Police Officers Association for a 2019-2021 Successor Collective Bargaining Agreement.
  - 10. Recommendation from the Committee of the Whole Meeting of September 30, 2019: Review of Mayor’s Recommended 2020 Budget (Including all Funds, Departments, Revenues, Expenditures and Activities).

11. Tax Incremental District No. 6 Mixed-Use Industrial, Commercial, Retail, Single-Family Residential and Open Space Uses (of an approximate 164-acre site generally located north and south of West Loomis Road, south of West Ryan Road, west of South 112th Street, east of South 124th Street and north of West Oakwood Road) Project Development; Tax Incremental District No. 6 Development Agreement Between the City of Franklin and Loomis and Ryan, Inc.; Acknowledgement of Development Agreement by Strauss Investments, LLC; Tax Assessment Agreement (Tax Incremental District No. 6) between the City of Franklin and Strauss Investments, LLC. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), to deliberate upon the Tax Incremental District No. 6 Mixed-Use Industrial, Commercial, Retail, Single-Family Residential and Open Space Uses Project Development, the Tax Incremental District No. 6 Development Agreement Between the City of Franklin and Loomis and Ryan, Inc., the Acknowledgement of Development Agreement by Strauss Investments, LLC, and the Tax Assessment Agreement (Tax Incremental District No. 6) between the City of Franklin and Strauss Investments, LLC terms and status, the negotiation of provisions and terms and the investing of public funds in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

H. Bills.

Request for Approval of Vouchers and Payroll.

I. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of October 1, 2019.

J. Adjournment.

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

\*\*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:

October 3	Plan Commission Meeting	7:00 p.m.
October 15	Common Council Meeting	6:30 p.m.
October 17	Plan Commission Meeting	7:00 p.m.
October 27	Trick-or-Treat Observance	4:00 pm. to 7:00 pm.
November 4	Committee of the Whole-if needed	6:30p.m.
November 5	Common Council Meeting	6:30 p.m.
November 7	Plan Commission Meeting	7:00 p.m.

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
SEPTEMBER 17, 2019  
MINUTES

ROLL CALL

A. The regular meeting of the Common Council was held on September 17, 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, Alderman Steve F. Taylor, Alderman Mike Barber, and Alderman John R. Nelson. Excused was Alderwoman Kristen Wilhelm. Also present were Finance Officer & Treasurer Paul Rotzenberg, Dir. of Administration Mark Luberda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

CITIZEN COMMENT

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

MINUTES  
SEPTEMBER 3, 2019

C.1. Alderman Dandrea moved to approve the minutes of the regular Common Council meeting of September 3, 2019 as presented at this meeting. Seconded by Alderman Mayer. All voted Aye; motion carried.

MINUTES  
SEPTEMBER 10, 2019

C.2. Alderman Dandrea moved to approve the minutes of the special Common Council meeting of September 10, 2019 as presented at this meeting. Seconded by Alderman Mayer. All voted Aye; motion carried.

ACCEPT FEMA GRANT  
FOR ASSISTANCE TO  
FIREFIGHTERS

G.1. Alderman Mayer moved to authorize the Fire Department to accept a FEMA Fiscal Year 2018 Assistance to Firefighters Grant (AFG) in the amount of \$207,635 (minus (10%) local match), and to authorize the additional expenditure of approximately \$102,911 to cover the local match and additional cost not funded by the grant; and allow the Fire Department to act on a purchase agreement to replace 29 SCBA and associated hardware and equipment, at a total cost not to exceed \$291,670. Seconded by Alderman Nelson. All voted Aye; motion carried.

RES. 2019-7541  
AUTHORIZE GO BONDS  
FOR PROJECTS IN TID

G.2. Alderman Dandrea moved to adopt Resolution No. 2019-7541, AN INITIAL RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$8,390,000 FOR COMMUNITY DEVELOPMENT PROJECTS IN TAX INCREMENTAL DISTRICTS. Seconded by Alderman Nelson. On roll call, Alderman Dandrea, Alderman Taylor, Alderman Barber and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

- RES. 2019-7542  
AUTHORIZE GO BONDS  
FOR REFUNDING  
PURPOSES
- G.3. Alderman Dandrea moved to adopt Resolution No. 2019-7542, AN INITIAL RESOLUTION AUTHORIZING NOT TO EXCEED \$4,080,000 GENERAL OBLIGATION BONDS FOR REFUNDING PURPOSES. Seconded by Alderman Taylor. On roll call, Alderman Nelson, Alderman Barber, Alderman Taylor and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.
- RES. 2019-7543  
NOTICE TO ELECTORS  
RELATING TO A BOND  
ISSUE
- G.4. Alderman Dandrea moved to adopt Resolution No. 2019-7543, A RESOLUTION DIRECTING PUBLICATION OF NOTICE TO ELECTORS RELATING TO A BOND ISSUE. Seconded by Alderman Nelson. On roll call, all voted Aye. Motion carried.
- RES. 2019-7544  
SALE OF TAXABLE GO  
BONDS
- G.5. Alderman Taylor moved to adopt Resolution No. 2019-7544, A RESOLUTION PROVIDING FOR THE SALE OF NOT TO EXCEED \$12,470,000 TAXABLE GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2019C. Seconded by Alderman Barber. On roll call, Alderman Dandrea, Alderman Taylor, Alderman Barber and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.
- RES. 2019-7545  
SALE OF GO  
PROMISSORY NOTES
- G.6. Alderman Dandrea moved to adopt Resolution No. 2019-7545, A RESOLUTION PROVIDING FOR THE SALE OF APPROXIMATELY \$2,320,000 GENERAL OBLIGATION PROMISSORY NOTES SERIES 2019D. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.
- RES. 2019-7546  
LEGAL SERVICES WITH  
QUARLES & BRADY LLP  
FOR TIDS 5 & 7
- G.7. Alderman Dandrea moved to adopt Resolution No. 2019-7546, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A LETTER OF ENGAGEMENT FOR LEGAL SERVICES IN CONNECTION WITH TAX INCREMENTAL DISTRICT MATTERS (TAX INCREMENTAL DISTRICT NOS. 5 AND 7) WITH QUARLES & BRADY LLP. Seconded by Alderman Nelson. On roll call, Alderman Nelson, Alderman Barber, Alderman Taylor and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.
- RES. 2019-7547  
FINAL PLAT FOR RYAN  
MEADOWS (11433 W.  
RYAN RD.) (MILLS  
HOTEL WYOMING, LLC,  
APPLICANT)
- G.8. Alderman Nelson moved to adopt Resolution No. 2019-7547, A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR RYAN MEADOWS DEVELOPMENT (GENERALLY AT 11433 WEST RYAN ROAD) (MILLS HOTEL WYOMING, LLC, APPLICANT), subject to minor technical corrections. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2019-7548  
CONSERVATION
- G.9. Alderman Nelson moved to approve Resolution No. 2019-7548, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO

EASEMENT AS PART OF  
A FINAL PLAT FOR  
RYAN MEADOWS DEV.  
(11433 W. RYAN RD.)  
(MILLS HOTEL  
WYOMING, LLC,  
APPLICANT)

ACCEPT CONSERVATION EASEMENTS FOR AND AS PART OF  
THE REVIEW AND APPROVAL OF A FINAL PLAT FOR RYAN  
MEADOWS DEVELOPMENT (GENERALLY AT 11433 W RYAN  
ROAD) (MILLS HOTEL WYOMING, LLC, APPLICANT), subject to  
review and approval by the Department of City Development and  
technical corrections by the City Attorney. Seconded by Alderman  
Barber. All voted Aye; motion carried.

“MOVE FORWARD  
MKE” INITIATIVE

G.10. No action was taken following a discussion on the “Move Forward  
MKE” Sales Tax Initiative update provided by Mayor Olson.

2020 MAYOR’S  
RECOMMENDED  
BUDGET

G.11. No action was taken following a presentation of the Mayor’s 2020  
Recommended Budget. This item will be on the September 30, 2019  
Committee of the Whole agenda.

VOUCHERS AND  
PAYROLL

H.1. Alderman Dandrea moved to approve the following:  
City vouchers with an ending date of September 12, 2019 in the amount  
of \$1,541,643.60; and payroll dated September 13, 2019 in the amount  
of \$379,617.39 and payments of the various payroll deductions in the  
amount of \$199,638.19, plus City matching payments; and estimated  
payroll dated September 27, 2019 in the amount of \$400,000.00 and  
payments of the various payroll deductions in the amount of  
\$473,000.00; plus City matching payments; and approval to release  
payments to miscellaneous vendors in the amount of \$78,114.20.  
Seconded by Alderman Barber. On roll call, all voted Aye. Motion  
carried.

LICENSES AND  
PERMITS

I.1. Alderman Taylor moved to approve the following license  
recommendations from the License Committee meeting of  
September 17, 2019:

Grant Class A Combination Change of Premise Description for Wal-  
Mart Stores East, LP, Agent Jon McCourt, 6701 S. 27th St., subject to  
compliance with State and City requirements; and

Grant Change of Agent for Mega Marts, LLC, Benjamin A Guyette,  
2814 S 63rd St., Milwaukee; and

Grant 2019-2020 Operator licenses to Troy A Petroski, N4586 Hickory  
Rd., Hustisford; Tadeusz A Cieslak, 4226 Tumblewood Ln., Greendale;  
Kevin M Denicola, 12038 W. Elmwood Dr.; Kristen M Herwig-  
Kuzmiuk, 10005 S. Jennifer Ln., Oak Creek; Brittany L Perleberg,  
1522 S. 37th St., Milwaukee; Nicole M Vesper, 1928 W. Salem St.,  
Milwaukee; and

Hold Operator license applications for appearance Heather Promo, 256  
N Moreland Blvd., Waukesha.

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

CLOSED SESSION  
TID 6 STRAUSS  
INVESTMENTS, LLC  
DEVELOPMENT  
AGREEMENT

- G.12. Alderman Taylor vacated his seat at 8:11 p.m. and returned to his seat at 8:13 p.m.  
Alderman Nelson moved to enter closed session at 8:11 p.m. pursuant to Wis. Stat. §19.85(1)(e), to deliberate upon the Tax Incremental District No. 6 Mixed-Use Industrial, Commercial, Retail, Single-Family Residential and Open Space Uses Project Development, the Tax Incremental District No. 6 Development Agreement by Strauss Investments, LLC, and the Tax Assessment Agreement (Tax Incremental District No. 6) between the City of Franklin and Strauss Investments, LLC terms and status, the negotiation of provisions and terms and the investing of public funds in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Common Council reentered open session at 8:39 p.m.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 8:39 p.m. Seconded by Alderman Barber. All voted Aye; motion carried.

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>10-01-19</b></p>
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<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>Presentation of the 2020-2024 Franklin Public Library Strategic Plan</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.1.</i></p>
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Presentation of the 2020-2024 Franklin Public Library Strategic Plan.

**COUNCIL ACTION REQUESTED**

Information only.

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<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>10/01/19</b></p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p>Franklin Civic Celebrations Commission Report of the July 3-6, 2019 Civic Celebrations Event, Request for Spending Authority for 2020 and Summary of 2019 Activities</p>	<p><b>ITEM NUMBER</b></p> <p><i>G.2.</i></p>

Attached are reports from John Bergner, Chairman of the Civic Celebrations Commission, requesting authority from the Common Council for the Commission to sign and execute contracts and agreements for the 2020 Franklin Civic Celebration. The event is planned for three days, July 3, 4 and 5, 2020.

**COUNCIL ACTION REQUESTED**

Motion to accept and place on file the summary from the 2019 Civic Celebrations event, and allow John Bergner to execute contracts and agreements for the 2020 Franklin Civic Celebration event.

OR

As directed.



## Franklin Civic Celebrations Commission

### Request for Spending Authority 2020

October, 2019

I, John Bergner, Chairman of the Franklin Civic Celebrations Commission request authority to enter into contracts and agreements for the 2020 Franklin Civic Celebration. The dates and times will be:

- Friday , July 3rd - -5:00 pm to 11:00 pm
- Saturday, July 4th - 10:00 am to 11:00 pm
- Sunday, July 5th - Noon to 11:00 pm

With your approval, I request authority to spend the following amounts for 2020:

	2020 Requested	2019 Actual
1. ENTERTAINMENT	\$25,000	\$31,415
2. FIREWORKS (2 nights)	\$16,500	\$27,500
3. RENTALS	\$20,000	\$20,828
4. PARADE (Bleachers, Flags)	\$12,000	\$11,335
5 ICE CREAM	\$ 1,100	\$ 987
6. PRINTING	\$ 600	\$ 574
7. SUPPLIES	\$ 2,400	\$ 1,682
8. MISC.	<u>\$ 2,000</u>	<u>\$ 1,890</u>
Totals:	\$79,600	\$96,211

*The 2019 Festival was a 4 day event and the 2020 Festival is a 3 day event.*

*Note: Police and DPW cost are not included in any of the amounts.*

# 2019 FRANKLIN CIVIC CELEBRATION

JULY 3 -JULY 6

## INCOME STATEMENT

<b>INCOME</b>	<b>2018</b>	<b>2019</b>
1. DONATIONS	\$20,475.00	\$25,250.00
2. TICKET SALES (Bank Deposit)	\$61,198.00	\$75,978.00
3. FOOD (NET)	\$9,518.29	\$13,299.15
4. CITY FUNDS	\$13,000.00	\$13,000.00
5. CARNIVAL COMMISSION	\$12,890.00	\$17,620.40
6. NON FOOD/ LICENSES	\$325.00	\$300.00
7. HELICOPTER RIDES	\$311.67	\$691.40
8. ATM RENTAL	\$221.00	\$256.50
CASH FROM TICKET SALES:		
9. PAID TO BADGER BAND	\$1,175.00	\$1,950.00
<b>TOTAL INCOME</b>	<b>\$119,113.96</b>	<b>\$148,345.45</b>

<b>EXPENSES</b>	<b>2018</b>	<b>2019</b>
1. ENTERTAINMENT	\$22,740.00	\$31,415.00
2. PRINTING, TICKETS	\$574.40	\$208.80
3. POLICE AND DPW	\$25,773.01	\$26,287.04
4. PARADE ( INCLUDES BADGER BAND, BLEACHERS, FLAGS)	\$9613.00	\$11,335.00
5. FIREWORKS	\$15,500.00	\$27,500.00
6. ICE CREAM	\$1,166.40	\$986.58
7. BEER, ICE, SODA	\$14,774.53	\$17,710.28
7A. WINE, MARGARITA	\$1,063.91	\$2,206.14
8. SUPPLIES, SERVICES, FUEL	\$1,281.79	\$1,682.44
9. RENTALS (TENTS, TABLES, CHAIRS, TOILETS)	\$18,476.35	\$20,827.60
10. T-SHIRTS-	\$1,672.50	\$0.00
11. SIGNS, BANNERS	\$1,003.82	\$880.00
12. BACKGROUND CHECKS	\$497.00	\$28.00
13. GOLF CARTS	\$580.00	\$740.00
14. MEMBERSHIPS	\$0.00	\$0.00
15. POSTAGE	\$287.94	\$270.05
<b>TOTAL EXPENSES</b>	<b>\$112,604.65</b>	<b>\$142,076.93</b>
<b>NET INCOME</b>	<b>\$4,109.31</b>	<b>\$6,268.52</b>

2019 Not Billed yet for Midwest Bleachers \$2,640.00 (included)

2019 Not Billed yet for HOC Ticket Printing Amount unknown.

<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> October 1, 2019
<b>Reports &amp; Recommendations</b>	<b>ORDINANCE TO AMEND THE MUNICIPAL CODE SECTION 245-5 (D) EXTENDING PARKING RESTRICTIONS NEAR THE INTERSECTION OF S. 51<sup>ST</sup> STREET AND W. DREXEL AVENUE</b>	<b>ITEM NO.</b> <i>G. 3,</i>

**BACKGROUND**

The City of Franklin recently completed reconstruction of S. 51<sup>st</sup> Street and W. Drexel Avenue from an all-way stop intersection to a roundabout. The engineer provided locations along each leg for “no parking” and it was signed per the plan. Now that school has started, the designed locations of “no parking” have been field evaluated and appear to be acceptable with the exception of the east leg. The police department provided a recommendation and that recommendation was considered by the Board of Public Works on September 19, 2019.

**ANALYSIS**

This location has historically been an important parking issue because it allows high school students to park on the street and minimize disruption to the nearby residential neighborhoods. The presence of a roundabout requires some additional distances of no-parking to allow for the efficient flow through and around the intersection. Conversely, the roundabout also allows safer pedestrian travels through and around the intersection.

Staff and the Board of Water Commissioners concurred with the Police Department on the acceptable distances needed for “no parking” adjacent to the roundabout. These distances require additions to the no parking section of Franklin Municipal Code Section 245-5 D.(4). Specifically:

- North. remain the same as there is no parking already enforced on both sides of S. 51<sup>st</sup> Street from the intersection to a point 1,500 feet north, from 7:30 a.m. to 4:30 p.m. on school days. Staff recommends that for all days and times, there should be a parking restriction on the east side from the center of the roundabout to a point 350 feet north and also on the west side from the center of the roundabout to a point 225 feet north. This permanent parking restriction was not considered by the Police Department nor the Board of Public Works.
- South. A permanent parking restriction on the east side from the center of the roundabout to a point 230 feet south; and on the west side from the center of the roundabout to a point 226 feet south.
- East. A permanent parking restriction on the north side from the center of the roundabout to a point 271 feet east; and on the south side from the center of the roundabout to a point 232 feet east.
- West. A permanent parking restriction on the north side from the center of the roundabout to a point 222 feet west; and on the south side from the center of the roundabout to a point 250 feet west.

Note that the measurements are unique to the other dimensions in the parking restriction section because it is measured from the center of the roundabout and not from a street centerline. This unique description is used because the roundabout circle was offset from the centerlines of S. 51<sup>st</sup> Street and W. Drexel Avenue and the street centerlines would be difficult to recreate without a survey instrument.

**OPTIONS**

- A. Follow Police Department, Board of Public Works, and Staff's recommendations and restrict parking as described above, or
- B. Impose other restrictions on parking.

**FISCAL NOTE**

Signs and paint for the curb may be accomplished within the existing DPW budget.

**RECOMMENDATION**

(Option A) Ordinance 2019-\_\_\_\_\_an Ordinance to amend the Municipal Code Section 245-5 (D) extending parking restrictions near the intersection of S. 51<sup>st</sup> Street and W. Drexel Avenue.

Engineering Department: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

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

ORDINANCE TO AMEND THE MUNICIPAL CODE SECTION 245-5 (D) EXTENDING PARKING RESTRICTIONS NEAR THE INTERSECTION OF S. 51ST STREET AND W. DREXEL AVENUE

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WHEREAS, the City of Franklin recently completed reconstruction of S. 51st Street and W. Drexel Avenue from an all-way stop intersection to a roundabout; and

WHEREAS, the Police Department, Board of Public Works, and Staff have considered the limits of “no parking” from the intersection.

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

SECTION I. Section 245-5 (D) of the Municipal Code of the City of Franklin is hereby amended as follows:

ADD:

NAME OF STREET: “S. 51<sup>st</sup> Street”

SIDES: “East”

LOCATION: “From the center of the roundabout to a point 350 feet north”

NAME OF STREET: “S. 51<sup>st</sup> Street”

SIDES: “West”

LOCATION: “From the center of the roundabout to a point 225 feet north”

NAME OF STREET: “S. 51<sup>st</sup> Street”

SIDES: “West”

LOCATION: “From the center of the roundabout to a point 226 feet south”

NAME OF STREET: “S. 51<sup>st</sup> Street”

SIDES: “East”

LOCATION: “From the center of the roundabout to a point 230 feet south”

NAME OF STREET: “W. Drexel Avenue”

SIDES: “North”

LOCATION: “From the center of the roundabout to a point 271 feet east”

NAME OF STREET: “W. Drexel Avenue”

SIDES: “South”

LOCATION: “From the center of the roundabout to a point 232 feet east”

NAME OF STREET: "W. Drexel Avenue"  
SIDES: "North"  
LOCATION: "From the center of the roundabout to a point 222 feet west"

NAME OF STREET: "W. Drexel Avenue"  
SIDES: "South"  
LOCATION: "From the center of the roundabout to a point 250 feet west"

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

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

APPROVED:

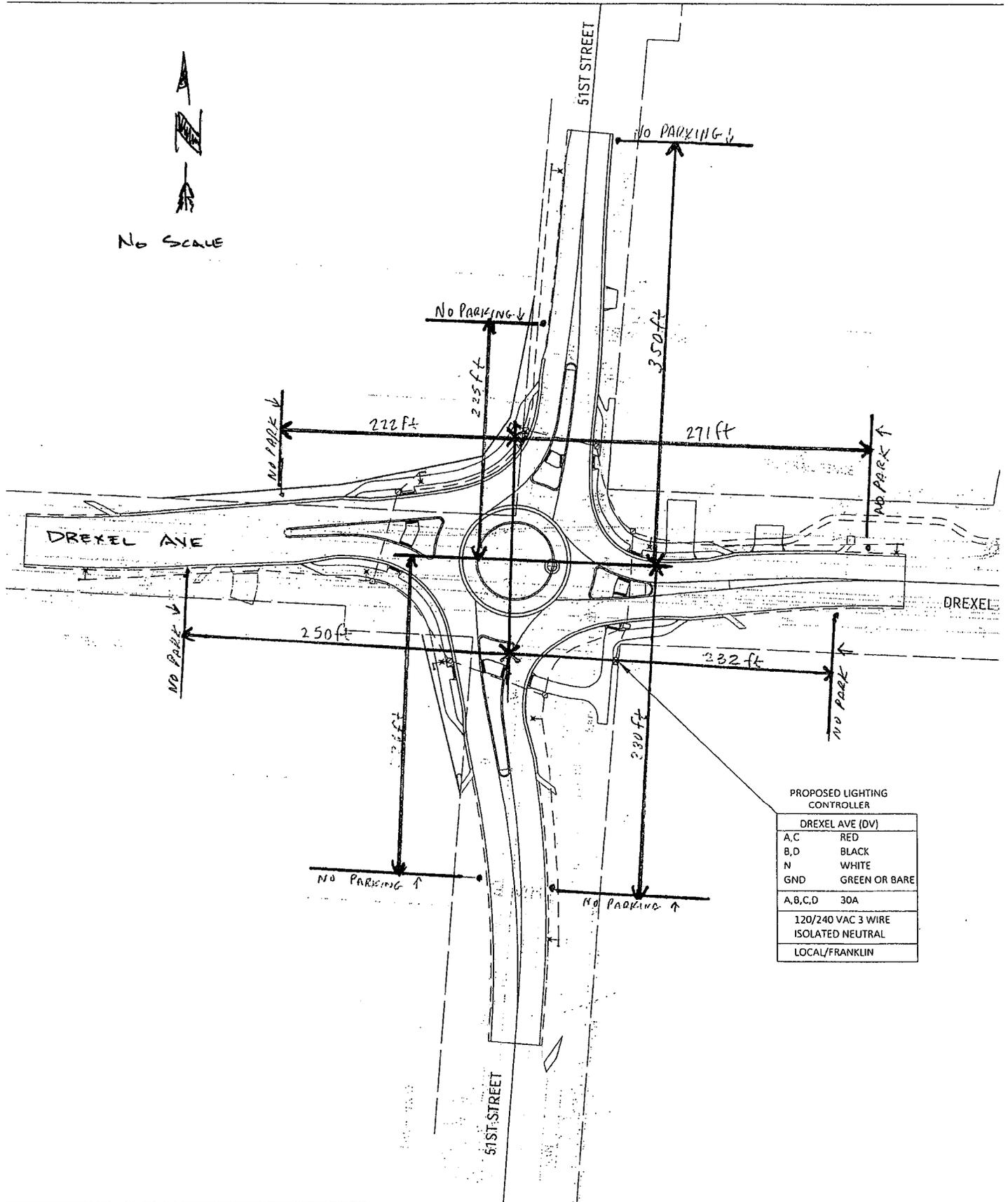
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

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

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

  
 NO SCALE



PROPOSED LIGHTING CONTROLLER

DREXEL AVE (DV)	
A, C	RED
B, D	BLACK
N	WHITE
GND	GREEN OR BARE
A, B, C, D 30A	
120/240 VAC 3 WIRE ISOLATED NEUTRAL	
LOCAL/FRANKLIN	

51ST STREET & DREXEL AVENUE

COUNTY: MILWAUKEE

LIGHTING PLANS - PROJECT OVERVIEW

PLOT DATE: 4/19/2019 8:18 AM

PLOT BY: BLACKWOOD, JIM

PLOT NAME:

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<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>10/01/19</p>
<p>REPORTS &amp; RECOMMENDATIONS</p>	<p>RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP UPON PROPERTY LOCATED AT 8547 AND 8567 SOUTH 76<sup>TH</sup> STREET (2 MIKE'S LLC, APPLICANT)</p>	<p>ITEM NUMBER</p> <p><i>G. 4.</i></p>

City Development staff recommends approval of a resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Certified Survey Map upon property located at 8547 and 8567 South 76<sup>th</sup> Street, subject to technical corrections by City staff.

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2019-\_\_\_\_\_, authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Certified Survey Map upon property located at 8547 and 8567 South 76<sup>th</sup> Street, subject to technical corrections by City staff.

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

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO  
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART  
OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP UPON  
PROPERTY LOCATED AT 8547 AND 8567 SOUTH 76<sup>TH</sup> STREET  
(2MIKE'S LLC, APPLICANT)

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WHEREAS, the Plan Commission having approved a Certified Survey Map upon the application on August 16, 2018, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the wetlands and wetland buffers on the site; and

WHEREAS, §15-7.0702Q. and §15-9.0309D. of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Certified Survey Map review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Certified Survey Map; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Conservation Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by 2 Mike's LLC, in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

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

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

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS  
TO ACCEPT A CONSERVATION EASEMENT  
2 MIKE'S LLC  
RESOLUTION NO. 2019-\_\_\_\_\_

Page 2

APPROVED:

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

ATTEST:

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

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

**CONSERVATION EASEMENT**

Outlot 1 CSM No. \_\_\_\_\_

This Conservation easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as “Grantee,” and 2 Mike’s, LLC, Inc., a Limited Liability Corporation, hereinafter referred to as “Grantor,” and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.40(2)(b) of the Wisconsin Statutes.

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, Southeast 1/4 of the Southeast of Section 16, Township 5 North, Range 21 East, described in **Exhibit A** attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, mature woodlands, young woodlands, wetland buffers, wetlands and shoreland wetlands, and refer to Natural Resource Investigation by JSD Professional Services, dated April 11, 2018, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantee is a “holder”, as contemplated by §700.41(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

WHEREAS, the Grantor and Grantee, by the conveyance to the Grantee of the conservation easement on, over, and across the protected property, desire to conserve the natural values thereof and prevent the use or development of the protected property for any purpose or in any manner inconsistent with the terms of this conservation easement; and

WHEREAS, the Grantee is willing to accept this conservation easement subject to the reservations and to the covenants, terms, conditions, and restrictions set out herein and imposed hereby;

WHEREAS, **TRI CITY BANK**, mortgagee of the Protected Property (“Mortgagee”), consents to the grant of this Easement by Grantor to Grantee and Mortgagee’s consent is attached hereto and identified as “Mortgage Holder Consent”.

NOW, THEREFORE, the Grantor, for and in consideration of the foregoing recitations and of the mutual covenants, terms, conditions, and restrictions subsequently contained, and as an absolute and unconditional dedication, does hereby grant and convey unto the Grantee a conservation easement in perpetuity on, over, and across the protected property.

Grantee’s rights hereunder shall consist solely of the following:

1. To view the protected property in its natural, scenic, and open condition;
2. To enforce by proceeding at law or in equity the covenants subsequently set forth, including, and in addition to all other enforcement proceedings, proceedings to obtain all penalties and remedies set forth under Division 15-9.0500 of the Unified Development Ordinance of the City of Franklin, as amended from time to time, any violation of the covenants subsequently set forth being and constituting a violation of such Unified Development Ordinance, as amended from time to time, or such local applicable ordinance as may be later adopted or in effect to enforce such covenants or the purposes for which they are made, it being agreed that there shall be no waiver or forfeiture of the Grantee’s right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act; and
3. To enter the protected property at all reasonable times for the purpose of inspecting the protected property to determine if the Grantor is complying with the covenants and conditions of this grant.

And in furtherance of the foregoing affirmative rights of the Grantee, the Grantor makes the following covenants which shall run with and bind the protected property in perpetuity, namely, that, on, over, or across the protected property, the Grantor, without the prior consent of the Grantee, shall not:

1. Construct or place buildings or any structure;

2. Construct or make any improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like;
3. Excavate, dredge, grade, mine, drill, or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;
4. Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste, or other landscape materials, ashes, garbage, or debris;
5. Plant any vegetation not native to the protected property or not typical wetland vegetation;
6. Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.

To have and to hold this conservation easement unto the Grantee forever. Except as expressly limited herein, the Grantor reserves all rights as owner of the protected property, including, but not limited to, the right to use the protected property for all purposes not inconsistent with this grant. Grantor shall be responsible for the payment of all general property taxes levied, assessed, or accruing against the protected property pursuant to law.

The covenants, terms, conditions, and restrictions set forth in this grant shall be binding upon the Grantor and the Grantee and their respective agents, personal representatives, heirs, successors, and assigns, and shall constitute servitudes running with the protected property in perpetuity. This grant may not be amended, except by a writing executed and delivered by Grantor and Grantee or their respective personal representatives, heirs, successors, and assigns. Notices to the parties shall be personally delivered or mailed by U.S. Mail registered mail, return receipt requested, as follows:

To Grantor:  
 2 Mike's LLC  
 Attn: Michael Hurst  
 12900 W. National Ave.  
 New Berlin, WI 53157

To Grantee:  
 City of Franklin  
 Office of the City Clerk  
 9229 W. Loomis Road  
 Franklin, WI 53132

In witness whereof, the grantor has set its hand and seals this on this date of \_\_\_\_\_, 20\_\_.

2 Mike's LLC

By: \_\_\_\_\_  
 Michael Hurst, managing member

STATE OF WISCONSIN            )  
   ) ss  
 COUNTY OF MILWAUKEE        )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_ by

Michael Hurst as managing member of 2 Mike's LLC

To me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said limited liability company,

\_\_\_\_\_  
 Notary Public

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

**Acceptance**

The undersigned does hereby consent to and accepts the Conservation Easement granted and conveyed to it under and pursuant to the foregoing Grant of Conservation Easement. In consideration of the making of such Grant Of Conservation Easement, the undersigned agrees that this acceptance shall be binding upon the undersigned and its successors and assigns and that the restrictions imposed upon the protected property may only be released or waived in writing by the Common Council of the City of Franklin, as contemplated by §236.293 of the Wisconsin Statutes.

In witness whereof, the undersigned has executed and delivered this acceptance on the \_\_\_\_ day of \_\_\_\_\_, A.D.20\_\_.

CITY OF FRANKLIN

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

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

STATE OF WISCONSIN            )  
  ) ss  
COUNTY OF MILWAUKEE        )

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

\_\_\_\_\_  
Notary Public

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

This instrument was drafted by the City of Franklin.

Approved as to contents:

\_\_\_\_\_  
Benjamin Kohout, Principal Planner  
Department of City Development

\_\_\_\_\_  
Date

Approved as to form only:

\_\_\_\_\_  
Jesse A. Wesolowski  
City Attorney

\_\_\_\_\_  
Date



**Exhibit A**

Outlot 1 of Certified Survey Map No. \_\_\_\_\_, recorded in Milwaukee County Register of Deeds Office on \_\_\_\_ day of \_\_\_\_\_, 2019 as Document No. \_\_\_\_\_, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 16, township 5 North, Range 21 East, located in the City of Franklin, Milwaukee County, Wisconsin.

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">10/01/19</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>A RESOLUTION AUTHORIZING THE INSTALLATION OF A DECK AND ACCESSORY STRUCTURE WITHIN THE "20 FOOT DRAINAGE EASEMENT" PLAT RESTRICTION, UPON LOT 5 IN SERENITY ESTATES SUBDIVISION (6904 SOUTH HARVARD DRIVE) (CHAD E. LARSEN AND JENNIFER L. LARSEN, APPLICANTS)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G, 5.</i></p>

At the September 19, 2019 meeting of the Plan Commission the following action was approved: move to recommend approval of a resolution authorizing the installation of a deck and accessory structure within the "20 foot drainage easement" plat restriction, upon lot 5 in Serenity Estates subdivision (6904 South Harvard Drive), subject to the conditions that access to the easement shall be granted by the property owner whenever requested by the City, that the City shall be held harmless in the event that any damage would occur to the deck and/or the accessory structure due to its location within the easement or by City maintenance of the easement, and further technical corrections.

**COUNCIL ACTION REQUESTED**

A motion to approve resolution 2019-\_\_\_\_\_, authorizing the installation of a deck and accessory structure within the "20 foot drainage easement" plat restriction, upon lot 5 in Serenity Estates subdivision (6904 South Harvard Drive) (Chad E. Larsen and Jennifer L. Larsen, applicants)

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

A RESOLUTION AUTHORIZING THE INSTALLATION OF A DECK AND ACCESSORY STRUCTURE WITHIN THE “20 FOOT DRAINAGE EASEMENT” PLAT RESTRICTION, UPON LOT 5 IN SERENITY ESTATES SUBDIVISION (6904 SOUTH HARVARD DRIVE) (CHAD E. LARSEN AND JENNIFER L. LARSEN, APPLICANTS)

WHEREAS, the Serenity Estates Subdivision Plat prohibits the building of structures within the “20 Foot Drainage Easement” described thereon; and

WHEREAS, Chad E. Larsen and Jennifer L. Larsen having applied for a release of the “20 Foot Drainage Easement” restriction upon their property to the extent necessary to install an approximately 350 square foot deck and approximately 10 foot by 15 foot 4-post open accessory structure with a roof within an existing 20 foot wide drainage easement (platted as part of the Serenity Estates Subdivision Plat) along the rear of the property line (deck and covered accessory structure extend approximately 4 feet into the drainage easement (total area of structures proposed within the easement is approximately 140 square feet)), property located at 6904 South Harvard Drive, zoned R-6 Suburban Single-Family Residence District, bearing Tax Key No. 741-0086-000, more particularly described as follows:

FOR LOT 5 OF SERENITY ESTATES, BEING A SUBDIVISION OF THE NE 1/4 AND SE 1/4 OF THE SOUTHWEST QUARTER OF SECTION 2, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN; and

WHEREAS, the “20 Foot Drainage Easement” restriction upon the Final Plat for Serenity Estates Subdivision and its accompanying restriction of the building of structures is a restriction which was imposed by the Franklin Common Council in its approval of the Final Plat; and

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

WHEREAS, the Common Council having considered the request for the release of the “20 Foot Drainage Easement” restriction only so as to allow for the subject deck and accessory structure installation, and having considered the proposed location of and type of deck and accessory structure to be installed upon the subject property in conjunction with

existing and required landscaping on the property, and that the proposed deck and accessory structure will not be readily visible from the adjoining highway or create any adverse impact upon the aesthetic or buffering purposes of the landscape bufferyard.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the installation of the proposed deck and accessory structure of the type and specifications as described and only upon the location as set forth within the plans accompanying the application of Chad E. Larsen and Jennifer L. Larsen filed on May 7, 2019, be and the same is hereby authorized and approved and that the “20 Foot Drainage Easement” restriction as it would otherwise apply to such installation upon the subject property only, is hereby waived and released, subject to the following conditions:

1. The maximum allowable encroachment into the drainage easement is 4 feet, for an area no greater than 140 square feet within the subject easement.
2. Pursuant to Unified Development Ordinance Section 15-3.0801B.2, the covered accessory structure shall not exceed 150 square feet in area.
3. The disturbance of the drainage easement shall be limited to the installation of a maximum of 15 posts to support the deck and covered accessory structure. Grading or disturbance of the topography within the drainage easement shall not be permitted.
4. In case the City of Franklin would need to utilize, modify, or otherwise maintain the drainage easement, the property owner shall allow appropriate access to the easement area, including, if necessary, the removal of the deck and/or covered accessory structure encroaching into the drainage easement, for such maintenance purposes.
5. Access to the easement shall be granted by the property owner whenever requested by the City. The City shall be held harmless in the event that any damage would occur to the deck and/or the accessory structure due to its location within the easement or by City maintenance of the easement.

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

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

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

Page 3

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 \_\_\_\_\_

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

A RESOLUTION AUTHORIZING THE INSTALLATION OF A DECK AND  
ACCESSORY STRUCTURE WITHIN THE "20 FOOT DRAINAGE EASEMENT"  
PLAT RESTRICTION, UPON LOT 5 IN SERENITY ESTATES SUBDIVISION  
(6904 SOUTH HARVARD DRIVE)  
(CHAD E. LARSEN AND JENNIFER L. LARSEN, APPLICANTS)

---

WHEREAS, the Serenity Estates Subdivision Plat prohibits the building of structures within the "20 Foot Drainage Easement" described thereon; and

WHEREAS, Chad E. Larsen and Jennifer L. Larsen having applied for a release of the "20 Foot Drainage Easement" restriction upon their property to the extent necessary to install an approximately 350 square foot deck and approximately 10 foot by 15 foot 4-post open accessory structure with a roof within an existing 20 foot wide drainage easement (platted as part of the Serenity Estates Subdivision Plat) along the rear of the property line (deck and covered accessory structure extend approximately 4 feet into the drainage easement (total area of structures proposed within the easement is approximately 140 square feet)), property located at 6904 South Harvard Drive, zoned R-6 Suburban Single-Family Residence District, bearing Tax Key No. 741-0086-000, more particularly described as follows:

FOR LOT 5 OF SERENITY ESTATES, BEING A SUBDIVISION OF THE  
NE 1/4 AND SE 1/4 OF THE SOUTHWEST QUARTER OF SECTION 2,  
TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN,  
MILWAUKEE COUNTY, WISCONSIN; and

WHEREAS, the "20 Foot Drainage Easement" restriction upon the Final Plat for Serenity Estates Subdivision and its accompanying restriction of the building of structures is a restriction which was imposed by the Franklin Common Council in its approval of the Final Plat; and

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

WHEREAS, the Common Council having considered the request for the release of the "20 Foot Drainage Easement" restriction only so as to allow for the subject deck and accessory structure installation, and having considered the proposed location of and type of deck and accessory structure to be installed upon the subject property in conjunction with

existing and required landscaping on the property, and that the proposed deck and accessory structure will not be readily visible from the adjoining highway or create any adverse impact upon the aesthetic or buffering purposes of the landscape bufferyard.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the installation of the proposed deck and accessory structure of the type and specifications as described and only upon the location as set forth within the plans accompanying the application of Chad E. Larsen and Jennifer L. Larsen filed on May 7, 2019, be and the same is hereby authorized and approved and that the "20 Foot Drainage Easement" restriction as it would otherwise apply to such installation upon the subject property only, is hereby waived and released, subject to the following conditions:

1. The maximum allowable encroachment into the drainage easement is 4 feet, for an area no greater than 140 square feet within the subject easement.
2. Pursuant to Unified Development Ordinance Section 15-3.0801B.2, the covered accessory structure shall not exceed 150 square feet in area.
3. The disturbance of the drainage easement shall be limited to the installation of a maximum of 15 posts to support the deck and covered accessory structure. Grading or disturbance of the topography within the drainage easement shall not be permitted.
4. In case the city would need to utilize, modify, or otherwise maintain the drainage easement, the property owner shall allow appropriate access to the easement area, including, if necessary, the removal of the deck and/or covered accessory structure encroaching into the drainage easement, for such maintenance purposes.

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

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

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

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

RESOLUTION NO. 2019-\_\_\_\_  
Page 3

APPROVED:

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

ATTEST:

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

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



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

**Meeting of September 19, 2019**

**Miscellaneous Application**

**RECOMMENDATION:** City Development Staff recommends denial of a miscellaneous application for release of a drainage easement.

<b>Project Name:</b>	Release of a 20-foot drainage easement
<b>Project Address:</b>	6904 S Harvard Drive
<b>Property Owner:</b>	Chad and Jen Larsen
<b>Applicant:</b>	Chad and Jen Larsen
<b>Agent:</b>	N/A
<b>Zoning:</b>	R-5 Suburban Single-Family Residence District
<b>Use of Surrounding Properties:</b>	Residential
<b>Comprehensive Plan:</b>	Residential
<b>Applicant Action Requested:</b>	Approval of miscellaneous application for release of a drainage easement.

**Introduction:**

The property owners, Chad and Jennifer Larsen, have submitted a Miscellaneous Application requesting the partial release of a 20-foot wide drainage easement that runs east/west along the north property line of their property located at 6904 S. Harvard Drive. The subject property is Lot 5 of the Serenity Estates Subdivision.

**Analysis:**

The applicant is requesting permission to construct a 350 square foot deck and a 150 square foot covered accessory structure that will partly extend into the drainage easement. The deck and covered accessory structure extend approximately 4-feet into the drainage easement. The total area of structures proposed within the easement is approximately 140 square feet. As indicated in the applicant's submittal materials, the R-5 District minimum lot coverage is met.

There is also an existing fence within the drainage easement. The applicant did receive a Building Permit in 2016 for the fence prior to installation.

Note that Section 15-3.0802D. of the Unified Development Ordinance (UDO) requires a minimum side and rear yard setback of 10-feet for decks. The covered accessory structure is 150 square feet; therefore, it is allowed to have a minimum setback from the side and rear property lines of 5-feet per

Section 15-3.0801B.2. of the UDO. It should be noted that per Part 11 of the UDO, a deck has no permanent or temporary cover or canopy, thus these structures are being considered separately in regards to setbacks. The proposed canopy is encroaching into the required rear yard, in order to comply with the general standards of accessory uses and structures

It is noted that there appears to be sufficient room to construct a smaller deck and covered accessory structure without extending into the drainage easement. It is recommended that alternative designs be considered to avoid any encroachment into the drainage easement.

As noted in the staff memorandum dated August 27, 2019, the Engineering Department is opposed to this application.

**STAFF RECOMMENDATION:**

City Development Staff recommends denial of a miscellaneous application for release of a drainage easement.

If this application is approved, City Development Staff suggest the following conditions:

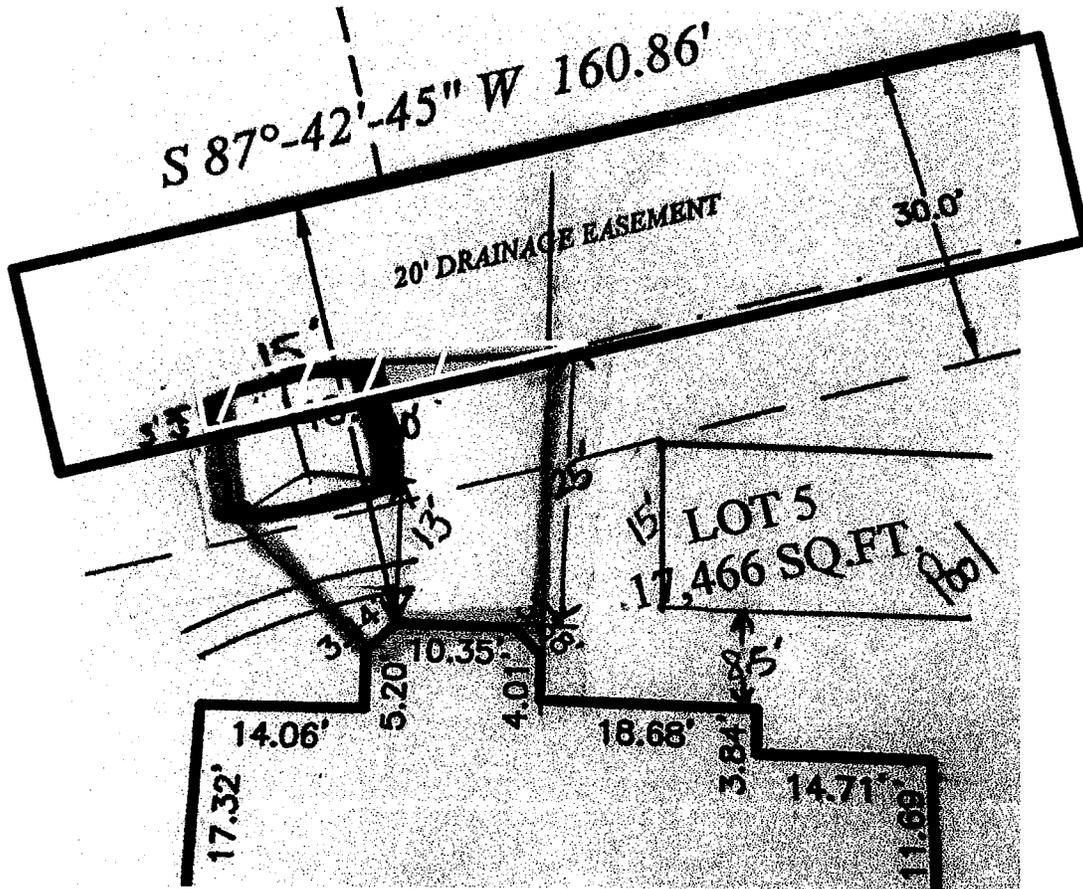
- The maximum allowable encroachment into the drainage easement is 4 feet, for an area no greater than 140 square feet within the subject easement.
- Pursuant to UDO Section 15-3.0801B.2, the covered accessory structure shall not exceed 150 square feet in area.
- The disturbance of the drainage easement shall be limited to the installation of a maximum of 15 posts to support the deck and covered accessory structure. Grading or disturbance of the topography within the drainage easement shall not be permitted.
- In case the city would need to utilize, modify, or otherwise maintain the drainage easement, the property owner shall allow appropriate access to the easement area, including if necessary the removal of the deck and/or covered accessory structure encroaching into the drainage easement, for such maintenance purposes.

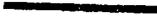
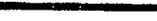
LEGAL DESCRIPTION

FOR LOT 5 OF SERENITY ESTATES, BEING A SUBDIVISION OF THE NE  $\frac{1}{4}$  AND SE  $\frac{1}{4}$  OF SOUTHWEST QUARTER OF SECTION 2, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

# Request

The proposed location of the deck and the 10x15 covered structure (4 posts and a roof) is depicted below. We are requesting a release of up to 4' of the drainage easement for 35 linear feet as depicted in yellow below. We will be building the deck/structure **UP** from the ground, so we will not be disturbing the current topography of the yard and we will have very minimal impact on the flow of water (a few 4x4 posts).



-  Proposed Deck
-  Drainage Easement
-  Proposed Structure
-  Area being requested for release

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">10/01/19</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>A RESOLUTION CONDITIONALLY APPROVING A LAND COMBINATION FOR TAX KEY NOS. 842-9995-004 AND 842-9995- 002 (8570 SOUTH 116TH STREET AND ADJACENT VACANT PARCEL ABUTTING 8628 SOUTH 116TH STREET) (ROBERT G. MONTGOMERY, APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.6.</i></p>
<p>At the September 19, 2019, meeting of the Plan Commission, the resolution conditionally approving a Land Combination was not recommended for approval, as the concurring vote of four members of the Plan Commission is required for such actions. On voice vote, 3 voted 'aye' and 1 voted 'nay'. (3-1-3)</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to approve Resolution 2019-_____, conditionally approving a Land Combination for Tax Key Nos. 842-9995-004 and 842-9995-002 (8570 South 116th Street and adjacent vacant parcel abutting 8628 South 116th Street) (Robert G. Montgomery, applicant)</p>		

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

A RESOLUTION CONDITIONALLY  
APPROVING A LAND COMBINATION FOR  
TAX KEY NOS. 842-9995-004 AND 842-9995-002  
(8570 SOUTH 116TH STREET AND ADJACENT VACANT  
PARCEL ABUTTING 8628 SOUTH 116TH STREET)  
(ROBERT G. MONTGOMERY, APPLICANT)

---

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a proposed land combination for Robert G. Montgomery for the purpose of re-building a residential dwelling on South 116th Street, specifically, the parcel at 8570 South 116th Street and adjacent vacant parcel abutting 8628 South 116th Street; bearing Tax Key Nos. 842-9995-004 and 842-9995-002, more particularly described as follows:

Property Description for 842-9995-004:

COM 680 FT N OF SW COR OF SE 18 5 21 TH NLY 200 FT ELY 1323.83  
FT SLY 880 FT WLY 597.76 FT NLY 680 FT WLY 726 FT TO BEG CONT  
15.409 ACS.

Property Description for 842-9995-002:

THE W 726 FT OF N 200 FT OF S 680 FT OF SE QUAR SEC 18 5 21  
CONT 3.333 ACS.

WHEREAS, the Plan Commission having reviewed such application, and the Common Council having reviewed such application and having determined that such proposed land combination is appropriate for approval pursuant to law upon certain conditions, all pursuant to §15-9.0312 of the Unified Development Ordinance, Land Combination Permits.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the proposed land combination for Robert G. Montgomery, as submitted by Robert G. Montgomery, as described above, be and the same is hereby approved, subject to the following conditions:

1. Robert G. Montgomery, successors and assigns shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Robert G. Montgomery land combination project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general

ROBERT G. MONTGOMERY – LAND COMBINATION  
RESOLUTION NO. 2019-\_\_\_\_\_

Page 2

penalties and remedies provisions, as amended from time to time.

2. The approval granted hereunder is conditional upon Robert G. Montgomery and the land combination project for the property located on South 116th Street, specifically, the parcel at 8570 South 116th Street and adjacent vacant parcel abutting 8628 South 116th 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.
3. Applicant shall ensure that construction of new structures and re-construction of pre-existing structures comply with all of the district standards of the R-3 Suburban/Estate Single-Family Residence District.
4. Applicant shall provide a Natural Resource Protection Plan, as required by Section 15-7.0201 of the Unified Development Ordinance for review and approval by the Department of City Development prior to the issuance of a building permit.

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 September 19, 2019

## Land Combination

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**RECOMMENDATION:** City Development Staff recommends approval of a land combination for 8570 116<sup>th</sup> Street and 0 116<sup>th</sup> Street.

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<b>Project Name:</b>	8570 116 <sup>th</sup> Street and 0 116 <sup>th</sup> Street Land Combination
<b>Project Address:</b>	8570 116 <sup>th</sup> Street and 0 116 <sup>th</sup> Street
<b>Property Owner:</b>	Robert Montgomery
<b>Applicant:</b>	Robert Montgomery
<b>Agent:</b>	N/A
<b>Zoning:</b>	R-3 Suburban/Estate Single Family Residence District & C-1 Conservancy District
<b>Use of Surrounding Properties:</b>	Residential
<b>Comprehensive Plan:</b>	Residential and Areas of Natural Resource Features
<b>Applicant Action Requested:</b>	Approval of application for land combination

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**Introduction:**

On June 17, 2019, Robert G. Montgomery submitted an application for land combination of two adjacent parcels, 8570 116<sup>th</sup> Street and 0 116<sup>th</sup> Street. The parcels are zoned as R-3 Suburban/Estate Single Family Residence District & C-1 Conservancy District. The future land use designation for these parcels according to the Comprehensive Plan is Residential and Areas of Natural Resource Features.

Pursuant to §15-9.0312.B, of the Unified Development Ordinance, the application for the Land Combination Permit shall be considered “relative to City staff recommendations, the lot area and other dimensional requirements of the zoning district(s) within which the parcels are located, the City of Franklin Comprehensive Master Plan and the planned land use for each of the parcels, present use of the parcels and proposed use of the parcels for the purpose to ensure that upon combination, such properties shall comply with the purposes and provisions of this Ordinance.”

**Analysis:**

8570 116<sup>th</sup> Street and 0 116<sup>th</sup> Street are two adjacent parcels along 116<sup>th</sup> Street. If combined, the resulting parcel would be 18.74 acres in area. The resulting combined street frontage appears to be 400’ based on the provided survey maps. The dimensions of the proposed combined parcel are consistent with the R-3 Development Standards, as indicated in Table 15-3.0203 in the UDO.

The applicant stated that his home burned on January 30, 2019, the applicant's proposal is to rebuild a residential dwelling in the location of the pre-existing dwelling, which is a permitted use in the R-3 zoning district.

The applicant has been advised that a Natural Resource Protection Plan would also be required if the combined parcel were to be redeveloped, pursuant to §15-4.0101 of the UDO. The applicant has also been advised that the City of Franklin's maps indicate that there are wetlands covering parts of both parcels. Wetlands would be mapped as part of a future Natural Resource Protection Plan, and wetland buffers and setbacks would apply to the combined property.

**Staff suggestions:**

Parts of the properties in question are zoned with an obsolete C-1 Conservancy zoning district. City Development Staff suggest the following:

- Applicant shall submit a rezoning application to remove the C-1 zoning district from the property, as described in §15-9.0200 of the UDO, prior to the issuance of building permits.

**STAFF RECOMMENDATION:**

City Development staff recommends approval of a land combination for 8570 116th Street and 0 116th Street, subject to the conditions as noted in the attached draft resolution.

**Parcel Number**

842-9995-002

226 - CITY OF FRANKLIN

THE W 726 FT OF N 200 FT OF S 680 FT OF SE QUAR SEC 18 5 21 CONT 3.333  
ACS

**Parcel Number**

842-9995-004

226 - CITY OF FRANKLIN

8570 S 116TH ST FRANKLIN 53132

COM 680 FT N OF SW COR OF SE 18 5 21 TH NLY 200 FT ELY 1323.83 FT SLY  
880 FT WLY 597.76 FT NLY 680 FT WLY 726 FT TO BEG CONT 15.409 ACS



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<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR</p> <p>COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>10/01/2019</p>
<p>REPORTS &amp; RECOMMENDATIONS</p>	<p>ORDINANCE TO AMEND §15-3.0418 OF THE UNIFIED DEVELOPMENT ORDINANCE, PLANNED DEVELOPMENT DISTRICT NO. 13 (WAL-MART/SAM'S WHOLESALE CLUB) TO ALLOW FOR PARKING LOT AND SIGNAGE CHANGES (WAL-MART REAL ESTATE BUSINESS TRUST, APPLICANT) (6701 SOUTH 27TH STREET)</p>	<p>ITEM NUMBER</p> <p><i>67.</i></p>

At its September 19, 2019 meeting, the Plan Commission recommended approval of an ordinance to amend §15-3.0418 of the Unified Development Ordinance Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) to allow for parking lot and signage changes (Wal-Mart Real Estate Business Trust, Applicant) (6701 South 27th Street) subject to installation of only four new directional signs.

The Plan Commission changes were incorporated into a revised draft ordinance.

**COUNCIL ACTION REQUESTED**

- A. (Minor Amendment Determination) A motion determining the proposed amendment to be a minor amendment.
- B. (Planned Development District Ordinance Amendment) A motion to adopt Ordinance No. 2019-\_\_\_\_\_, an ordinance to amend §15-3.0418 of the Unified Development Ordinance Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) to allow for parking lot and signage modifications (6701 South 27th Street).

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 9-26-19]*

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

AN ORDINANCE TO AMEND §15-3.0418 OF THE UNIFIED  
DEVELOPMENT ORDINANCE, PLANNED DEVELOPMENT DISTRICT  
NO. 13 (WAL-MART/SAM'S WHOLESALE CLUB) TO ALLOW FOR  
PARKING LOT AND SIGNAGE MODIFICATIONS  
(WAL-MART REAL ESTATE BUSINESS TRUST, APPLICANT)  
(6701 SOUTH 27TH STREET)

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WHEREAS, §15-3.0418 of the Unified Development Ordinance provides for and regulates Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), same having been created by Ordinance No. 89-1071 and later amended by Ordinance Nos. 94-1313, 95-1342, 2001-1645, 2002-1705, 2004-1814, 2008-1940, 2010-1995, 2013-2123, 2016-2213, 2016-2223 and 2018-2331, such District being located at 6701 South 27th Street, bearing Tax Key No. 714-0003-002; and

WHEREAS, Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) includes those lands legally described as follows:

LOTS 3 AND 4 IN WAL-MART SUBDIVISION BEING A PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND A PART OF THE SOUTHEAST 1/4 OF SECTION 1, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN; and

WHEREAS, Wal-Mart Real Estate Business Trust, having petitioned for a further amendment to Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), to allow for restriping and designating 10 parking spaces for customer pickup of online grocery orders and adding pedestrian/crosswalk striping across the front drive aisle from the front walk along the building to the grocery pickup spaces and signage modifications as follows: installation of nine new directional signs located throughout the parking lot to direct traffic flows and direct customers to the designated parking area [each of the directional site signs is three (3) square feet in area, which will add an additional 27 square feet in signage to the site, bringing the total sign area to 630.73 square feet (the allowable sign area for the site is calculated as follows: 651 square feet frontage x 1.5 = 976.5 allowable square feet sign area)] and relocating the existing 'Pickup' wall sign from the west side of the north elevation to the east side of the north elevation adjacent to the new pickup parking area, to obtain approval of a site plan therefore; and

WHEREAS, the City of Franklin Plan Commission having considered the application on the 19th day of September, 2019, and the Plan Commission having determined that the proposed amendment was a minor amendment and having recommended to the Common

Council that the proposed amendment to Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) be approved; and

WHEREAS, the Common Council having considered the application and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment to Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and that it will promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows: Ordinance No. 2001-1645, Section 1, is hereby amended to allow for restriping and designating 10 parking spaces for customer pickup of online grocery orders and adding pedestrian/crosswalk striping across the front drive aisle from the front walk along the building to the grocery pickup spaces; Ordinance No. 2008-1940, Section 1, Ordinance No. 2010-1995, Section 1 and Ordinance No. 2018-2331, Section 1, are hereby amended to allow for installation of nine new directional signs located throughout the parking lot directing customers to the new grocery pickup spaces, and relocating the existing 'Pickup' wall sign from the west side of the north elevation to the east side of the north elevation adjacent to the new pickup parking area, which shall be located and constructed, and appear as respectively depicted upon and pursuant to those plans and site plan City file-stamped May 7, 2019, attached hereto and incorporated herein. Amendment is subject to the following condition:

1. Staff recommends updating the project summary to include the parking stall designation signage in the calculation of sign area.
2. Installation of only four new directional signs.

SECTION 2: The proposed Wal-Mart Supercenter parking lot and signage modifications shall be completed within one year from the date of adoption of this Ordinance, or this Ordinance and all rights and approvals resulting therefrom shall be null and void without any further action by the City of Franklin.

SECTION 3: Wal-Mart Real Estate Business Trust, successors and assigns and any developer of the Wal-Mart Supercenter parking lot and signage

modifications project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Wal-Mart Supercenter parking lot and signage modifications

project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

SECTION 4: All other applicable terms and provisions of §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) not inconsistent with the terms of this Ordinance, and the Unified Development Ordinance of the City of Franklin, as amended from time to time, shall apply to the Wal-Mart Supercenter parking lot and signage modifications project, and all terms and provisions of §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) as existing immediately prior to the adoption of this Ordinance and not amended by this Ordinance, shall remain in full force and effect.

SECTION 5: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 6: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 7: This ordinance shall take effect and be in force from and after its passage and publication.

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

Passed and adopted 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 September 19, 2019**

**Planned Development District (PDD) No. 13 Amendment**

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**RECOMMENDATION:** Staff recommends approval of the proposed amendment to Planned Development District (PDD) No. 13, as a Minor PDD Amendment, subject to the conditions set forth in the attached draft ordinance.

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<b>Project Name:</b>	Walmart (PDD No. 13) Minor Planned Development District Amendment Application
<b>Project Address:</b>	6701 S. 27 <sup>th</sup> Street
<b>Applicant:</b>	pb2 architecture and engineering
<b>Property Owner:</b>	Wal-Mart Real Estate Business Trust
<b>Current Zoning:</b>	Planned Development District No. 13
<b>2025 Comprehensive Plan:</b>	Commercial
<b>Use of Surrounding Properties:</b>	Commercial (east, north and south) and Multi-Family Residential Condominiums (west)
<b>Applicant's Action Requested:</b>	Recommendation to the Common Council for approval of a minor amendment to Planned Development District No. 13 to allow changes to parking lot striping and signage

---

**Project Description and Analysis:**

The applicant, pb2 architecture and engineering, filed an application for a Minor Planned Development District Amendment requesting several parking lot and sign modifications for the Walmart store located at 6701 S. 27<sup>th</sup> Street, zoned Planned Development District No. 13.

The proposed changes include:

1. Adding pedestrian/crosswalk striping across the front drive aisle from the front walk along the building to the grocery pickup spaces;
2. Restriping and designating 10 parking spaces for customer pickup of online grocery orders, including logo signage designating each parking space;
3. Installation of nine (9) new directional signs located throughout the parking lot directing customers to the new grocery pickup spaces; and
4. The proposal would add 27 square feet of directional signage and 85 square feet of signage to designate parkings stalls, for a total of 112 square feet of new signage to the Walmart portion of PDD 13. The existing sign area is 603.73 square feet; the additional sign area would yield a total of 715.73 square feet.
5. Relocating the existing 'Pickup' wall sign from the west side of the north elevation to the east side of the north elevation adjacent to the new grocery pickup parking area.

Parking Lot Modifications

The plans provided detail the changes noted above under Nos. 1 and 2. The proposed changes are found to be minimal and the overall number of parking spaces is only being reduced by 2 stalls. There is also no change in the amount of greenspace onsite.

Sign Modifications

It can first be noted that PDD No. 13 Ordinances originally required signs to be in compliance with the City Sign Ordinance. However, in 2010, PDD No. 13 was amended to allow signs pursuant to a specific plan, which was referenced in that Ordinance and City date-stamped February 26, 2010.

For comparison purposes, § 210-4.C.1.d. of the City of Franklin Regulatory Measures for Signs and Billboards provides that the permitted square footage of signage is determined by a factor of the frontage and the setbacks of the building.

The proposed directional signs are 3.0 square feet each with a peak height of 8'6".

The proposed parking stall signs with logos are a total of 8.5 square feet each with a peak height of 6' 2".

The existing sign area is 603.73 square feet. The total square footage of signage being added is 112 square feet, thus the new amount of signage would total 715.73 square feet. For comparison purposes, based on the calculation under § 210-4.C.1.d., the site's 651 lineal feet of frontage permits at least 976.5 square feet of allowable sign area.

It should be noted that the applicant will need to obtain additional Sign Permits from the City of Franklin Inspection Department for any signage including branding such as the "Walmart Spark." This includes pavement markings.

**Staff Suggestion:**

Staff suggests the applicant reduce the number of the parking lot directional and stall designation signs. Staff believes the proposed number of signs is an excessive amount of signage.

**Staff Recommendation:**

Staff recommends approval of the Planned Development District No. 13 Minor Amendment, subject to the conditions set forth in the draft ordinance.

# **City of Franklin**

## **Department of City Development**

Date: August 22, 2019

To: Amy Miles, pb2 architecture + engineering

From: City Development Staff

RE: Walmart (PDD No. 13) Minor Planned Development District Amendment  
Application Comments and Recommendations– Staff Comments

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Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Minor Planned Development District (PDD) Amendment application submitted by Amy Miles, pb2 architecture + engineering, and date stamped by the City of Franklin on May 7, 2019.

### **Department of City Development Staff Comments**

1. Please provide additional sign details for the traffic directional signs including a rendering or sample image of the proposed signage, area/square footage of the signs, pole details and peak height of the signs.
2. Note that depending upon the details requested above, there may be concerns with the number of directional signs proposed.
3. With the restriping, is the net loss two parking spaces?

### **Engineering Staff Comments**

No comments

### **Fire Department Staff Comments**

No comments

### **Police Department Staff Comments**

No comments

**City of Franklin  
Department of City Development**

Date: September 3, 2019

To: Amy Miles, pb2 architecture + engineering

From: City Development Staff

RE: Walmart (PDD No. 13) Minor Planned Development District Amendment  
Application Comments and Recommendations – Additional Staff Comments

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Please be advised that City Staff has reviewed the additional information provided for the above application submitted by Amy Miles, pb2 architecture + engineering, and date stamped by the City of Franklin on August 22, 2019.

**Department of City Development Staff Comments**

The signage is PDD 13 is controlled by § 210-4.C.1.d. of the City of Franklin Regulatory Measures for Signs and Billboards which provides that the permitted square footage of signage is determined by a factor of the frontage and the setbacks of the building.

Please update the project summary to include documentation of the following:

1. The total existing square footage of sign area, and;
2. the total square footage of sign area being added, and;
3. the final total square footage of sign area once the project is complete, and;
4. the total permitted square footage of sign area.

It should be noted that the applicant will need to obtain additional Sign Permits from the City of Franklin Inspection Services Department for any signage including branding such as the “Walmart Spark.” This includes pavement markings.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 9-11-19]*

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

AN ORDINANCE TO AMEND §15-3.0418 OF THE UNIFIED  
DEVELOPMENT ORDINANCE, PLANNED DEVELOPMENT DISTRICT  
NO. 13 (WAL-MART/SAM'S WHOLESALE CLUB) TO ALLOW FOR  
PARKING LOT AND SIGNAGE MODIFICATIONS  
(WAL-MART REAL ESTATE BUSINESS TRUST, APPLICANT)  
(6701 SOUTH 27TH STREET)

---

WHEREAS, §15-3.0418 of the Unified Development Ordinance provides for and regulates Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), same having been created by Ordinance No. 89-1071 and later amended by Ordinance Nos. 94-1313, 95-1342, 2001-1645, 2002-1705, 2004-1814, 2008-1940, 2010-1995, 2013-2123, 2016-2213, 2016-2223 and 2018-2331, such District being located at 6701 South 27th Street, bearing Tax Key No. 714-0003-002; and

WHEREAS, Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) includes those lands legally described as follows:

LOTS 3 AND 4 IN WAL-MART SUBDIVISION BEING A PART OF THE  
SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND  
A PART OF THE SOUTHEAST 1/4 OF SECTION 1, TOWN 5 NORTH,  
RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE  
COUNTY, WISCONSIN; and

WHEREAS, Wal-Mart Real Estate Business Trust, having petitioned for a further amendment to Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), to allow for restriping and designating 10 parking spaces for customer pickup of online grocery orders and adding pedestrian/crosswalk striping across the front drive aisle from the front walk along the building to the grocery pickup spaces and signage modifications as follows: installation of nine new directional signs located throughout the parking lot to direct traffic flows and direct customers to the designated parking area [each of the directional site signs is three (3) square feet in area, which will add an additional 27 square feet in signage to the site, bringing the total sign area to 630.73 square feet (the allowable sign area for the site is calculated as follows: 651 square feet frontage x 1.5 = 976.5 allowable square feet sign area)] and relocating the existing 'Pickup' wall sign from the west side of the north elevation to the east side of the north elevation adjacent to the new pickup parking area, to obtain approval of a site plan therefore; and

WHEREAS, the City of Franklin Plan Commission having considered the application on the 19th day of September, 2019, and the Plan Commission having determined that the proposed amendment was a minor amendment and having recommended to the Common

Council that the proposed amendment to Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) be approved; and

WHEREAS, the Common Council having considered the application and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment to Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and that it will promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club), of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows: Ordinance No. 2001-1645, Section 1, is hereby amended to allow for restriping and designating 10 parking spaces for customer pickup of online grocery orders and adding pedestrian/crosswalk striping across the front drive aisle from the front walk along the building to the grocery pickup spaces; Ordinance No. 2008-1940, Section 1, Ordinance No. 2010-1995, Section 1 and Ordinance No. 2018-2331, Section 1, are hereby amended to allow for installation of nine new directional signs located throughout the parking lot directing customers to the new grocery pickup spaces, and relocating the existing 'Pickup' wall sign from the west side of the north elevation to the east side of the north elevation adjacent to the new pickup parking area, which shall be located and constructed, and appear as respectively depicted upon and pursuant to those plans and site plan City file-stamped May 7, 2019, attached hereto and incorporated herein. Amendment is subject to the following condition:

1. Staff recommends updating the project summary to include the parking stall designation signage in the calculation of sign area.

SECTION 2: The proposed Wal-Mart Supercenter parking lot and signage modifications shall be completed within one year from the date of adoption of this Ordinance, or this Ordinance and all rights and approvals resulting therefrom shall be null and void without any further action by the City of Franklin.

SECTION 3: Wal-Mart Real Estate Business Trust, successors and assigns and any developer of the Wal-Mart Supercenter parking lot and signage

modifications project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Wal-Mart Supercenter parking lot and signage modifications

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

Page 3

project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

SECTION 4: All other applicable terms and provisions of §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) not inconsistent with the terms of this Ordinance, and the Unified Development Ordinance of the City of Franklin, as amended from time to time, shall apply to the Wal-Mart Supercenter parking lot and signage modifications project, and all terms and provisions of §15-3.0418 Planned Development District No. 13 (Wal-Mart/Sam's Wholesale Club) as existing immediately prior to the adoption of this Ordinance and not amended by this Ordinance, shall remain in full force and effect.

SECTION 5: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 6: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 7: This ordinance shall take effect and be in force from and after its passage and publication.

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

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

APPROVED:

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Stephen R. Olson, Mayor

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

Page 4

ATTEST:

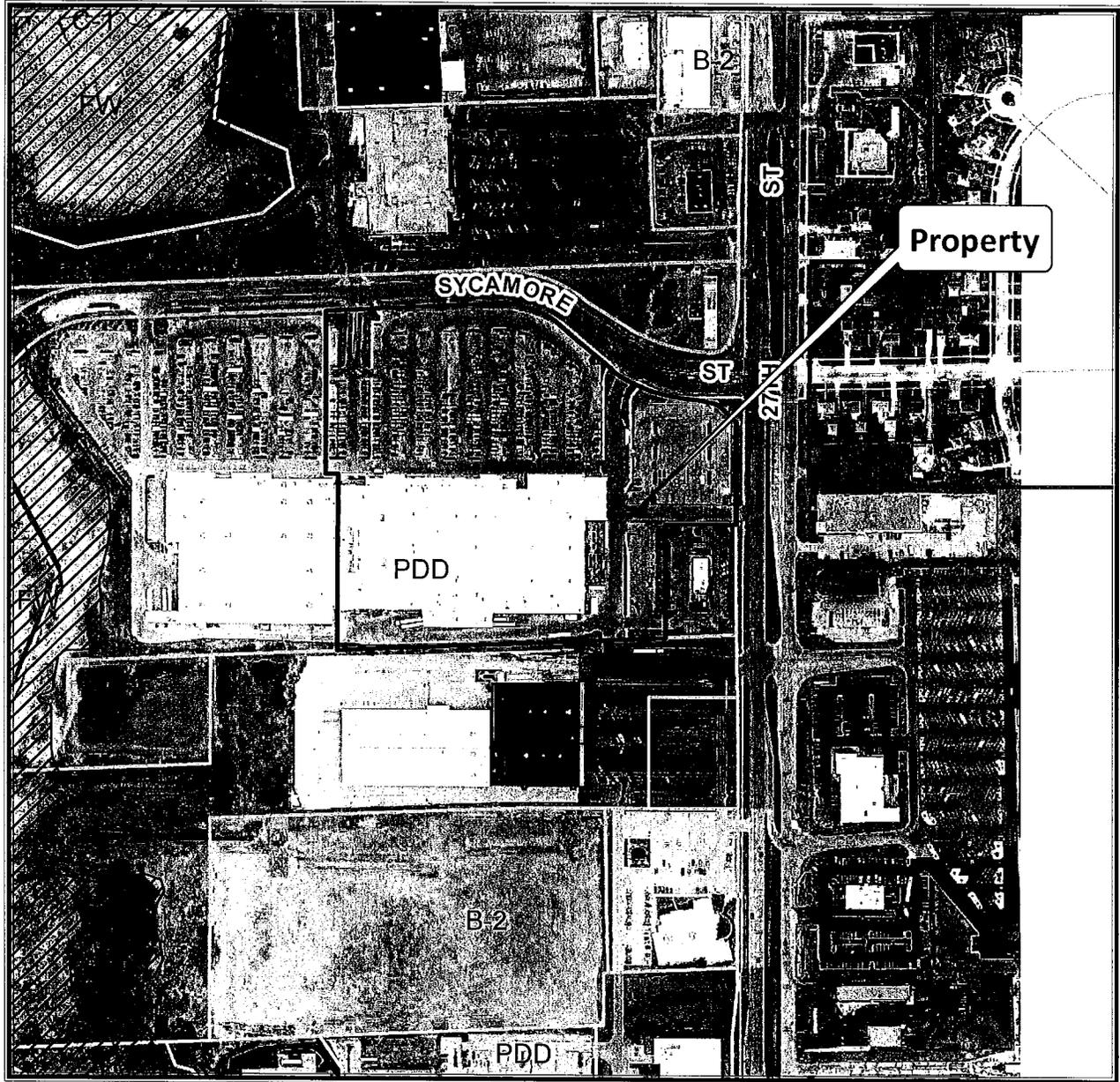
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Sandra L. Wesolowski, City Clerk

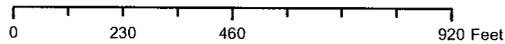
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_



6701 S. 27th Street  
TKN: 714 0003 002



Planning Department  
(414) 425-4024

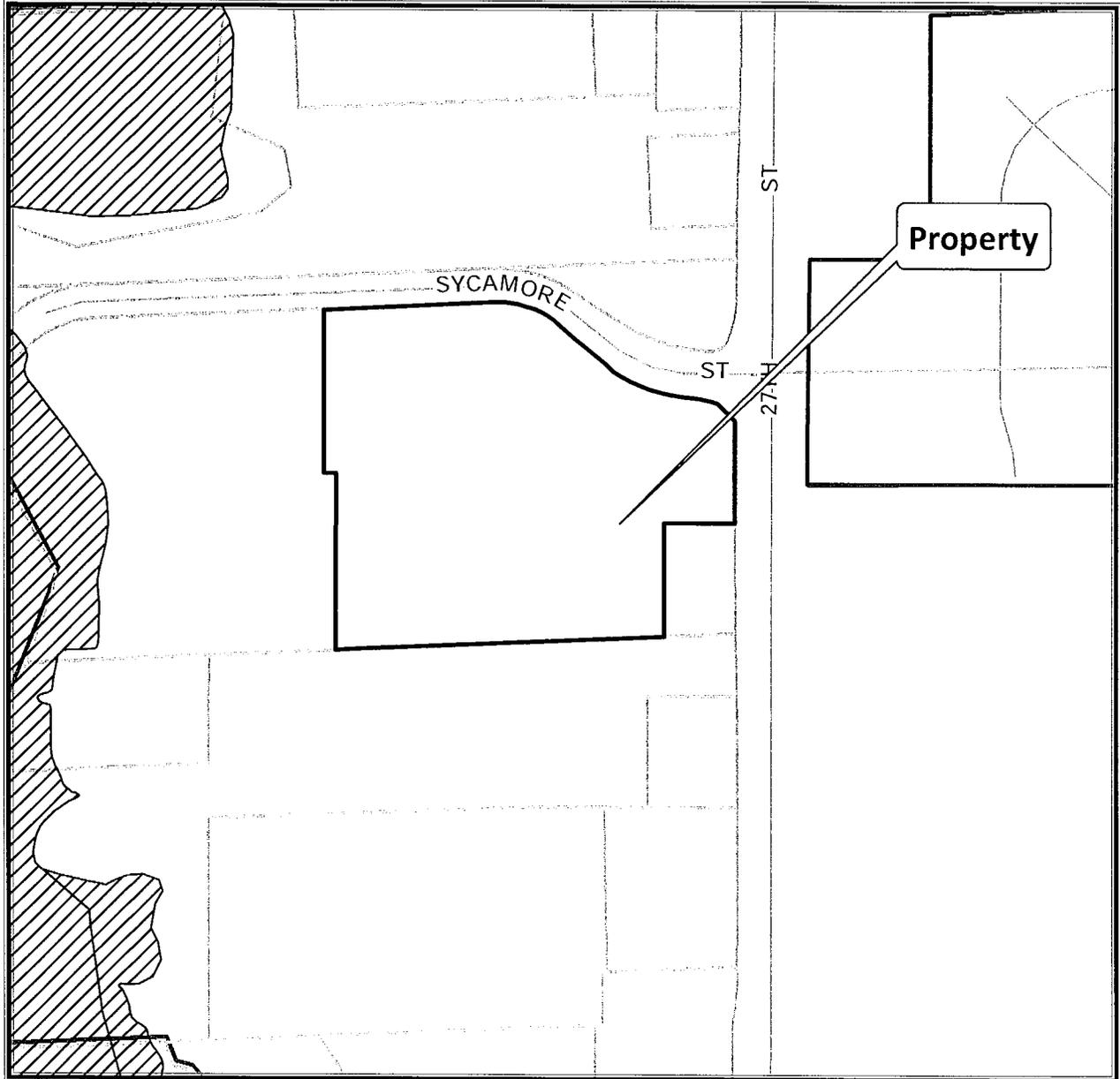


**NORTH**  
2017 Aerial Photo

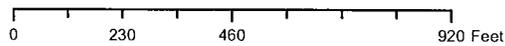
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



6701 S. 27th Street  
TKN: 714 0003 002



Planning Department  
(414) 425-4024



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



2017 Aerial Photo

## **Walmart #1551 – Online Grocery Pickup Enhancement Project Summary**

Walmart will be updating the store at 6701 S. 27<sup>th</sup> Street to bring it in line with current Online Grocery Pickup standards. Enhancements to the store include: the restriping of ten (10) parking stalls to be designated as dedicated parking for customers picking up online grocery orders; the addition of striping in the parking lot to designated associate path to customer parking area; the addition of nine (9) small directional signs to direct traffic flows and direct customers to the designated parking area; the relocation of the existing channel-letter, internally illuminated \*Pickup wall sign.

Currently the site maintains 603.73 sf of wall signage. Wall sign area will not change; however, the existing \*Pickup wall sign will be relocated from the west side of the front façade to just east of the Home & Living entrance. Nine (9) directional signs are being added in the parking lot to direct online grocery pickup customers through the parking lot in a path that avoids most of the pedestrian traffic. Each of the directional site signs is three (3) square feet in area, which will add an additional 27 square feet in signage to the site, bringing the total sign area to 630.73 sf. The allowable sign area for the site is calculated as follows:

$$651 \text{ lf frontage} \times 1.5 = 976.5 \text{ allowable sf sign area}$$

The intent of these modifications is to assist both customers and associates using the online grocery pickup features of the store. These changes will not impact on abutting properties, nor will they have any impact on the existing environmental condition of the site.

The anticipated cost of these improvements totals \$45,000.00. The actual project cost will be determined by the contract amount agreed upon by Walmart and the awarded general contractor.

**Walmart #1551 Legal Description**

Lots 3 and 4 in Wal-Mart Subdivision being a part of the SE  $\frac{1}{4}$  and SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , and a part of the SE  $\frac{1}{4}$  of Section 1, Town 5N, R 21E, in the City of Franklin, Milwaukee County, Wisconsin.

**DIRECTIONAL SIGN SCHEDULE**

ARROW	NUMBER	MOUNTING TYPE
Downward	1	Pole
Directional Right	4	Pole
Directional Left	2	Pole
Straight		

**SIGNAGE NOTES**

1. REF SP-1 FOR POLE DETAILS AND SIGNAGE DETAILS

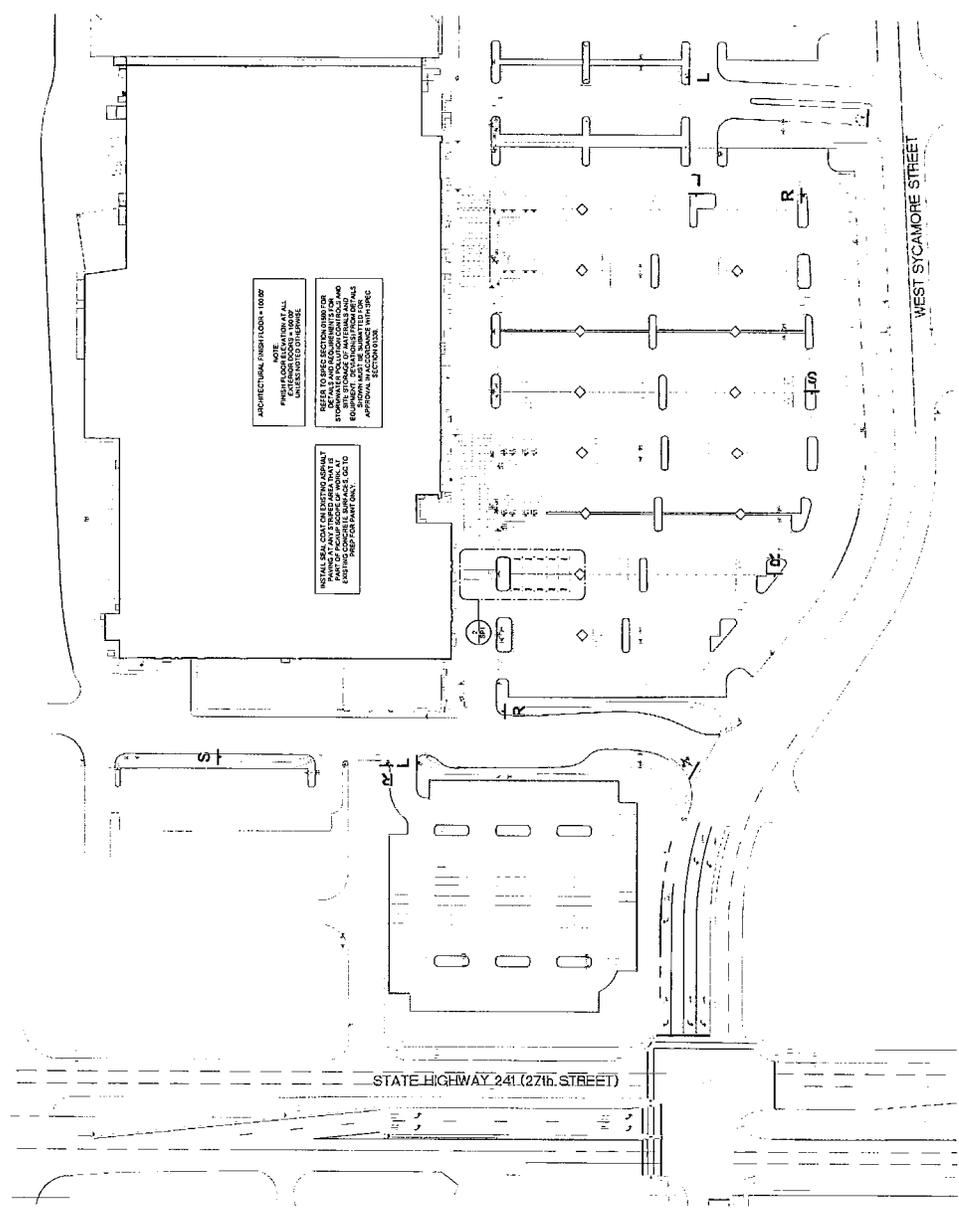
**SIGNAGE LEGEND**

DIRECTIONAL SIGN	SIGN NUMBER COLLECTION
REF 2-59(1)	WALMART
	WALMART

**ARCHITECTURAL FINISH (CONC. TOP)**  
**NOTE:**  
 FLOOR FINISH SHALL BE AS SHOWN. ALL UNRESTRICTED DRIVEWAYS SHALL BE CONCRETE.

**SEE TO SPECIFICATION FOR**  
 CONCRETE FINISHES AND MATERIALS. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT AND SHALL BE SUBMITTED FOR APPROVAL AND CONFORMANCE WITH SPEC SECTION 05100.

**INSTALL SIGN ON EXISTING ASPHALT**  
 SIGN SHALL BE INSTALLED ON EXISTING ASPHALT. ALL SIGNAGE SHALL BE INSTALLED IN ACCORDANCE WITH THE WISCONSIN SIGNAGE REGULATIONS AND SHALL BE SUBMITTED FOR APPROVAL AND CONFORMANCE WITH SPEC SECTION 05100.



1 FLOOR PLAN 1"=50'

2 ENLARGED SITE PLAN 1/8"=1'-0"

**pb2**  
 Professional Building & Engineering  
 3000 West Sycamore Street, Suite 100  
 Franklin, WI 53120  
 Phone: 762-2222  
 Fax: 762-2211

**EXPLANATION FOR REVISIONS**

NO.	DATE	DESCRIPTION
1	08/13/11	ISSUED FOR PERMITS

**Walmart**  
 FRANKLIN, WISCONSIN  
 STORE NO. 1081  
 JOB NUMBER: 2010-0135  
 SPECIAL NOTES

**SCALE BLOCK**

1" = 50'
1" = 100'
1" = 200'
1" = 400'
1" = 800'
1" = 1600'

DESIGNED BY	DD
DRAWN BY	DD
CHECKED BY	DD
PROJECT NO.	1081-0135
PROJECT DATE	08/13/11



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**SITE PLAN**

**SP1**







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<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>October 1, 2019</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>RELEASE OF LETTER OF CREDIT FOR THE DEVELOPMENT OF THE AUTUMN LEAVES OF FRANKLIN MEMORY CARE FACILITY LOCATED AT 9201 W. DREXEL AVENUE</b>	<b>ITEM NUMBER</b> <b>G. 8.</b>

**BACKGROUND**

Pursuant to the development at Autumn Leaves of Franklin Memory Care Facility, please be advised that all conditions of the development agreement have been completed; therefore, the letter of credit can be released.

**ANALYSIS**

Staff recommends the release of the Letter of Credit for Autumn Leaves of Franklin Memory Care Facility.

**OPTIONS**

- A. Direct Staff to release Letter of Credit; or
- B. Refer back to Staff with additional direction.

**FISCAL NOTE**

No impact on City budgets.

**COUNCIL ACTION REQUESTED**

Motion to direct Staff to release Letter of Credit No. 16-002 from TCF Commercial Bank dated April 22, 2016, for the development of the Autumn Leaves of Franklin Memory Care Facility located at 9201 W. Drexel Avenue.

Engineering: GEM

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