

<b>APPROVAL</b> <i>slu</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 09/15/2020
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>CONCEPT REVIEW FOR A COMMERCIAL DEVELOPMENT PROPOSAL OF SIX LOTS, INCLUDING STORAGE, KWIK TRIP, AND HEALTH CLUB (9540 S. 76TH ST / TKN 897 9996 000) (JAMES B. O'MALLEY, APPLICANT)</b>	<b>ITEM NUMBER</b> <i>G.5.</i>

On June 4, 2020, the applicant submitted a Concept Review for a proposed commercial development at the corner of 76th St. and Ryan Rd. The 22.68 acre parcel is currently vacant.

The applicant proposes to divide the property into six (6) buildable lots and one (1) outlot for the existing stormwater pond. The resulting commercial district will include initial development of roads, a mini storage facility and Kwik Trip Convenience Store along Ryan Road, and subsequently a tennis and swimming health club in the interior of the development. The applicant is seeking proposals to develop the remaining parcels. Site access is proposed from both Ryan Road and 76th street.

Staff sent review comments to the applicant on August 14, 2020. The attached report contains a summary of the project and staff recommendations.

**COUNCIL ACTION REQUESTED**

Provide direction to the applicant regarding the proposed commercial development to be located at 9540 S. 76<sup>th</sup> St. (James B. O'Malley, applicant).



# CITY OF FRANKLIN



## REPORT TO THE COMMON COUNCIL

Meeting of September 15, 2020

### Concept Review

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**RECOMMENDATION:** Provide direction to the applicant regarding the proposed commercial development to be located at 9540 S. 76<sup>th</sup> St. (James B. O’Malley, Applicant).

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<b>Project Name:</b>	O’Malley Concept Review
<b>Project Address/Tax Key:</b>	TKN 897 9996 000 (9540 S. 76 <sup>th</sup> St.etc )
<b>Property Owner:</b>	James B. O’Malley – Revocable Trust
<b>Applicant:</b>	James B. O’Malley – Trustee
<b>Current Zoning:</b>	R-8 Multifamily Residence District and A-1 Agricultural District
<b>2025 Comprehensive Plan:</b>	Commercial, Recreational, and Areas of Natural Resource Features.
<b>Action Requested:</b>	No action requested

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#### Introduction

On June 4, 2020, the applicant submitted a Concept Review for a proposed commercial development at the corner of 76<sup>th</sup> St. and Ryan Rd. The 22.68 acre parcel is currently vacant of development, apart from an existing stormwater detention pond in the southeast corner. The parcel likely contains areas of wetlands, and is adjacent to parkland and the floodplain of the Root River. There is also an easement for the Ryan Interceptor which travels through the parcel.

The surrounding properties are currently zoned R-8 Multifamily Residence District, R-7 Two-Family Residence District, M-1 Limited Industrial District, P-1 Parkland, and B-3 Community Business District. The City’s Future Land Use map envisions this intersection as commercial in nature.

The applicant proposes to divide the property into six (6) buildable lots and one (1) outlot for the existing stormwater pond. The resulting commercial district will include initial development of roads, a mini storage facility and Kwik Trip Convenience Store along Ryan Road, and subsequently a tennis and swimming health club in the interior of the development. The applicant is seeking proposals to develop the remaining parcels. Site access is proposed from both Ryan Road and 76<sup>th</sup> street.

#### Planning Analysis

The proposed development will require two Certified Survey Map land divisions including dedication of roads and preservation of existing easements for infrastructure. Instead of the proposed cul-de-sac, staff suggests the north-south street allow for future connections to property to the south. Trail connections to neighboring parkland would also be desirable.

Further applications will include rezoning requests to allow for commercial development, and site plans for those businesses. The Comprehensive Master Plan recommends this site for Commercial land use. Due to the commercial intent for this property, and prime location at the intersection of Ryan Road and 76th Street, both arterial roads, staff suggests commercial uses along the arterial roads and less active uses in the interior of the property.

Natural resource information has not yet been provided. The parcel is shown on City mapping to contain likely wetlands, and is adjacent to the Root River floodplain; the applicant must perform a wetland delineation and produce a Natural Resource Protection Plan (NRPP) as a requirement of several of the necessary applications. The location of proposed development may be influenced by the NRPP. Any impacts to natural resources in excess of the requirements of § 15-4.0100 will require a Natural Resource Special Exception and mitigation.

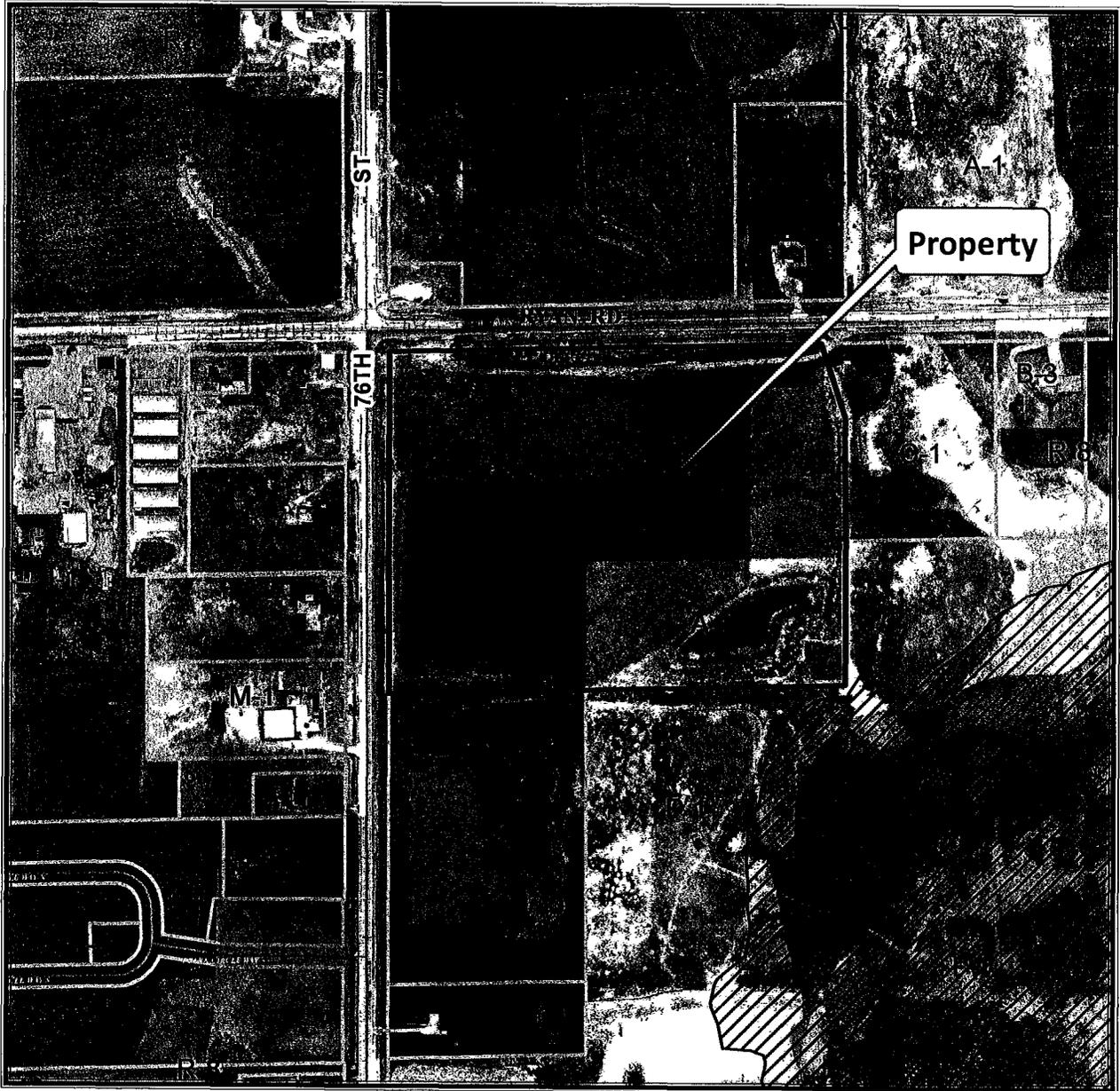
The existing stormwater detention pond was created in anticipation of future development, but may not meet current standards and must be subject to review. In addition, both the Engineering Department and the Police Department expressed concerns about site access and the current configuration of the intersection at Ryan Road and 76<sup>th</sup> St. Ryan Road is a State Trunk Highway and 76<sup>th</sup> St. a Milwaukee County Road; coordination with these entities regarding site access must be resolved and a Traffic Impact Analysis will be required.

Comments on this initial concept were provided to the applicant and are attached. As this is only a concept plan, overall compliance with UDO standards will be reviewed upon a detailed project plan submittal.

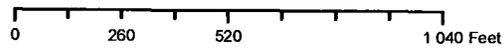
**Staff Recommendation:**

It is recommended that sufficient feedback be provided to allow the applicant to determine whether to proceed or not with detailed plans for the proposed commercial development.

9546 S. 76th Street  
TKN: 897 9996 000



Planning Department  
(414) 425-4024

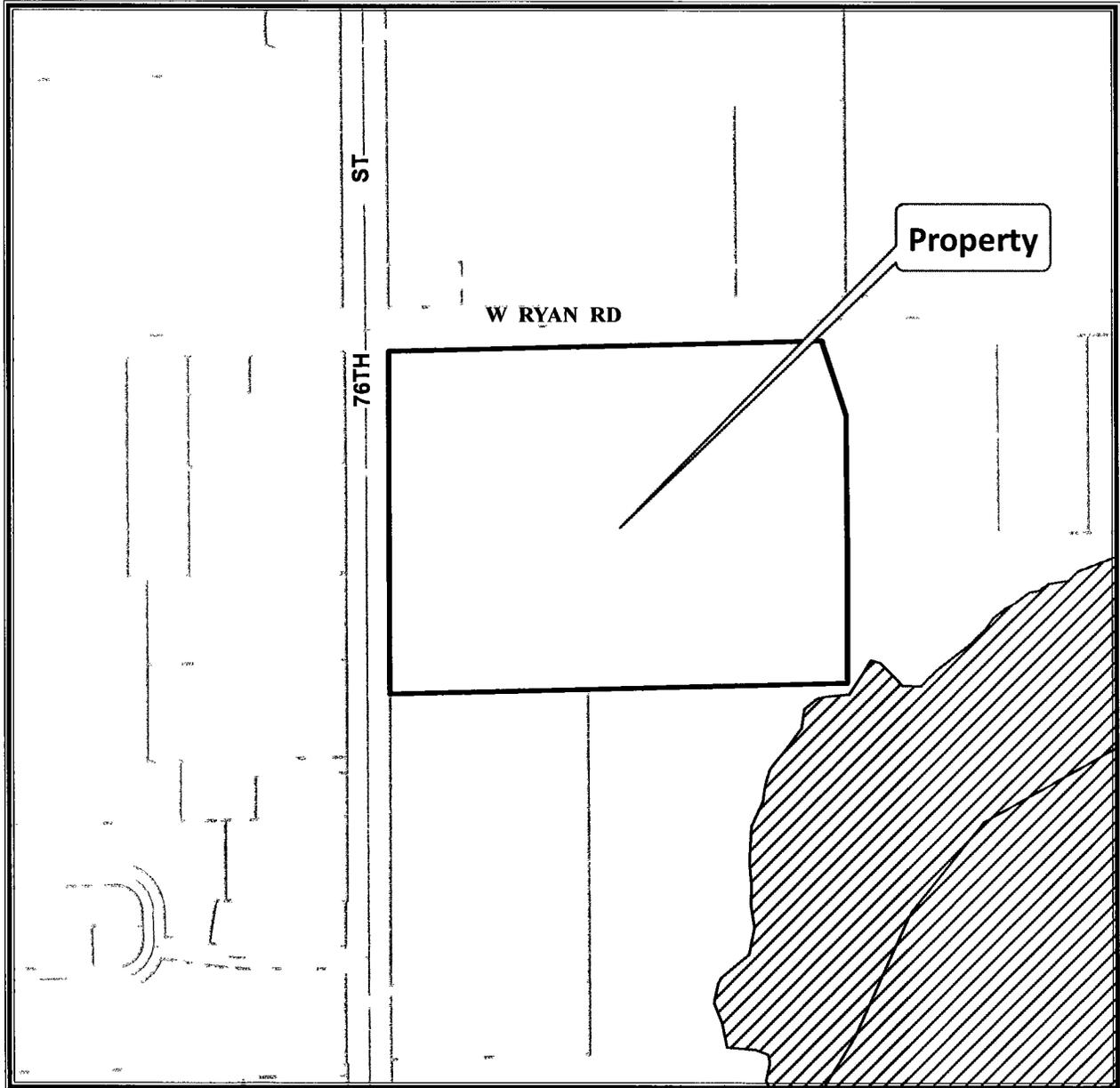


2017 Aerial Photo

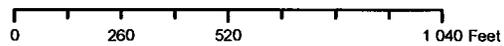
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal engineering or surveying purposes.*



9546 S. 76th Street  
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2017 Aerial Photo

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## MEMORANDUM

Date: August 14, 2020  
To: James B. O'Malley  
From: Department of City Development  
RE: Application for Concept Review – Tax Key Number 897 9996 000 (9540 S. 76<sup>th</sup> St.etc.)

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The applicant, James B. O'Malley submitted a Concept Review application on June 4, 2020. Review comments are as follows:

### **City Development Department Comments**

The subject property is currently zoned R-8 Multifamily Residence District and A-1 Agricultural District. The Comprehensive Master Plan (CMP) recommends the property for Commercial, Recreational, and Areas of Natural Resource Features.

Due to the CMP designation, and prime location at the intersection of Ryan Road and 76<sup>th</sup> Street, both arterial roads, staff suggests commercial uses along the arterial roads and less active uses in the interior of the property.

In order to develop the proposed multi-use development, the following is necessary:

1. **Land Division** - The Applicant proposes to perform two Certified Survey Map land divisions to divide the parcel into six (6) buildable lots and one (1) outlot for stormwater. This is permissible in cases where the divisions do not create more than four (4) lots of 1.5 acres *or less* in five (5) years (W.I. 236.02(12)), otherwise a Preliminary and Final Subdivision Plat procedure must occur. Given the desired final number of lots and relative complexity of the final desired development, Staff recommends that the land divisions be performed via a subdivision plat procedure.
  - a) The land division applications must include designation of public roads, recording of easements for utilities and infrastructure, and protection of any natural resources on the property. Detailed plans will be required, such as the Natural Resource Protection Plan, draft conservation easements, storm water management, grading, erosion control, etc.
  - b) Wetland delineations and other Natural Resource delineations should be completed as soon as possible. There may or may not be additional wetlands on the property, which could affect the design and layout of the development. Please be aware of the natural resource protection standards of the Unified Development Ordinance (UDO), see Part 4 of the UDO for more information.
  - c) Landscape bufferyard easements are required between different zoning districts and along arterial roadways (i.e., Ryan Road and 76<sup>th</sup> Street). In this case, bufferyards would be required along property lines, and between uses of different intensity. Refer to Division 15-5.0300.
  - d) Note that a separate Landscaping Plan must be provided in compliance with Division 15-7.0300.
  - e) Cross access facilities for pedestrians and vehicles will be required between parcels. Recorded easements will be necessary for each instance of cross access.
  - f) Sidewalks will be required on arterial streets.

- g) If the applicant is proposing that the second division happen at an unspecified future date via a second CSM, Planning suggests that the designation of the stormwater outlot should take place through the first set of divisions, to maintain clarity about ownership and maintenance of that infrastructure.
  - h) In order to promote interconnectivity, staff suggests that the site plan include future road access to accommodate a future road connections to the south.
2. **Rezoning** is required to allow for the various commercial development types. The mix of desired end uses will require a patchwork of zoning types; Planning recommends that the number of zoning types on the property be kept to a minimum. For the proposed uses, allowable zoning types are:
- a) **Storage Facility** – SIC Code 4225 is a Special Use in B-5 Highway Business District and A-1 Agricultural District zoning, and a permitted use in M-1 Limited Industrial District. It is not allowed in other zoning types.
    - i) The M-1 and A-1 zoning districts are not recommended at this location by the Comprehensive Master Plan. Planning would therefore recommend a Business zoning type. B-5 Highway Business District zoning must abut a US or State Trunk designated highway; HWY 100 / Ryan Road is a State Trunk Highway. However, B-3 would be preferred at this location to prevent spot zoning and keep users consistent. Storage is not an allowed use in B-3 zoning.
  - b) **Kwik Trip Convenience Stores** are not designated by an SIC Code in Franklin. They are a Special Use in all zoning categories they are allowed in.
    - i) At this location, a Business Zoning type would be recommended. Neighboring businesses are zoned B-3 Community Business District, a zoning type oriented to community-serving businesses as opposed to a regional market.
  - c) **Health Club** – Tennis and Swimming are allowed in P-1 Park District zoning. If the facilities are indoor, they would require a Special Use; outdoor facilities are a permitted use.
    - i) The Comprehensive Master Plan designates areas for Recreation, and Areas of Natural Resource Features at the proposed location adjacent to the County lands and along the floodplain of the Root River. This would accommodate the Parkland P-1 zoning for the health club. Staff recommends that this use likewise remain further towards the interior of the development. Adjacent parcels are currently zoned P-1 and R-8.
3. **Site Plan** applications will be required for each development.
4. **Special Use Application(s)** for any businesses that require them. Please be aware of the State requirement to provide “substantial evidence” to support your request, per Wis. Stat. § 62.23(7)(de).

**Additional applications and approvals:**

- 5. Note that any commercial signage will require a separate application as well as review and approval by the Inspection Services Department.
- 6. Approval of stormwater plans must be obtained from the Engineering Department. Please demonstrate that the proposed stormwater retention facility will be adequate to the needs of the proposed development. Staff recommends the inclusion of green infrastructure elements on individual parcels and for the development as a whole.

7. Coordination with the Wisconsin Department of Transportation and Milwaukee County regarding access to the site should be resolved as soon as possible.

#### **Additional Planning Department Comments:**

8. Staff suggests inclusion of space for future trail connections to neighboring parkland.
9. Staff suggests the inclusion of green infrastructure should additional stormwater facilities be required.
10. Placing a storage facility along the road frontage is not desirable, as this a passive business type or use that typically is located behind other uses. Placing the health club up front would address concerns about connectivity and place an active use towards the public.
11. How will the 76th Street frontage / other parcels be developed beyond Kwik Trip? Please provide information about proposed future users.
12. Please be aware of City impact fees. The impact fee schedule can be found on the City's website at: <https://www.franklinwi.gov/Departments/Inspection-Services/Impact-Fees.htm>

#### **Engineering Department Comments**

1. Existing Stormwater facilities will need to be surveyed to determine if they are adequate to serve the proposed developments.
2. No comments for the proposed commercial development.
3. A full submittal of Engineering plan is required for Engineering comments.
4. No comments for the proposed land division (CSM). The in-depth review of the land division will commence as soon as we received the full submittal of the CSM.
5. Please check the UDO requirement regarding the intersection:
  - a) 15-5.0104 Street Intersections. B. Number and Distance Between Intersections Along Arterial Streets and Highways. The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,200 feet.
6. No issues on connecting to the Ryan Creek Interceptor. Allowed but it would be a city sewer, extend across his property, and must be sized for upstream sewer users
7. Engineering concurs with inclusion of trail spaces. County has a long term plan to extend the Oak Leaf Trail south of Ryan Road (at 60<sup>th</sup> Street)
8. 76<sup>th</sup> is a County road and Ryan is a state road. Both agencies will want to see a traffic impact analysis (TIA). Engineering will weigh in once we see the TIA and hear the county/state comments.

#### **Inspection Services Department Comments**

No comments on the project at this time.

#### **Police Department Comments**

The Police Department would suggest that as part of this development there are significant upgrades made to the existing intersection. This includes:

1. Dedicated left turn lanes for northbound 76th Street.

2. Dedicated straight through lanes for both 76th street and Ryan Road.
3. Dedicated right turn lanes to get into the development on 76th Street and on Eastbound Ryan Road.
4. Medians in all directions to separate traffic.
5. The roads inside of the development must be able to safely handle entering traffic so as not to create a backup on 76th Street or Ryan Road.
6. The roads inside must be wide enough to separate traffic to allow safe exit from the development.
7. Only allow exiting traffic to go East on Ryan Road and North on 76th Street.

June 6, 2020

## Project Summary

I am proposing to subdivide, rezone and develop approximately 27 acres on the Southeast corner of South 76 Street and West Ryan Road. The property is currently zoned R-8 Multifamily and A-1 Agricultural and is being farmed as vacant land. The property is fully serviced with sewer, water, electric, phone/cable and natural gas. In 1993, a 16" watermain was extended south on 76 street to Ryan Road and then East along the "South side only" of Ryan Road to service the then new Franklin Business Park. 100% of the watermain was specially assessed "only" to the South side of Ryan Road property owners because the City of Franklin didn't want to specially assess Milwaukee County which meant that the private property owners on the Northeast corner of 76 & Ryan where never specially assessed either. I bring this up, because it was unfair then, and I feel some compensation should be considered if the property on the Northeast corner is developed. In 2011/2012, MMSD installed a sewer intercept main through my property to service the Southwest area of the City of Franklin and parts of Muskego too, see attached drawings. The location of the MMSD sewer line was installed directly in line with the location that the State DOT has proposed for a new public road, see attached drawing. The State DOT produced the attached drawing that shows a right-in/right-out driveway on Ryan Road between the intersection of South 76 Street and Ryan Road and the proposed public road where the MMSD sewer was placed. When the MMSD sewer was installed, I as the property owner, was granted access to use the sewer main to service my 27 acres.

I'm proposing to subdivide the property and install new roadways to access the entire site. I would extend sewer, storm sewer and water to reach each area of the property within the site only. The entire site will be serviced by one storm water detention pond that already exist in the Southeast corner of the property. The existing storm water detention pond will be properly redesigned to meet all current storm sewer requirements.

The first things to be developed on the site will be a Quick Trip gas station on Parcel 2 and a 3 story inside only drive-thru self storage building on Parcel 3. My primary business is self storage here in Wisconsin and in North Carolina. Please visit my website [www.aberdeennselfstorage.com](http://www.aberdeennselfstorage.com) and watch the video, it will help you understand what

a indoor drive-thru self storage property looks like. The type of building I'm proposing is a high end, fully climate controlled facility, with elevators to the 2<sup>nd</sup> and 3<sup>rd</sup> floors. These type of self storage buildings are being built in major retail areas on major collector roads here in Wisconsin and throughout the country. Attached are two photos of one located on Hwy 83 in Hartland, WI. Another is being built right now on one of the most prominent and highly visible corner in Oak Creek, at Howell and Drexel Avenue. A fully drive-thru and "out of the elements" self storage facility will be a great benefit to the area residents and businesses, now even more so, because our country is working from home, and we need to support this new trend of doing business.

Parcel 1 can be subdivided in the future into as many as 3 new commercial lots per state requirements. Because I do not know who the user(s) is/are presently, I am choosing not to subdivide this property at this time. Parcel 4 is 13.63 acres which includes the storm water detention pond. I do not wish to separate the detention pond currently until I have a final proposal to develop Parcel 4. I am willing to put the stormwater detention pond area in an easement to the benefit of the entire site.

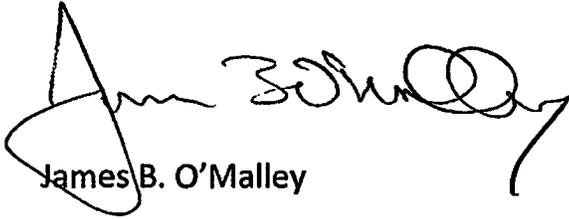
I believe there is a need in Franklin for a safe family friendly pool and tennis club like many located around the Milwaukee metro area but not like Tuckaway country club which offers golf and banquet facilities. I would like the club to be accessible to the Root River bike pathway so families can ride a bike to the pool and tennis club and neighboring subdivisions. I would like the pool area to have an all adult area and a family kid area with a couple of water sides and water fountains. Typically, these type of facilities don't generate a ton of income and they are expensive to build but I'm happy to make this investment in Franklin by subsidizing it with the profits I earn from the rest of the site. However, I've never built or operated a club like this, so it is my intention to partner up with an existing club to be sure that it is successful.

I have already hired an environmental company and a traffic engineering company, but I don't have a copy of either report yet.

This project, with all the types of business I've mentioned, will add valuable services to this area of Franklin that needs to see growth and will inspire other development in the area too.

Lastly, by developing this property, it will generate valuable taxes "NOW" to the city without requiring a TIF.

Yours truly,

A handwritten signature in black ink, appearing to read "James B. O'Malley". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

James B. O'Malley

O'Malley Development, LLC

890 Elm Grove Road, Ste 207A

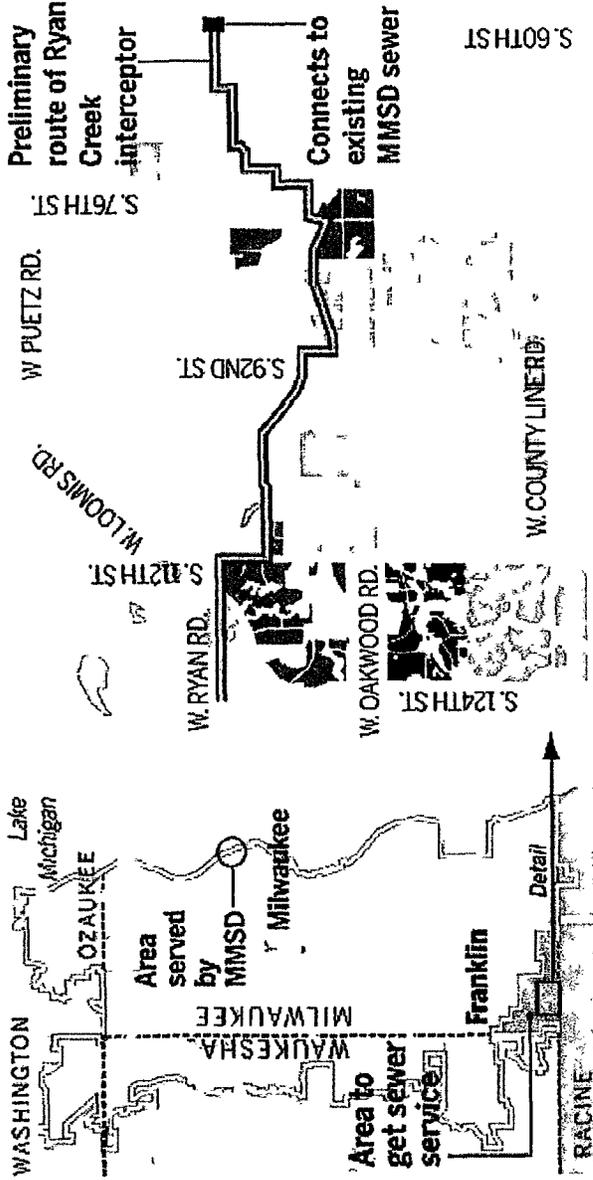
Elm Grove, WI 53122



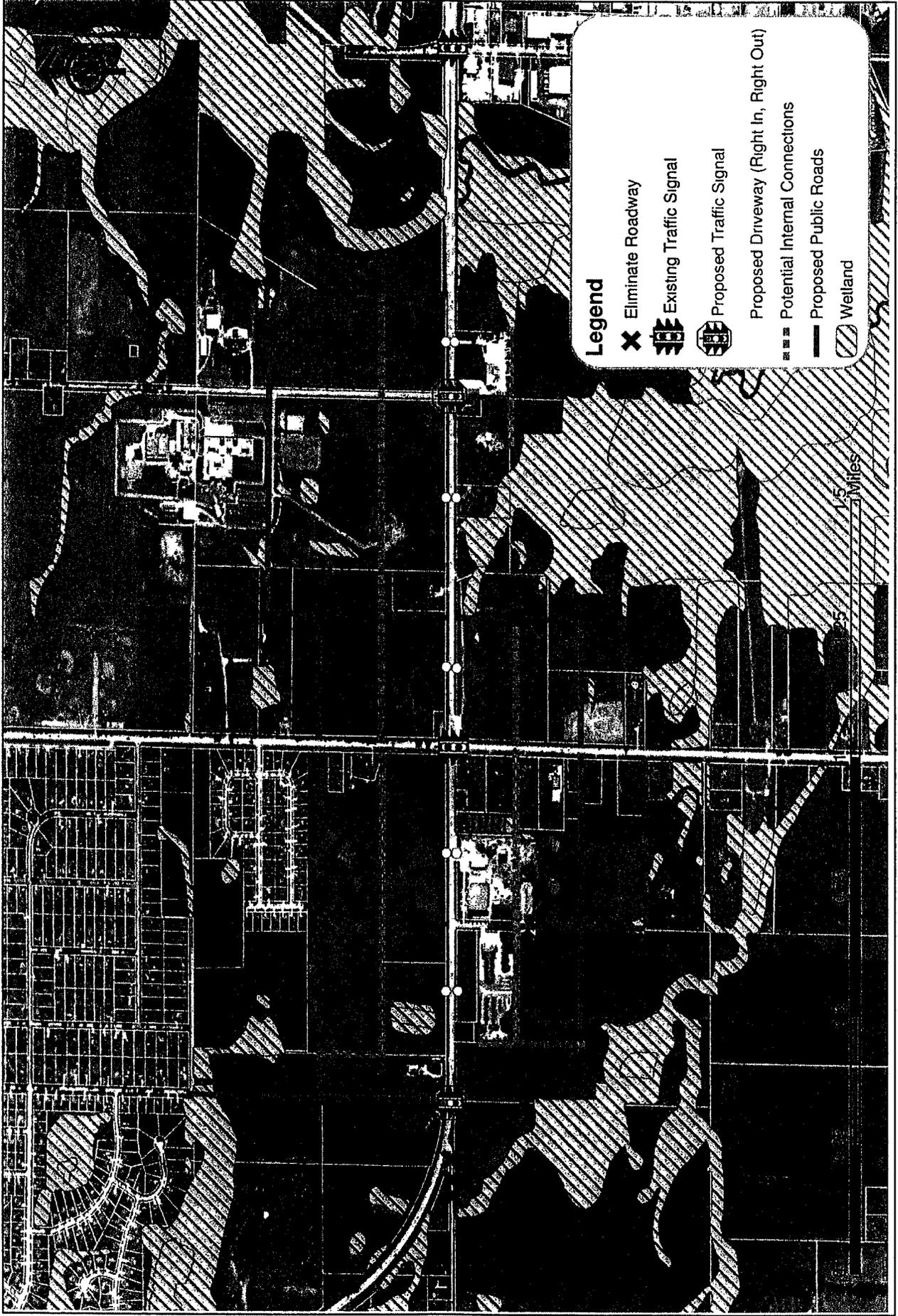
# Sewer service proposal

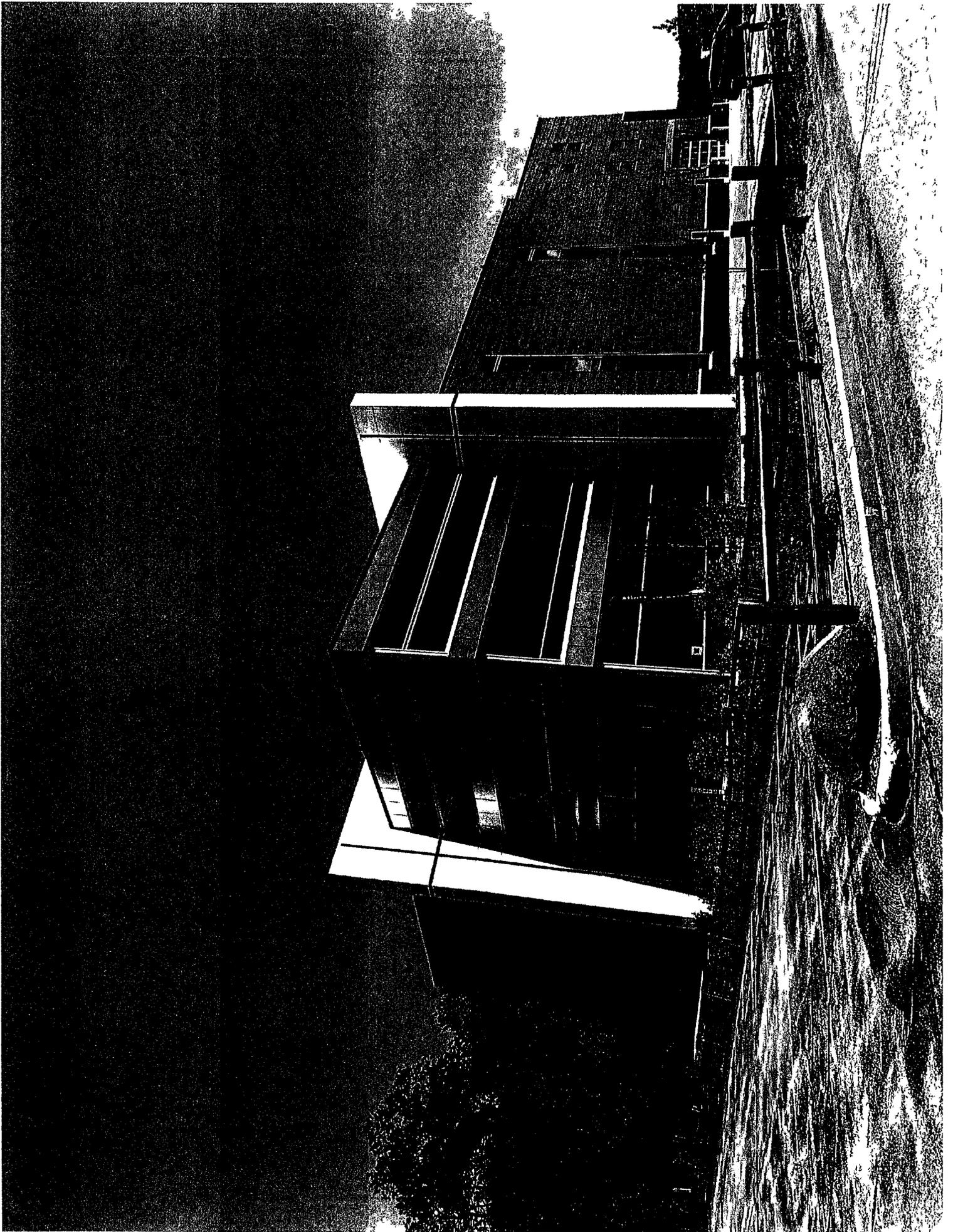
An agreement between Franklin and the Milwaukee Metropolitan Sewerage District would extend sewer service to the far southwest side of Franklin for the first time

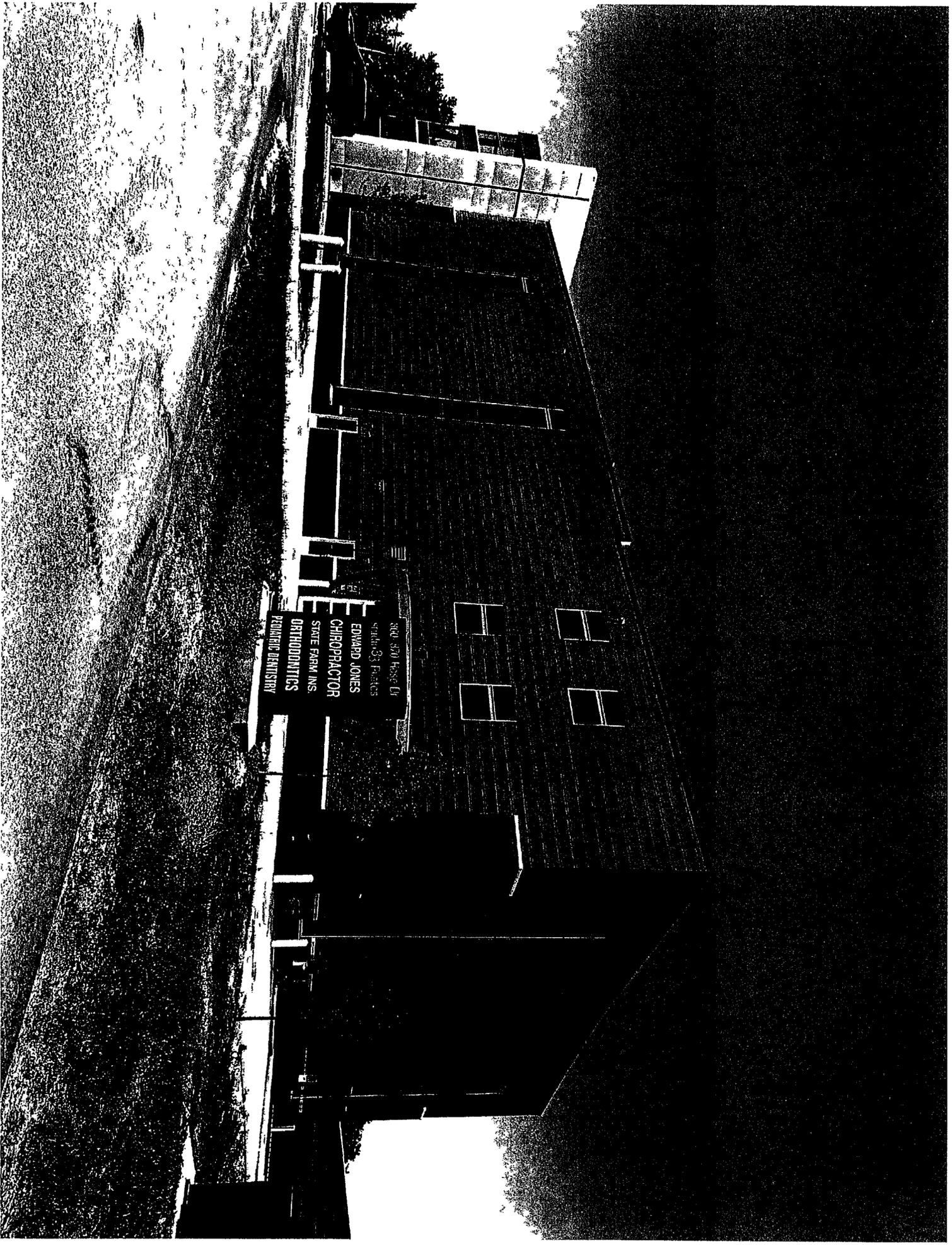
- RESIDENTIAL
- INSTITUTIONAL
- COMMERCIAL
- BUSINESS PARK
- LANDFILL
- LIGHT MANUFACTURING



Recommended Access and Road Network--STH 100 (60th-76th Street)







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

BEING A DIVISION OF PARCEL 2 OF CSM NO. \_\_\_\_\_, BEING A PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

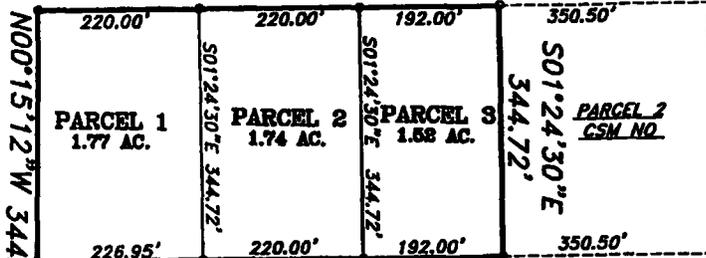
NW CORNER  
OF NW 1/4 OF  
SEC 27-5-21  
N = 324,391.76  
E = 2,533,399.52

NE CORNER  
OF NW 1/4 OF  
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N = 324,456.21  
E = 2,536,021.18

RYAN ROAD

N/L OF NW 1/4 SEC 27-5-21

N88°35'30"E 632.00'



PARCEL 3  
CSM NO.

PUBLIC ROW

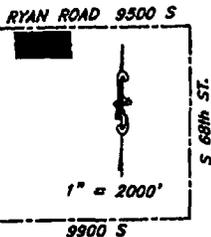
PARCEL 4  
CSM NO.

S88°35'30"W 732.50' PUBLIC ROW

N00°15'12"W 344.79'

W/L OF NW 1/4 SEC 27-5-21

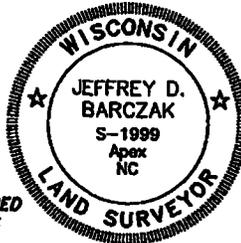
S. 76th STREET



VICINITY SKETCH  
NW 1/4 27-5-21

NRPP PREPARED BY BHE  
ENVIRONMENTAL REPORT  
DATED DEC. 20th, 2011

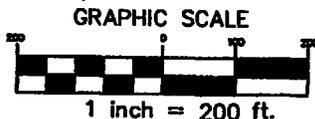
PARCEL 4 GRANTS ALL RIGHTS TO USE  
STORM WATER MANAGEMENT POND IN  
SOUTHEAST CORNER OF PARCEL 4 FOR  
FULLY DEVELOPED PARCELS 1, 2 AND 3  
AND GRANTS ANY MODIFICATION REQUIRED  
IF NECESSARY TO FULLY DEVELOP LOTS  
1, 2 AND 3.



NOTE:

o DENOTES 1"x24" IRON PIPE 1.13 LBS  
PER LINEAL FEET SET AT ALL LOT  
CORNERS UNLESS OTHERWISE NOTED  
BEARINGS ARE REFERENCED TO THE  
WISCONSIN STATE PLANE CO-ORDINATE  
SYSTEM SOUTH ZONE.

SURVEYOR:  
JEFFREY D. BARCZAK  
8521 VIRGILS FARM ROAD  
APEX, NC. 27523  
PH (414) 429-4865  
EMAIL BARCZAKENGINEERING@GMAIL.COM



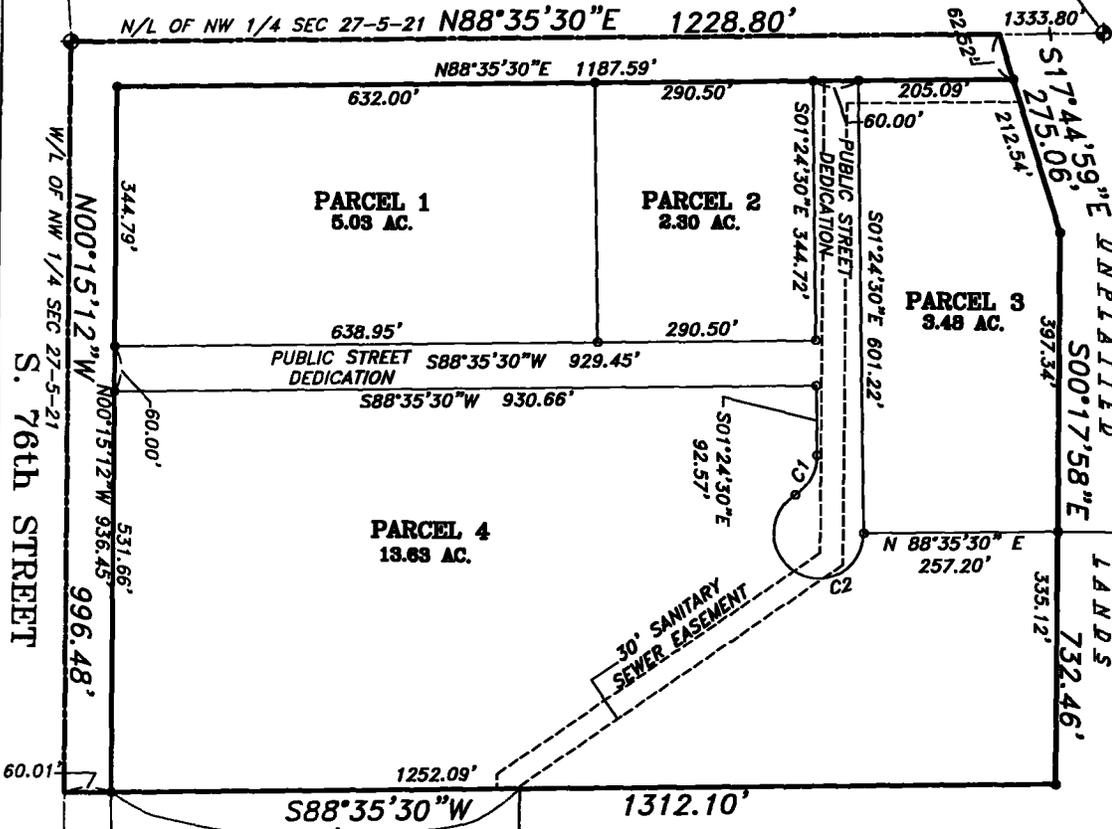
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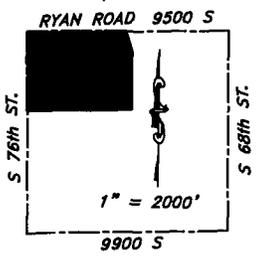
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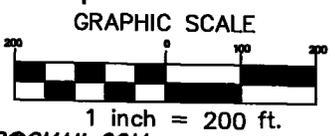


CURVE DATA TABLE				
CURVE	ARC	RADIUS	CHD	CHD BRG
C1	62.83'	60.00'	60.00'	S28°35'30"W
C2	251.33'	60.00'	103.92'	S61°24'30"E



UNPLAIED LANDS

PARCEL 4 GRANTS ALL RIGHTS TO USE STORM WATER MANAGEMENT POND IN SOUTHEAST CORNER OF PARCEL 4 FOR FULLY DEVELOPED PARCELS 1, 2 AND 3 AND GRANTS ANY MODIFICATION REQUIRED IF NECESSARY TO FULLY DEVELOP LOTS 1, 2 AND 3.



NOTE:  
o DENOTES 1"x24" IRON PIPE 1.13 LBS PER LINEAL FEET SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE CO-ORDINATE SYSTEM SOUTH ZONE.

SURVEYOR:  
JEFFREY D. BARCZAK  
8521 VIRGILS FARM RD  
APEX, NC. 27523  
PH (414) 429-4865  
EMAIL BARCZAKENGINEERING@GMAIL.COM

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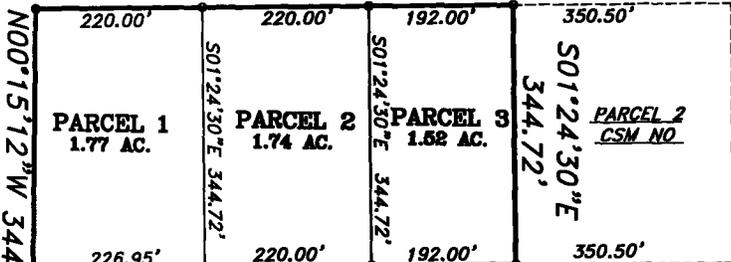
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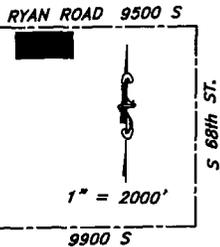


PARCEL 3  
CSM NO

PARCEL 2  
CSM NO

PARCEL 4  
CSM NO

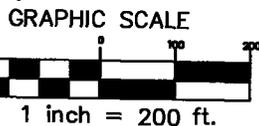
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W/L OF NW 1/4 SEC 27-5-21



VICINITY SKETCH  
NW 1/4 27-5-21

NRPP PREPARED BY BHE  
ENVIRONMENTAL REPORT  
DATED DEC. 20th, 2011

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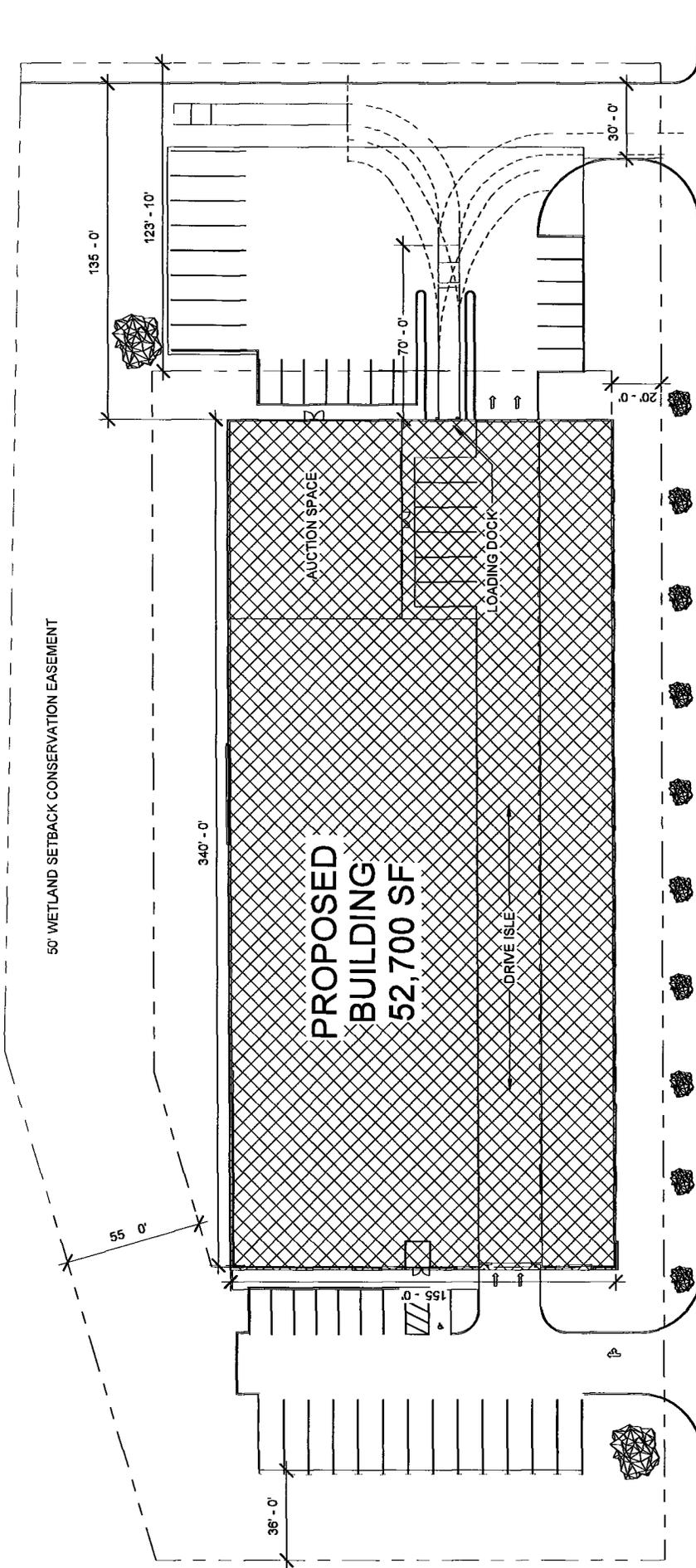
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CORNERS UNLESS OTHERWISE NOTED  
BEARINGS ARE REFERENCED TO THE  
WISCONSIN STATE PLANE CO-ORDINATE  
SYSTEM SOUTH ZONE.

SURVEYOR:  
JEFFREY D. BARCZAK  
8521 VIRGILS FARM ROAD  
APEX, NC. 27523  
PH (414) 429-4865  
EMAIL BARCZAKENGINEERING@GMAIL.COM

# FRANKLIN WI SELF STORAGE



COVER SHEET

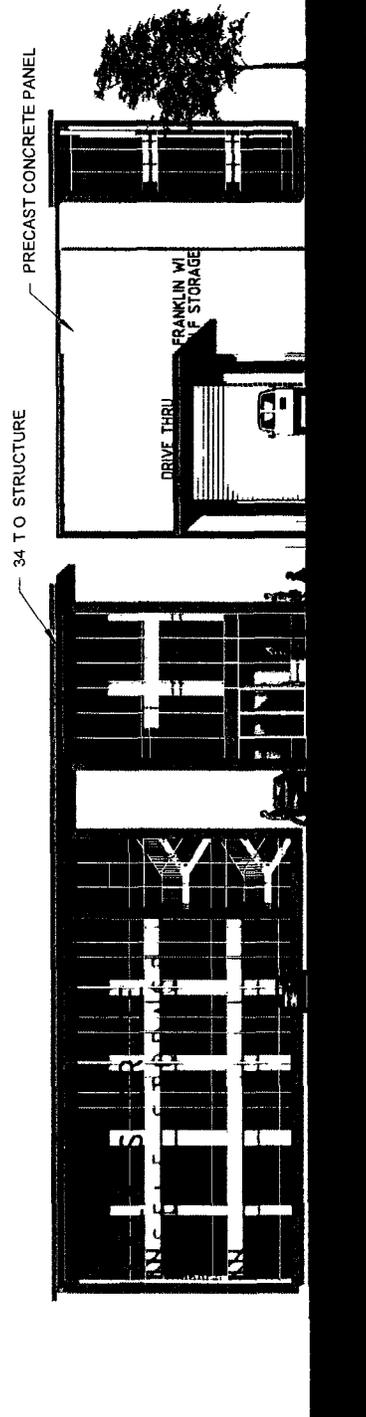


ANDERSON  
ASHTON  
DESIGN/BU D

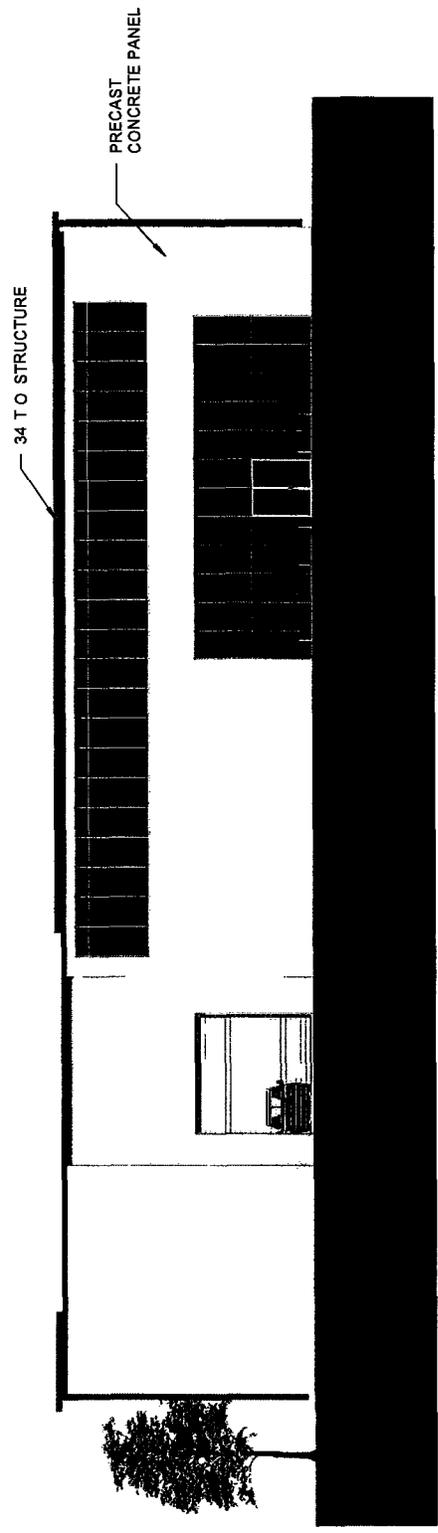
ARCHITECTURAL SITE PLAN

SCALE 1" = 40'





NORTH



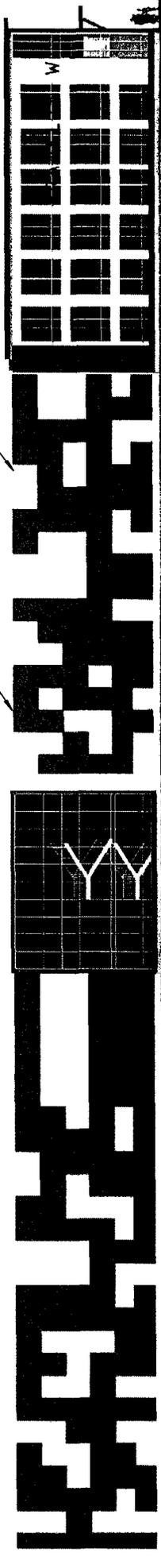
SOUTH

SCALE 1/8" = 1'

ELEVATIONS

34 T O STRUCTURE

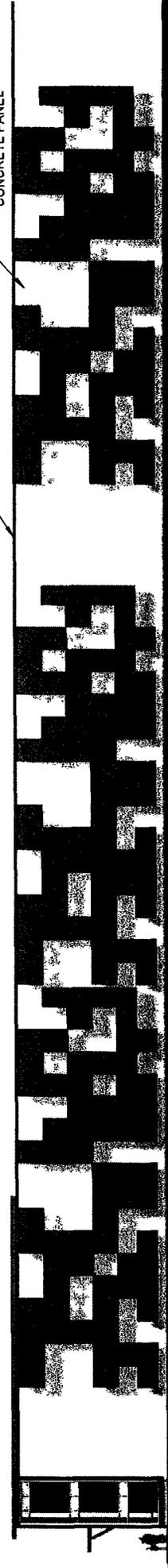
PRECAST CONCRETE PANEL



EAST

34 T O STRUCTURE

PRECAST CONCRETE PANEL



WEST

ELEVATIONS

SCALE 3/64 = 1



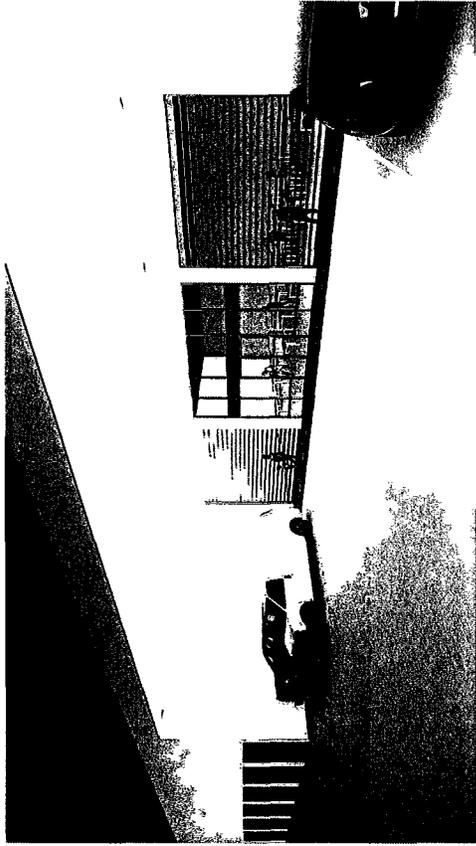
ANDERSON  
ASHTON  
DESIGN/BUILD



ENTRY DOOR



GLASS CORNER



AUCTION SPACE



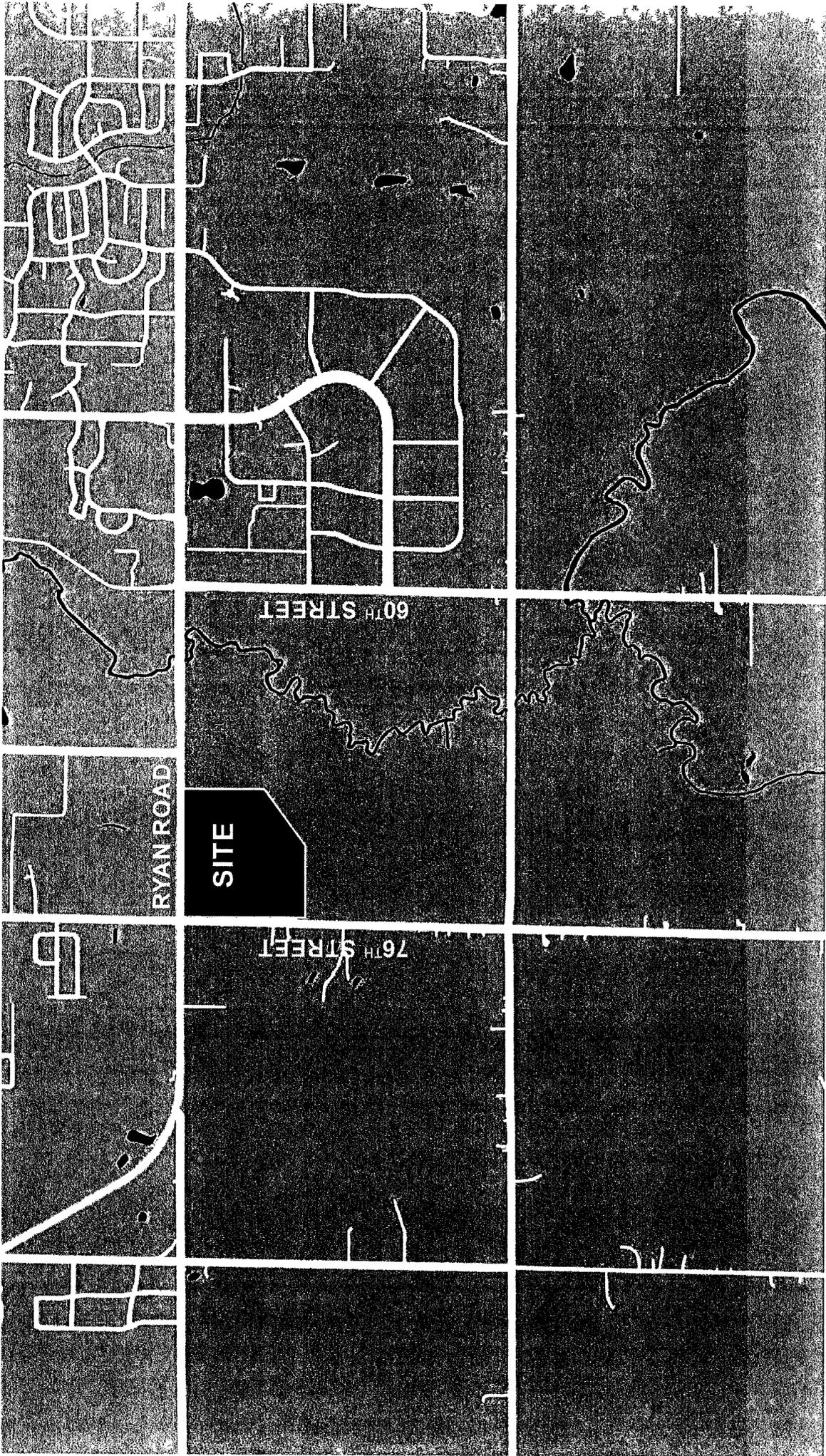
LOADING & AUCTION PARKING

RENDERINGS

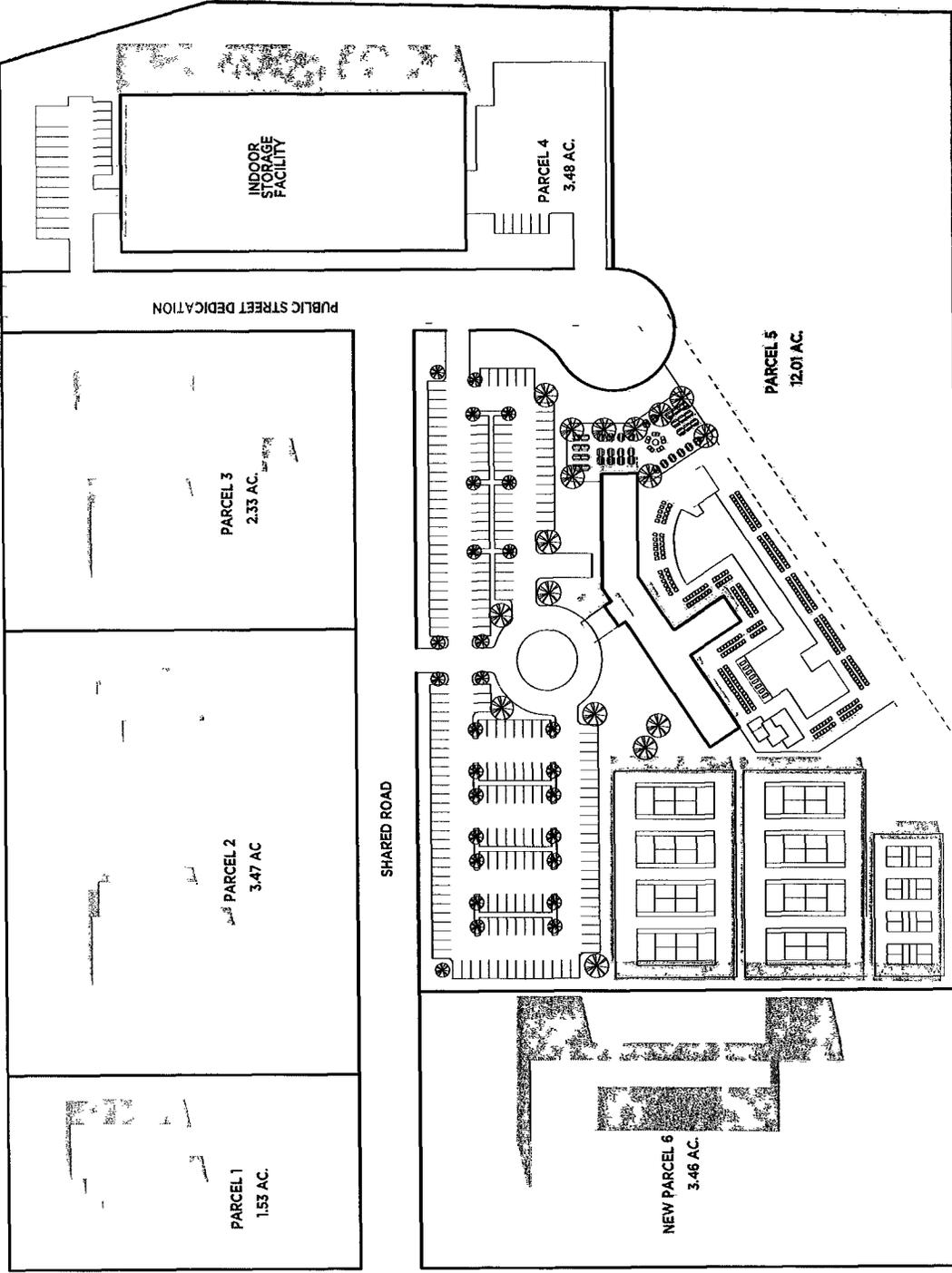
**tredogroup**

**O'MALLEY DEVELOPMENT**

**2019 OCTOBER 18 CONCEPTUAL DESIGN**



RYAN ROAD



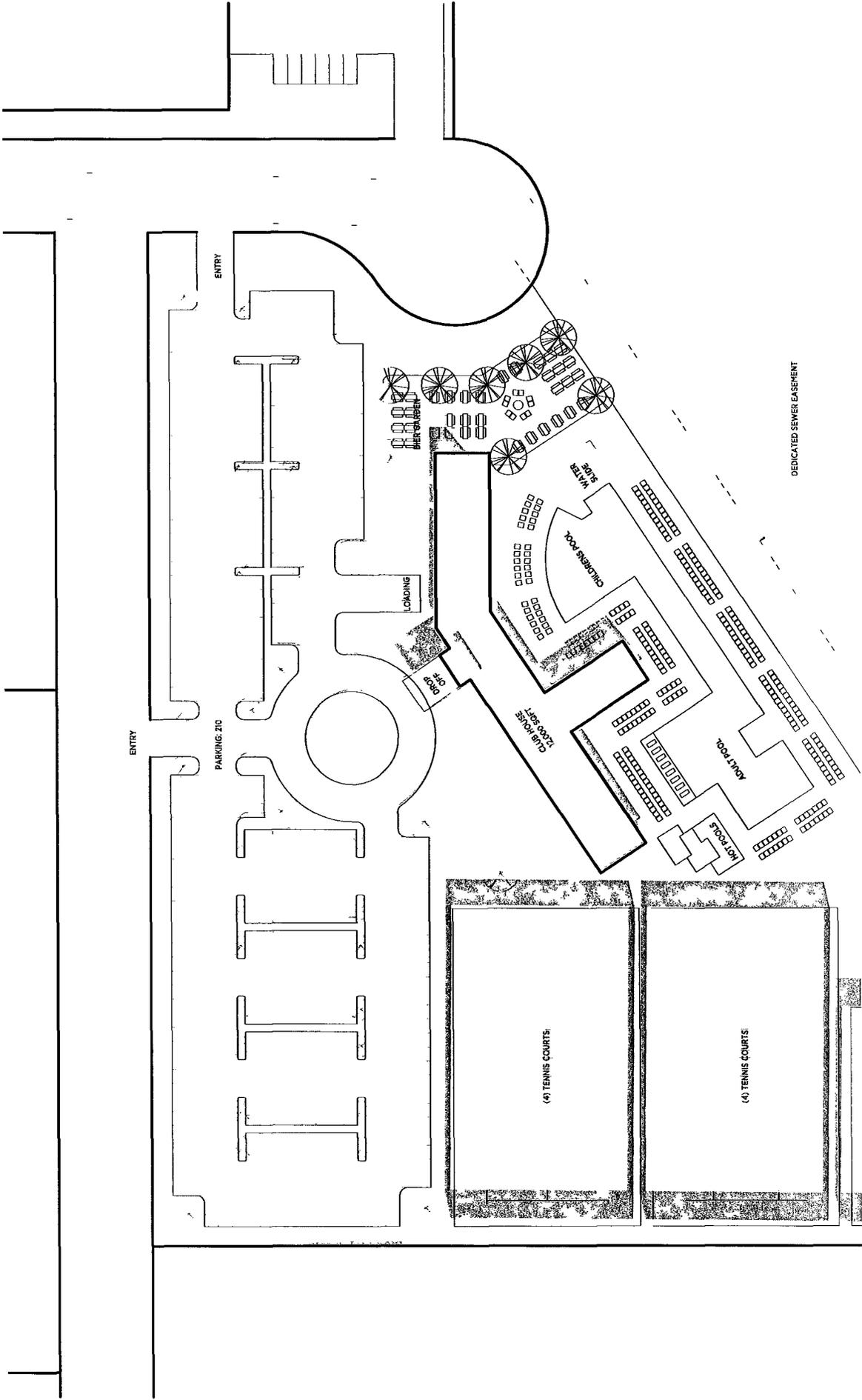
76TH STREET

SITE PLAN

OCTOBER 16, 2019

O'MALLEY DEVELOPMENT

tredogroup

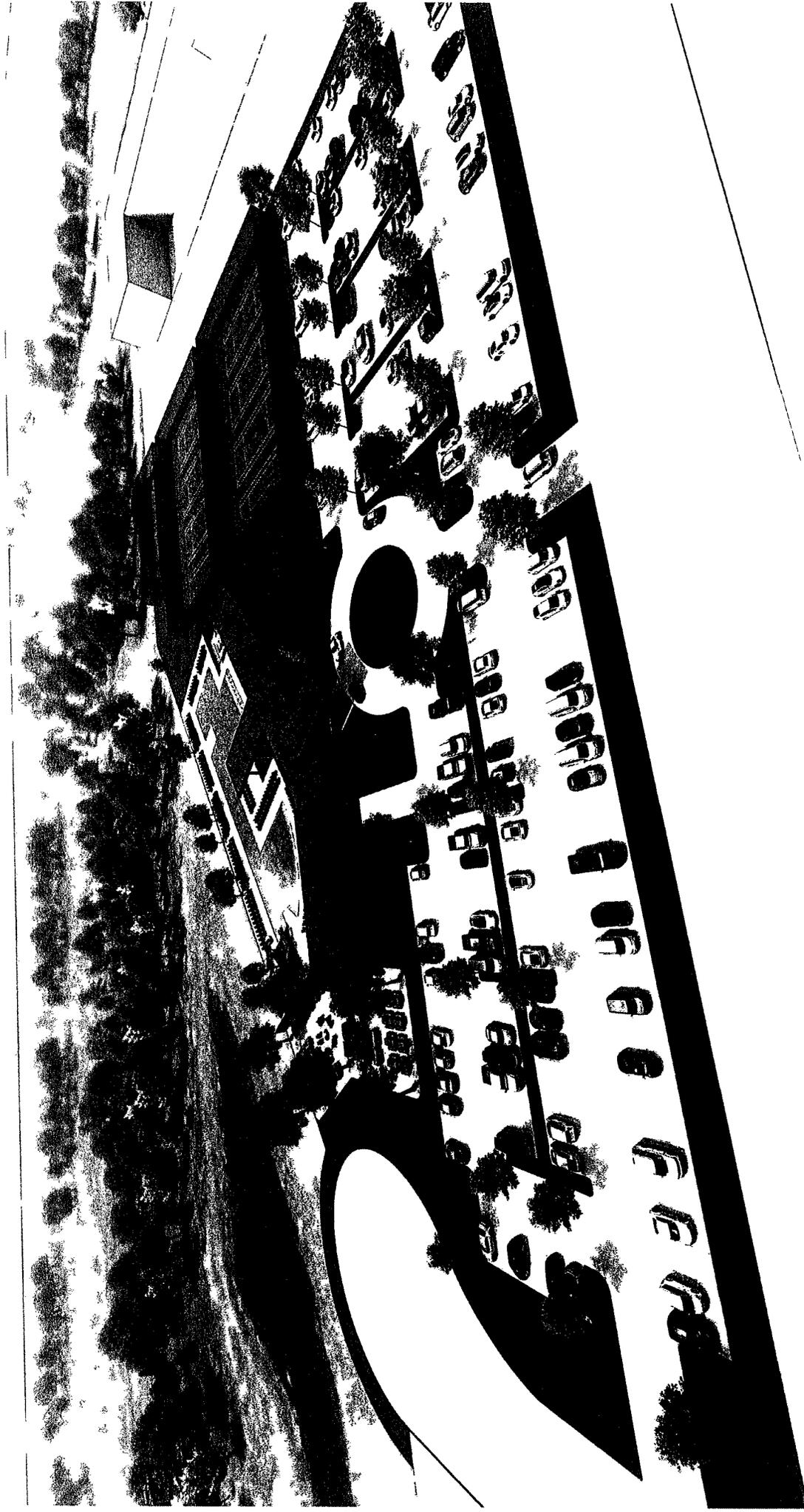


PARTIAL SITE PLAN

OCTOBER 18, 2019

O'MALLEY DEVELOPMENT





O'MALLEY DEVELOPMENT



CONCEPTUAL RENDERING

OCTOBER 18, 2019



O'MALLEY DEVELOPMENT

tredo

CONCEPTUAL RENDERING

OCTOBER 18, 2018

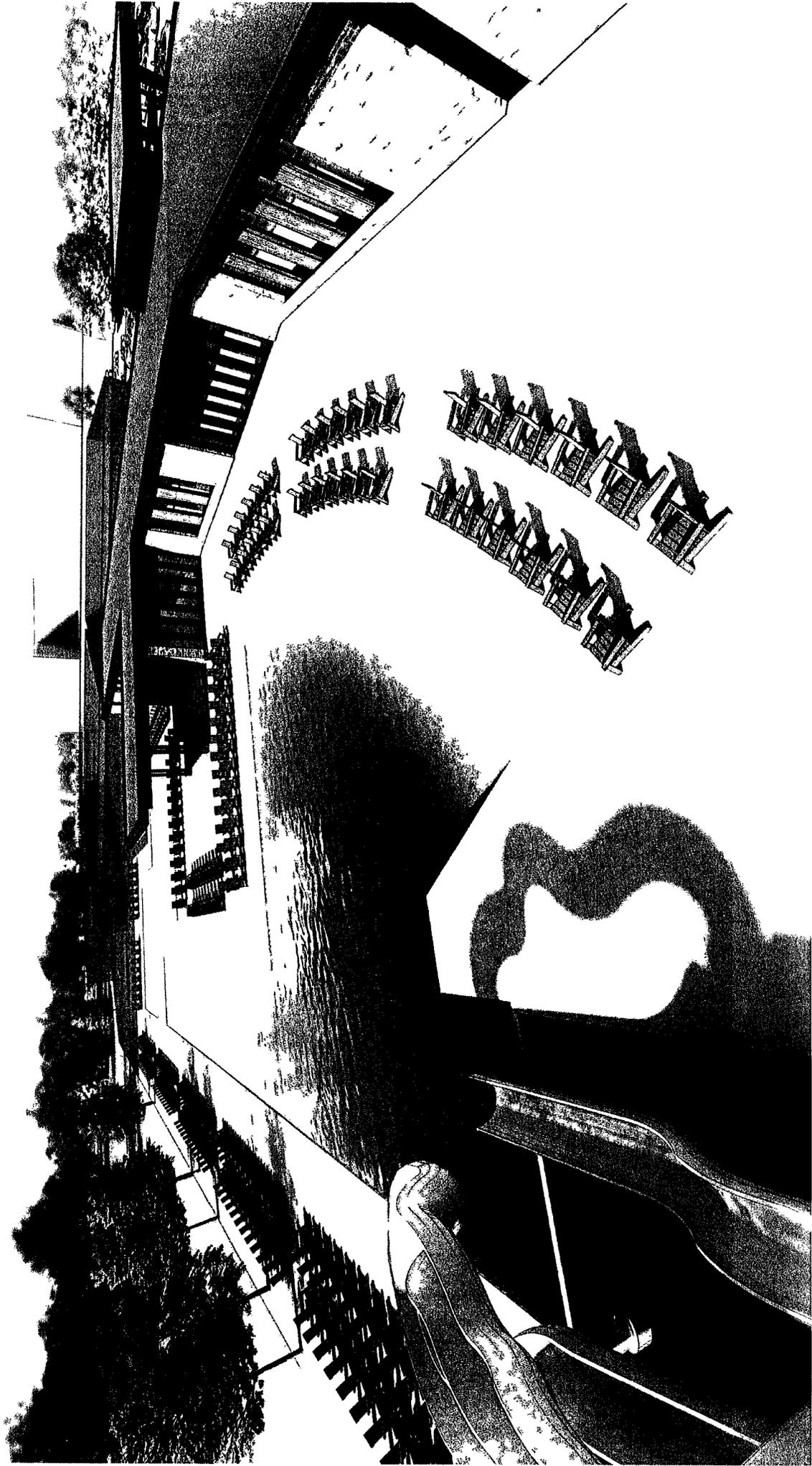


O MALLEY DEVELOPMENT

tredo architects

CONCEPTUAL RENDERING

OCTOBER 18, 2019



O MALLEY DEVELOPMENT

tredgolf

CONCEPTUAL RENDERING

OCTOBER 18, 2019



O'MALLEY DEVELOPMENT

tredo

CONCEPTUAL RENDERING

OCTOBER 18, 2019

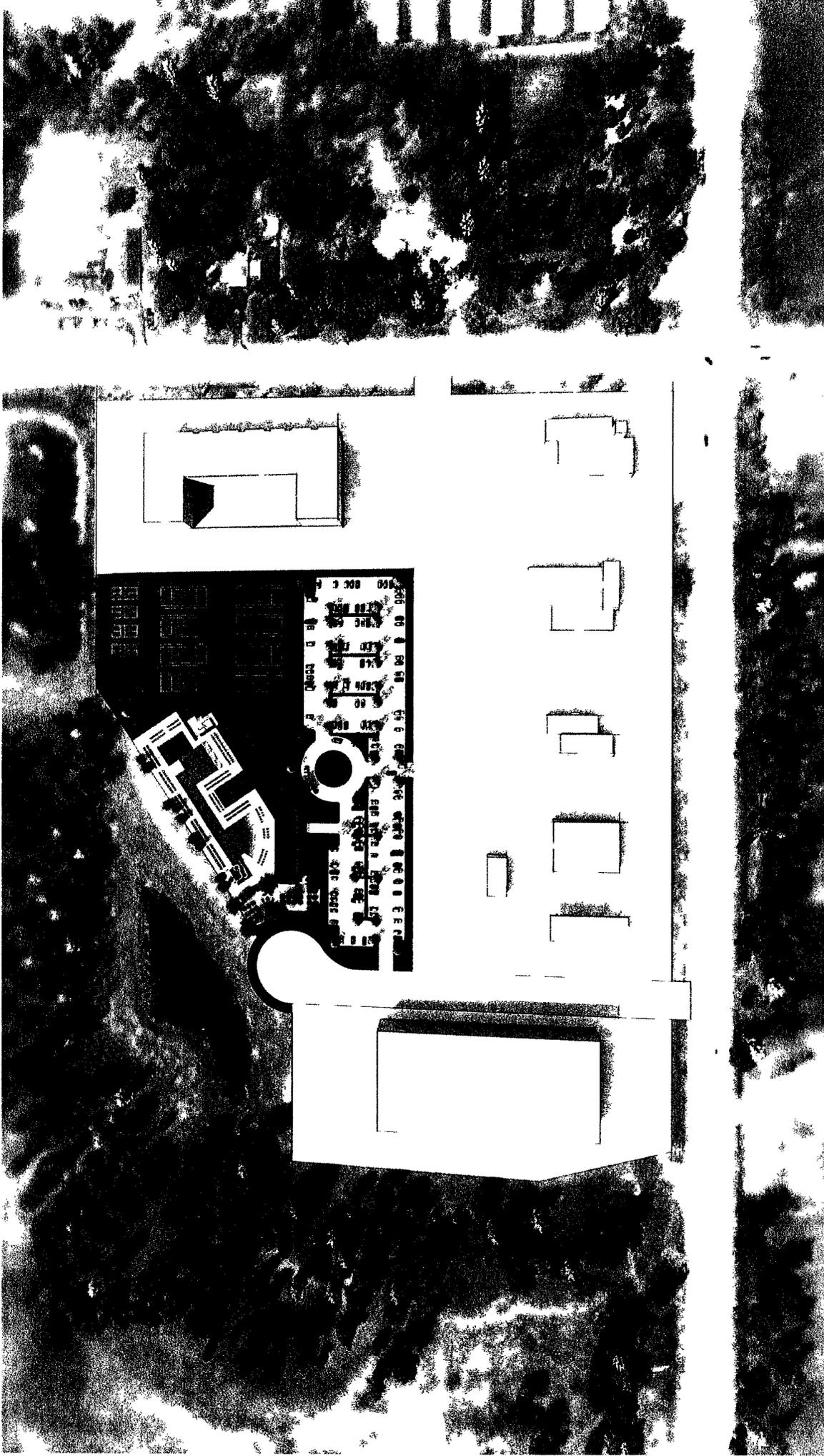


O'MALLEY DEVELOPMENT



CONCEPTUAL RENDERING

OCTOBER 18, 2019



O'MALLEY DEVELOPMENT



CONCEPTUAL RENDERING

OCTOBER 18, 2019



O MALLEY DEVELOPMENT

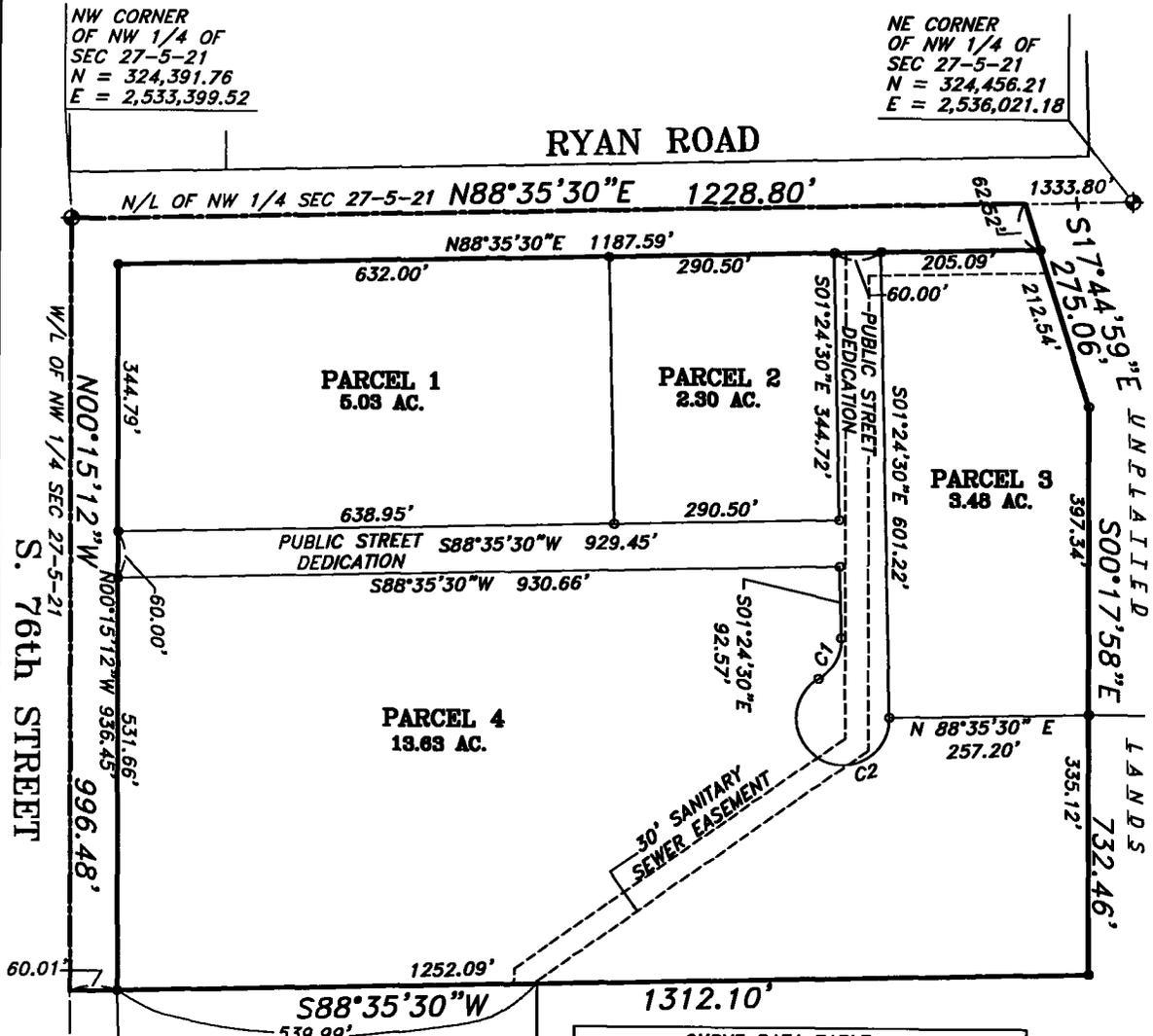
tredogroup

DRAWING TITLE

OCTOBER 18, 2019

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

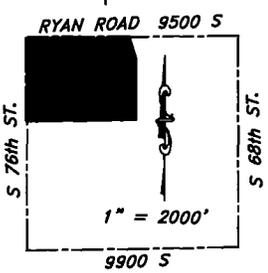
BEING A PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



NW CORNER  
OF NW 1/4 OF  
SEC 27-5-21  
N = 324,391.76  
E = 2,533,399.52

NE CORNER  
OF NW 1/4 OF  
SEC 27-5-21  
N = 324,456.21  
E = 2,536,021.18

CURVE DATA TABLE				
CURVE	ARC	RADIUS	CHD	CHD BRG
C1	62.83'	60.00'	60.00'	S28°35'30"W
C2	251.33'	60.00'	103.92'	S61°24'30"E

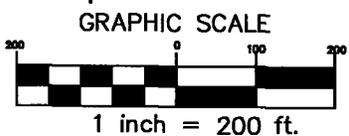


VICINITY SKETCH  
NW 1/4 27-5-21

PARCEL 4 GRANTS ALL RIGHTS TO USE STORM WATER MANAGEMENT POND IN SOUTHEAST CORNER OF PARCEL 4 FOR FULLY DEVELOPED PARCELS 1, 2 AND 3 AND GRANTS ANY MODIFICATION REQUIRED IF NECESSARY TO FULLY DEVELOP LOTS 1, 2 AND 3.



NOTE:  
o DENOTES 1"x24" IRON PIPE 1.13 LBS PER LINEAL FEET SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE CO-ORDINATE SYSTEM SOUTH ZONE.



SURVEYOR:  
JEFFREY D. BARCZAK  
8521 VIRGILS FARM RD  
APEX, NC. 27523  
PH (414) 429-4865  
EMAIL BARCZAKENGINEERING@GMAIL.COM

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

BEING A PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, JEFFREY D. BARCZAK, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY: THAT I HAVE SURVEYED, DIVIDED AND MAPPED A PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 27, T 5 N, R 21 E., IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID NW 1/4 OF NW 1/4 OF SECTION 27, THENCE N 88°35'30"E 1228.80 FEET ALONG THE NORTH LINE OF SAID NW 1/4 SECTION AND THE CENTERLINE OF RYAN ROAD; THENCE S 017°44'59"E 275.06 FEET; THENCE S 00°17'58"E 732.46 FEET; THENCE S 88°35'30"W 1312.10 FEET TO THE WEST LINE OF SAID NW 1/4 OF THE NW 1/4 OF SECTION 27 AND THE CENTERLINE OF S 76th STREET; THENCE N 00°15'12"W 996.48 FEET ALONG THE WEST LINE OF SAID NW 1/4 OF THE NW 1/4 OF SECTION 27 AND THE CENTERLINE OF S 76th STREET TO THE PLACE OF BEGINNING. EXCEPTING THE NORTH AND WEST 60 FEET FOR PUBLIC STREET PURPOSES. SAID LANDS CONTAINS 26.75 ACRES MORE OR LESS

THAT I HAVE MADE THIS SURVEY, LAND DIVISION AND MAP BY THE DIRECTION OF JAMES B. O'MALLEY, SOLE TRUSTEE, OF JAMES B O'MALLEY AND SHELLEY J. O'MALLEY REVOCABLE TRUST.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE LAND DIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES AND THE UNIFIED DEVELOPMENT ORDINANCE DIVISION 15, OF THE CITY OF FRANKLIN MUNICIPAL CODE IN SURVEYING, DIVIDING AND MAPPING THE SAME.

DATE: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY D. BARCZAK, RLS-1999



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

BEING A PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

AS OWNER, JAMES B O'MALLEY, SOLE TRUSTEE OF JAMES B O'MALLEY AND SHELLEY J. O'MALLEY REVOCABLE TRUST, DO HEREBY CERTIFY THAT I HAVE CAUSED THE LANDS DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS MAP IN ACCORDANCE WITH CHAPTER 236 OF THE WISCONSIN STATE STATUTES AND THE UNIFIED DEVELOPMENT ORDINANCE DIVISION 15 OF THE CITY OF FRANKLIN MUNICIPAL CODE.

IN WITNESS WHEREOF, THE SAID JAMES B O'MALLY, SOLE TRUSTEE OF JAMES B O'MALLEY AND SHELLEY J. O'MALLEY REVOCABLE TRUST, HAS CAUSED THESE PRESENTS TO BE SIGNED AT \_\_\_\_\_, WISCONSIN, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
JAMES B. O'MALLEY  
SOLE TRUSTEE  
JAMES B. O'MALLEY AND SHELLEY J. O'MALLEY REVOCABLE TRUST

STATE OF WISCONSIN)  
MILWAUKEE COUNTY ) SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, JAMES B O'MALLEY, RESPECTIVELY KNOWN AS SOLE TRUSTEE OF JAMES B. O'MALLEY AND SHELLEY J. O'MALLEY REVOCABLE TRUST.

NOTARY PUBLIC  
STATE OF WISCONSIN  
MY COMMISSION EXPIRES: \_\_\_\_\_



COMMON COUNCIL APPROVAL

APPROVED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN BY RESOLUTION NO. \_\_\_\_\_, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
STEVE OLSON, Mayor  
City of Franklin

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

E = 2,536,021.18

RYAN ROAD

1333.80'

N88°35'30"E  
205.09'

62.52'

30' SANITARY  
SEWER EASEMENT

212.54'

S17°44'59"E  
275.06'

PARCEL 3  
CSM NO. \_\_\_\_\_

PUBLIC STREET  
TO RYAN ROAD

52,700 SF  
BUILDING

PARCEL 4  
3.48 AC.

S00°17'58"E

UNPLANNED  
LANDS

PARCEL 5  
CSM NO. \_\_\_\_\_

S01°24'30"E  
601.22'

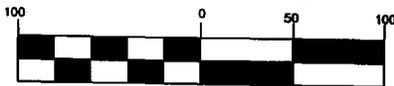
30' SANITARY  
SEWER EASEMENT

397.34'

N 88°35'30" E  
257.20'

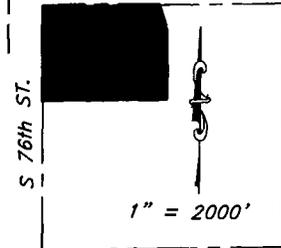


GRAPHIC SCALE



1 inch = 100 ft

RYAN ROAD 9500 S



9900 S

VICINITY SKETCH  
NW 1/4 27-5-21

PREPARED BY:  
JEFFREY D. BARCZAK  
139 GRATHAM HOUSE WAY  
APEX, NC, 27523  
PH (414) 429-4865  
EMAIL BARCZAKENGINEERING@GMAIL.COM



<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;">09/15/20</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT TO AMEND SECTION 15-3.0702 TO ALLOW FOR ACCESSORY STRUCTURES GREATER THAN 1,200 SQUARE FEET IN FLOOR AREA, SUBJECT TO SPECIAL USE APPROVAL</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.6.</i></p>

At the September 3, 2020, regular meeting, the Plan Commission carried a motion to recommend approval of an ordinance to amend the unified development ordinance text to amend section 15-3.0702 to allow for accessory structures greater than 1,200 square feet in floor area, subject to special use approval, with the addition to subsection D, the agricultural zoning districts, R3 and R3-E, and add condition #5 "accessory structures shall not be used for commercial or residential use", the vote was 6-0-0.

Note that the restriction imposed by condition #5 is already addressed by other provisions of the Unified Development Ordinance (UDO), for example:

- Commercial uses are not permitted in residential districts per UDO table 15-3.0603.
- Conducting home occupations in residential accessory structures is prohibited by UDO §15-3.0802(F).
- A second single-family dwelling unit is not permitted in residential districts per UDO Table 15-3.0602, with the exception of the R-1E district which is not included in this amendment.

**COUNCIL ACTION REQUESTED**

A motion to adopt Ordinance 2020-\_\_\_\_\_, to amend the Unified Development Ordinance section 15-3.0702 to allow for accessory structures greater than 1,200 square feet in floor area in the agricultural districts, A-1 and A-2, and residential districts, R-1, R-2, R-3 and R-3E, subject to special use approval.

## ORDINANCE NO. 2020-\_\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT  
ORDINANCE TEXT TO AMEND SECTION 15-3.0702 TO ALLOW FOR  
ACCESSORY STRUCTURES GREATER THAN 1,200 SQUARE FEET IN  
FLOOR AREA, SUBJECT TO SPECIAL USE APPROVAL

---

WHEREAS, Section 15-3.0702 of the Unified Development Ordinance provides for detailed standards for three special uses in residential districts, such as open space subdivisions, private stables and supervised released and crimes against children sex offender use (Chap. 980 Stats.) within the City of Franklin; and

WHEREAS, the City of Franklin having applied for a text amendment to Section 15-3.0702 of the Unified Development Ordinance so as to allow for accessory structures greater than 1,200 square feet in floor area, subject to Special Use approval, City-wide and in the R-1 Countryside/Estate Single-Family Residence District and R-2 Estate Single-Family Residence District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to allow for accessory structures greater than 1,200 square feet in floor area, subject to Special Use approval, City-wide and in the R-1 Countryside/Estate Single-Family Residence District and R-2 Estate Single-Family Residence District, and having held a public hearing on the proposal on the 3rd day of September, 2020 and thereafter having recommended approval of such amendment; and

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

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

SECTION 1: §15-3.0702. Detailed Standards for Special Uses in Residential Districts. of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended to add the following at the end of the current existing text:

- D. Accessory structures greater than 1,200 square feet. The following specific standards are required for an increase of the maximum size for accessory structures in the [agricultural

Districts, A-1 and A-2], and residential districts, R-1, R-2, [R-3 and R-3E]:

1. **Minimum Lot Area.** The minimum lot area shall be 3.0 acres. The maximum accessory structure size shall be 500 square feet per acre, and in no event shall an accessory structure exceed 5,000 square feet.
2. **Height.** An accessory structure shall not exceed 40 feet in height.
3. **Setbacks.** An accessory structure shall not be located closer to a side or rear lot line than a distance equal to its height.
4. **Location.** No part of an accessory structure shall be located in a front yard, corner side yard, or any rear yard abutting a street on a corner lot. For a rear yard abutting a street on a corner lot, the setback shall be the required corner side yard setback of the zoning district. Where the front of a principal structure is not on a corner lot, an accessory use or structure may be placed in the yard facing the arterial street, provided that all zoning district front and side yard setbacks from the arterial street lot line are met. In no case shall an accessory structure be located closer to a property line than a distance equal to its height.
5. [Accessory structures shall not be used for commercial or residential use].

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

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

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

ORDINANCE NO. 2020-\_\_\_\_\_

Page 3

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

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

ATTEST:

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

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

## ORDINANCE NO. 2020-\_\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT  
ORDINANCE TEXT TO AMEND SECTION 15-3.0702 TO ALLOW FOR  
ACCESSORY STRUCTURES GREATER THAN 1,200 SQUARE FEET IN  
FLOOR AREA, SUBJECT TO SPECIAL USE APPROVAL

---

WHEREAS, Section 15-3.0702 of the Unified Development Ordinance provides for detailed standards for three special uses in residential districts, such as open space subdivisions, private stables and supervised released and crimes against children sex offender use (Chap. 980 Stats.) within the City of Franklin; and

WHEREAS, the City of Franklin having applied for a text amendment to Section 15-3.0702 of the Unified Development Ordinance so as to allow for accessory structures greater than 1,200 square feet in floor area, subject to Special Use approval, City-wide and in the R-1 Countryside/Estate Single-Family Residence District and R-2 Estate Single-Family Residence District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to allow for accessory structures greater than 1,200 square feet in floor area, subject to Special Use approval, City-wide and in the R-1 Countryside/Estate Single-Family Residence District and R-2 Estate Single-Family Residence District, and having held a public hearing on the proposal on the 3rd day of September, 2020 and thereafter having recommended approval of such amendment; and

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

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

SECTION 1:           §15-3.0702. Detailed Standards for Special Uses in Residential Districts. of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended to add the following at the end of the current existing text:

- D. Accessory structures greater than 1,200 square feet. The following specific standards are required for an increase of the maximum size for accessory structures in the R-1 and R-2

districts

1. **Minimum Lot Area.** The minimum lot area shall be 3.0 acres. The maximum accessory structure size shall be 500 square feet per acre, and in no event shall an accessory structure exceed 5,000 square feet.
2. **Height.** An accessory structure shall not exceed 40 feet in height.
3. **Setbacks.** An accessory structure shall not be located closer to a side or rear lot line than a distance equal to its height.
4. **Location.** No part of an accessory structure shall be located in a front yard, corner side yard, or any rear yard abutting a street on a corner lot. For a rear yard abutting a street on a corner lot, the setback shall be the required corner side yard setback of the zoning district. Where the front of a principal structure is not on a corner lot, an accessory use or structure may be placed in the yard facing the arterial street, provided that all zoning district front and side yard setbacks from the arterial street lot line are met. In no case shall an accessory structure be located closer to a property line than a distance equal to its height.

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of

ORDINANCE NO. 2020-\_\_\_\_\_

Page 3

Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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 3, 2020

Unified Development Ordinance (UDO) Text Amendment

**RECOMMENDATION:** City Development Staff recommends approval of this UDO Text Amendment, the Plan Commission may consider the alternative provisions outlined in the staff report

**Project Name:** Amendment to UDO Section 15-3 0702 “Detailed Standards for Special Uses in Residential Districts”, to allow for accessory structures greater than 1,200 square feet subject to Special Use approval

**Project Address:** City-wide, R-1 and R-2 zoning districts

**Applicant:** Mayor Steve Olson

**INTRODUCTION:**

This is a city-sponsored application for a Unified Development Ordinance Text Amendment to amend Section 15-3 0702 “Detailed Standards for Special Uses in Residential Districts”, to allow for accessory structures greater than 1,200 square feet in floor area, subject to Special Use approval

The Unified Development Ordinance (UDO) §15-3 0702 currently provides detailed standards for 3 special uses in residential districts, such as open space subdivisions, private stables and supervised released and crimes against children sex offender use (Ch 980 Stats)

The maximum size for accessory structures in residential districts is limited to 1,200 sf, if masonry constructed and in lots greater than 40,000 sf per UDO §15-3 0801(C) The draft amendment below would allow for large accessory structures (greater than 1,200 square feet) in low density residential districts

**PROPOSED TEXT:**

- D Accessory structures greater than 1,200 square feet The following specific standards shall be used to authorize an increase of the maximum size for accessory structures in the R-1 and R-2 districts<sup>1</sup>*
  - 1 Minimum Lot Area The minimum lot area shall be 3 0 acres<sup>2</sup> The maximum accessory structure size shall be 500 square feet per acre, and in no event shall an accessory structure exceeds 5,000 square feet<sup>3</sup>*

<sup>1</sup> This section would only apply to the R-1 and R-2 because the intent of these districts is to promote a Country side/Estate character, which means “housing on very large lots” Including the R-3 district into this amendment may be contrary to the district intent that is “to protect the character of building bulk in established suburban/state residential neighborhood and subdivision” Another concern with the R-3 district is that this zoning is not limited to the southwest portion of the city, it is found on the northwest and also in the east (see attached map) Large accessory structures are currently permitted as of right in the R1-E district

<sup>2</sup> 3 0 acres is the minimum lot area for private stables This standard would restrict large accessory structures in established subdivisions for consistency with R-3 zoning district in case of including this district as part of the subject amendment (see attached map)

<sup>3</sup> 5,000 square feet is the maximum size for accessory structures in the R1-E district, also the maximum size for wood frame structures is 5,500 st per the Wisconsin Commercial Building Code

- 2 *Height* Accessory structures shall not exceed 40 feet in height<sup>4</sup>
- 3 *Setbacks* Accessory structures shall be located not closer than a distance equal to its height to the side or rear lot lines
- 4 *Location* No part of an accessory structure shall be located in a front yard, corner side yard, or any rear yard abutting a street on a corner lot. For a rear yard abutting a street on a corner lot, the setback shall be the required corner side setback of the zoning district. Where the front of a principal structure is not on a corner lot, an accessory use or structure may be placed in the yard facing the arterial street provided that all zoning district front and side yard setbacks from the arterial street lot line are met<sup>4</sup>. In no case shall an accessory structure be closer to a property line than a distance equal to its height

City Development staff has the following concerns with this UDO text amendment

- Home occupations. This amendment may unintentionally promote the use of large accessory structures for home occupations, conducting home occupations in accessory structures is prohibited by the UDO §15-3 0802(F)(4).
- Commercial vehicle parking. Parking more than one commercial vehicle is prohibited in residential districts per UDO §15-3 0802(C), large accessory structures may conflict with this restriction

If this text amendment is approved, City Development staff recommends the addition of a new section (92-F) to the “Building Construction” chapter of the Municipal Code. This new section could be titled “Accessory structures greater than 1,200 square feet” and require that plans should be prepared by a licensed professional engineer, or architect

**ALTERNATIVE PROVISIONS:**

The Plan Commission may consider the following alternative provisions

- Paul Marshall (8930 S 116<sup>th</sup> St) is requesting the inclusion of the R-3 zoning district as part of this amendment (see attached letter)
- The maximum accessory structure size could be calculated as a percentage of the lot area, see Muskego Municipal Code §400-167(C)(2)(c)

*Square footage permitted for large parcels: parcel sizes in excess of 40,000 square feet are allowed a maximum total floor area of all accessory structures not to exceed 2% of the total parcel area*

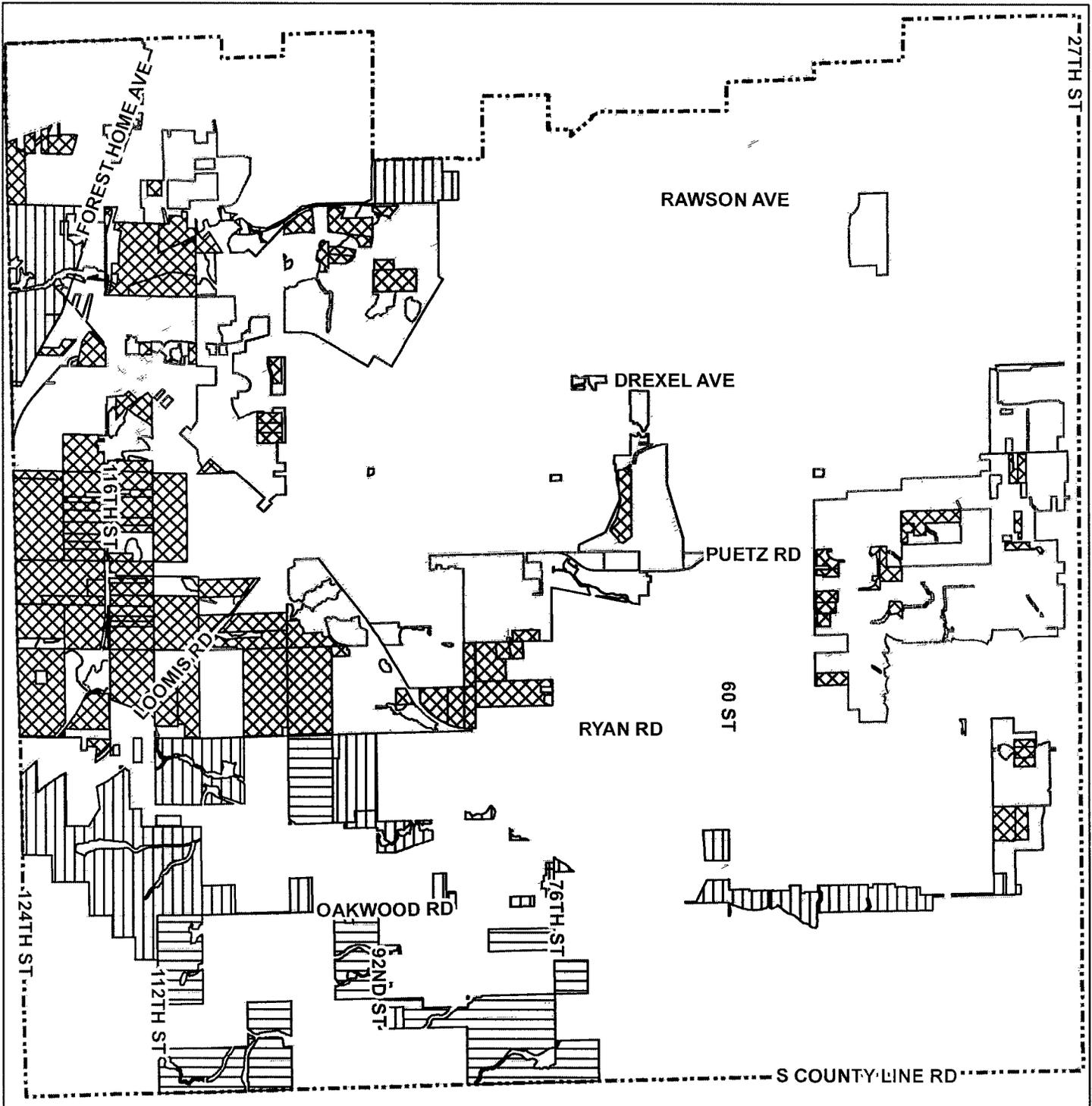
Staff recommends that if the provision above is included in this amendment, the 5,000 square feet maximum size limit should remain regardless of the lot size

**STAFF RECOMMENDATION:**

City Development Staff recommends approval of this Unified Development Ordinance (UDO) Text Amendment, the Plan Commission may consider the alternative provisions outlined in the staff report

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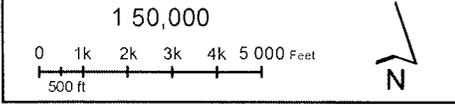
<sup>4</sup> Standards for accessory structures in the R1-E district



  
 City of Franklin  
 Department of City Development  
 9229 W Loomis Rd  
 Franklin, WI 53132  
 July 2020

**Legend**

	R 1 Countryside /Estate Single-Family Residence		City Boundary
	R-2 Estate Single-Family Residence		Property lines
	R 3 Suburban/Estate Single Family Residence		
	R 3E Suburban/Estate Single Family Residence		
	R 3 or R 3E zoning (properties greater than 3 Acres)		



# ZONING DISTRICTS R1, R2 AND R3

Planning Department  
 9229 West Loomis Road  
 Franklin Wisconsin 53132  
 Email per@franklinwi.gov



City of Franklin

Franklin

JUL 22 2020

Phone (414) 425 4024  
 Fax (414) 427 7691  
 Web Site www.franklinwi.gov

City Development

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

**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT APPLICATION**

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

<b>Applicant (Full Legal Name(s))</b> Name <u>Stephen R Olson Mayor</u> Company <u>City of Franklin</u> Mailing Address <u>9229 W Loomis Rd</u> City / State <u>Franklin WI</u> Zip <u>53132</u> Phone <u>414-425 7529</u> Email Address <u>Solson@franklinwi.gov</u>	<b>Applicant is Represented by (contact person)(Full Legal Name(s))</b> Name <u>not applicable</u> Company <u>not applicable</u> Mailing Address <u>not applicable</u> City / State <u>not applicable</u> Zip <u>not applicable</u> Phone <u>not applicable</u> Email Address <u>not applicable</u>
<b>Project Property Information (if applicable)</b> Property Address <u>City-wide</u> Property Owner(s) <u>not applicable</u> Mailing Address <u>not applicable</u> City / State <u>Franklin WI</u> Zip <u>53132</u> Email Address <u>not applicable</u>	Tax Key Nos <u>not applicable</u> <u>not applicable</u> Existing Zoning <u>not applicable</u> Existing Use <u>not applicable</u> Proposed Use <u>not applicable</u> CMP Land Use Identification <u>not applicable</u>

**UDO Text Amendment submittals for review must include and be accompanied by the following**

This Application form accurately completed with original signature(s) Facsimiles and copies will not be accepted

Application Filing Fee payable to City of Franklin  \$200

Seven (7) copies of a written Project Narrative including a full description of the proposed text amendment (Include the proposal's intent, impacts, and consistency with the Comprehensive Master Plan )

\*The 2025 Comprehensive Master Plan Future Land Use Map is available at <http://www.franklinwi.gov> as Document 5.10.15.1

- Upon receipt of a complete submittal staff review will be conducted within ten business days
- Requires a Class II Public Hearing notice at Plan Commission
- Unified Development Ordinance Text Amendment requests require Plan Commission review and recommendation and Common Council approval
- The City's Unified Development Ordinance (UDO) is available at [www.franklinwi.gov](http://www.franklinwi.gov)

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

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

Signature - Property Owner  
STEPHEN R OLSON  
 Name & Title (PRINT)

Date 7/22/2020

\_\_\_\_\_  
 Signature Applicant  
 Name & Title (PRINT)

Date \_\_\_\_\_

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

Date \_\_\_\_\_

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

Date \_\_\_\_\_

## **Regulo Martinez-Montilva**

---

**From:** Ronnie Asuncion  
**Sent:** Wednesday, August 12, 2020 3:48 PM  
**To:** General Planning  
**Cc:** Glen Morrow, Sara Arnold  
**Subject:** Comments UDO Text Amend\_City Wide

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

No comments

## Gail Olsen

---

**From:** Adam Remington  
**Sent:** Friday, July 31, 2020 11:55 AM  
**To:** General Planning  
**Subject:** FW: rtg 01\_UDO Text Amend\_City Wide  
**Attachments:** rtg 01\_UDO Text Amend\_City Wide doc, application submittal 7-22-20 zip

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

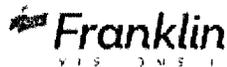
The fire department as no comments

**From:** Isabelle Jardas  
**Sent:** Friday, July 31, 2020 11:27 AM  
**To:** Steve Olson; Catherine Heder; Ronnie Asuncion; Maureen Schick; Kevin Magno; Debbie.Engineering, Adam Remington; Scott Satula; Heath Eddy  
**Cc:** Gail Olsen; Regulo Martinez-Montilva  
**Subject:** rtg.01\_UDO Text Amend\_City Wide

Please see attached and send comments to [generalplanning@franklinwi.gov](mailto:generalplanning@franklinwi.gov)

Thank You,

Isabelle Jardas  
City of Franklin  
Department of City Development  
9229 West Loomis Road  
Franklin, WI 53132  
[ijardas@franklinwi.gov](mailto:ijardas@franklinwi.gov)  
Phone 414 425-4024



## Gail Olsen

---

**From:** Scott Satula  
**Sent:** Monday, August 3, 2020 9:33 AM  
**To:** Regulo Martinez-Montilva  
**Cc:** General Planning, Steve Olson, Adam Remington  
**Subject:** RE: rtg\_01\_UDO Text Amend\_City Wide  
**Attachments:** rtg\_01\_UDO Text Amend\_City Wide doc, application submittal 7-22-20 zip

Regulo:

If the issue of dividing the private garage into 1,000 sq ft compartments by 1-hour "fire barriers" becomes an issue, I could amend my initial comments and reclassify the structure as a different Use Group (S-2 Storage) in the Commercial Building Code and allow wood-framed structures with the size limitations proposed without the need for compartmentalization. I applied a more restrictive, but applicable, Occupancy classification in the Commercial Building Code for the initial proposal I submitted. Just so you know, I would support this alternate amendment.

Let me know if you have any questions.

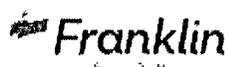
Thanks,  
Scott

**From:** Isabelle Jardas  
**Sent:** Friday, July 31, 2020 11:27 AM  
**To:** Steve Olson <Solson@franklinwi.gov>, Catherine Heder <CHeder@franklinwi.gov>, Ronnie Asuncion <RASuncion@franklinwi.gov>, Maureen Schick <MSchick@franklinwi.gov>; Kevin Magno <KMagno@franklinwi.gov>, Debbie Engineering <DEngineering@franklinwi.gov>; Adam Remington <ARemington@franklinwi.gov>; Scott Satula <SSatula@franklinwi.gov>, Heath Eddy <HEddy@franklinwi.gov>  
**Cc:** Gail Olsen <GOlsen@franklinwi.gov>, Regulo Martinez-Montilva <RMartinez-Montilva@franklinwi.gov>  
**Subject:** rtg\_01\_UDO Text Amend\_City Wide

Please see attached and send comments to [generalplanning@franklinwi.gov](mailto:generalplanning@franklinwi.gov)

Thank You,

Isabelle Jardas  
City of Franklin  
Department of City Development  
9229 West Loomis Road  
Franklin, WI 53132  
[ijardas@franklinwi.gov](mailto:ijardas@franklinwi.gov)  
Phone 414 425-4024



## Gail Olsen

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**From:** Steve Olson <steve-olson@wi.rr.com>  
**Sent:** Friday, July 31, 2020 11:42 AM  
**To:** Isabelle Jardas  
**Subject:** RE: rtg.01\_UDO Text Amend\_City Wide

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

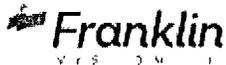
No issue

**From:** Isabelle Jardas [mailto:IJardas@franklinwi.gov]  
**Sent:** Friday, July 31, 2020 11:27 AM  
**To:** Steve Olson; Catherine Heder; Ronnie Asuncion; Maureen Schick, Kevin Magno, Debbie.Engineering; Adam Remington; Scott Satula; Heath Eddy  
**Cc:** Gail Olsen; Regulo Martinez-Montilva  
**Subject:** rtg.01\_UDO Text Amend\_City Wide

Please see attached and send comments to [generalplanning@franklinwi.gov](mailto:generalplanning@franklinwi.gov)

Thank You,

Isabelle Jardas  
City of Franklin  
Department of City Development  
9229 West Loomis Road  
Franklin, WI 53132  
[ijardas@franklinwi.gov](mailto:ijardas@franklinwi.gov)  
Phone 414 425-4024



## Gail Olsen

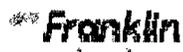
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**From:** Kevin Magno  
**Sent:** Friday, July 31, 2020 12:05 PM  
**To:** General Planning  
**Subject:** Routing # 01 Application Type UDO Text Amendment City Wide

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

The Police Department has no issues with this request

Kevin M Magno  
Assistant Chief of Police  
Franklin Police Department  
9455 W Loomis Road  
Franklin, WI 53132  
Dept (414) 425 2522  
Desk (414) 858-2641  
Cell (414) 587-3766  
kmagno@franklinwi.gov



City of Muskego WI  
Friday August 21 2020

## Chapter 400. Zoning

### Article XV. Accessory Uses and Structures

#### § 400-167. Accessory uses and structures.

A General Accessory structures shall reflect or compliment the character or materials of the primary structure <sup>[1]</sup>

[1] *Editor's Note Amended at time of adoption of Code (see Ch 1 General Provisions Art II)*

B Attached accessory structures In all districts, any permanent roofed structure serving an accessory use if attached to the principal building shall be considered as part of such principal building for all regulatory purposes If such structure is a building and is not attached to the principal building it shall conform to the building location, height and open space requirements of the district in which such building is located

C Detached accessory structures in residential districts Detached accessory structures located on parcels in a residence district where the principal use is present, except boathouses, shall be permitted subject to the following

(1) Location All accessory structures subject to this section shall be located behind the base setback line of all street yards and behind the minimum required offsets of all other side/rear lot lines <sup>[2]</sup>

[2] *Editor's Note Amended at time of adoption of Code (see Ch 1, General Provisions Art II)*

(2) Area Subject to the open space requirements of the zoning district, the total square footage of all accessory structures subject to this section is permitted as follows

(a) Square footage permitted by right the greater of 720 square feet or 60% of the assessed floor area of the principal structure

(b) Bonus square footage permitted for additional side yard offsets plus 10 square feet of floor area for each one foot of side yard offset above the district minimum, provided that no such bonus shall exceed 300 square feet

(c) Square footage permitted for large parcels parcel sizes in excess of 40,000 square feet are allowed a maximum total floor area of all accessory structures not to exceed 2% of the total parcel area

(3) Height The height of all accessory structures subject to this section shall conform to the following

## (a) Private garden sheds

Minimum Side Yard Offset (feet)	Permitted Height Above Grade (feet)
3	9
5	13
10	15

## (b) Private garages and other accessory structures

[1] Height permitted by right 15 feet

[2] Height bonus permitted for additional offset plus one foot of height for every five feet of setback above the district minimum, provided that no such bonus shall result in a structure exceeding 20 feet in height as measured by § 400-24

[3] Height bonus permitted for large parcels plus one foot of height for every 10,000 square feet of parcel in excess of 40,000 square feet, provided that no such bonus shall result in an accessory structure which exceeds the height permitted for principal structures in the zoning district

(4) Number No more than one accessory structure in excess of 120 square feet shall be permitted on a lot except when the Plan Commission finds that multiple accessory structures would meet the requirements set forth in Subsection C(2) above. One private garden shed (an accessory structure 120 square feet or less) is permitted on a residential lot and Plan Commission approval is needed when two structures of this nature are sought. An individual may have a private garden shed and an accessory structure greater than 120 square feet without Plan Commission approval.

(5) Architectural requirements All accessory structures subject to this section must conform to the following additional requirements:

(a) A minimum base floor consisting of either pressure-treated lumber, asphalt flooring, sealed concrete block, or concrete slab must be provided, except such areas where domesticated animals and livestock are to be quartered as permitted by this chapter.

(b) The architectural materials, color, and style of accessory structures shall conform to the materials, color, and style of the principal structure unless the property is subject to a design guide duly adopted as a component of the Comprehensive Plan and the proposed accessory structure is in conformance with the provisions of said guide. Exceptions to this requirement may be made by the Plan Commission where it is determined that the structure meets one or more of the following:

[1] The structure is screened from view

[2] The principal structure is composed of materials, colors, or styles that are inappropriate in their application to an accessory structure

[3]

The Plan Commission finds other circumstances to be present which would result in undue harm to the property or its surroundings

- (6) Use restricted No private garage in a residence district shall be used for operation of any metalworking, woodworking, masonry, carpentry, contracting, or repair business except as a permitted accessory use or home occupation
  - (7) Rustic structures as defined in this code shall be allowed as a conditional use upon approval of the Plan Commission If granted conditional use status, the rustic structure is not required to comply with the location, area height, and architectural requirements for detached accessory structures in the district
- D Boathouses Properties within the RL-1, RL-2 and RL-3 Lakeshore Residence Districts are permitted one boathouse subject to the following
- (1) Location minimum 20 feet from the ordinary high-water mark and subject to the side yard offset provisions of the district, effective with new construction or relocations after November 15, 2001
  - (2) Height not greater than 15 feet above the lowest grade
  - (3) Area no greater than 525 square feet
  - (4) The boathouse must be designed and used principally for the storage of boats and accessory marine equipment normally used in the daily activities of lakefront property and typically includes a large overhead door for primary access on the side of the structure facing the water
  - (5) A boathouse may not be habitable as defined in this code Final decision as to whether any boathouse would be considered habitable will be determined by the Public Works and Development Department <sup>[3]</sup>  
*[3] Editor's Note Amended at time of adoption of Code (see Ch 1 General Provisions Art II)*
- E Detached accessory structures, agricultural districts and uses
- (1) Detached accessory structures located on parcels in the A-1 Agricultural District, where said parcels are equal or greater than 120,000 square feet in area are subject to the regulations of the district pursuant to Article **VIII**
  - (2) Detached accessory structures located on parcels in the A-1 Agricultural District which are located on parcels less than 120,000 square feet in area and where the principal use is present shall be subject to the provisions of this section above
  - (3) An accessory structure with an agriculture use located within any zoning district other than the A-1 Agricultural Zoning District must follow the architectural requirements found in Subsection **C(5)**, unless Plan Commission approvals are sought to allow decreased architectural requirements
  - (4) All agricultural accessory structures shall follow the permitting and architectural standards shown in the City of Muskego adopted General Design Guide
  - (5)

Rustic structures as defined in this code shall be allowed as a conditional use in the A-1 Agricultural District. As authorized by conditional use grant, rustic structures are exempt from the requirements of this section.

- F Detached accessory structures in business and industrial districts. Detached accessory structures located on parcels in any business or industrial zoning district where the principal use is present shall conform to the bulk requirements of the zoning district.
- G Outdoor lighting. Outdoor lighting installations for residential uses shall be permitted in the setback and offset areas but not closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties. Outdoor lighting installations for commercial/industrial uses shall comply with the provisions of Article **XVIII** of this code for those installations associated with a building site and operation plan.
- H Fences and walls. Fences and walls, where anchored to supports embedded in the ground, shall be considered permanent structures and shall be subject to the following [Amended 2-4-2010 by Ord. No. 1311, 8-19-2010 by Ord. No. 1326]
- (1) Fences are allowed anywhere on a single property, with a proper zoning permit, as long as the fencing remains completely on the property. Fence panels are allowed to be up to six feet in height, with up to an additional six inches being allowed for ground clearance and post/cap height. The total height of any installed fencing system (fence panels, posts, and caps) cannot exceed a maximum combined height of six feet six inches. The total fence system heights are measured from the natural grade at any point along the base of the fence/posts to the top of the highest fence panel, post, or post cap.  
[Amended 3-22-2012 by Ord. No. 1351<sup>[4]</sup>  
[4] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions Art. II)*
  - (2) Any such fence in excess of the height listed in Subsection **H(1)** may be permitted provided it conforms to the height, offset, and setback requirements of the district in which it is located.  
[Amended 3-22-2012 by Ord. No. 1351]
  - (3) If the fence or wall is going to be located on a berm, the berm cannot have slopes that measure steeper than a slope of four feet horizontal to one foot vertical. Also, the top of the berm must have a level area on each side of the fence or wall that is at least two feet wide. These requirements apply to any new/replacement fencing or wall on an existing or proposed berm.  
[Amended 3-22-2012 by Ord. No. 1351]
  - (4) The decorative side of all fencing must face the neighboring properties.
  - (5) All fencing in residential districts must be constructed out of materials that are traditionally found in residential areas.
  - (6) Retaining walls or decorative walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six feet in height. When multiple walls are being installed, a terrace equal to half of the tallest wall height must be provided between each of the multiple walls.  
[Amended 4-18-2013 by Ord. No. 1371]

- I Walks, drives paved terraces, mechanical appurtenances for all single-family and two-family structures (such as air conditioners, venting and service panels), and purely decorative garden accessories (such as pools, fountains statuary, flagpoles, etc ) where subject to "permanent structure" classification, shall be permitted in setback and offset areas but not closer than three feet to an abutting property line other than a street line
- J Game courts shall be permitted in setback and offset areas but not closer than five feet to any property line and shall be screened from the view of adjoining property by adequate landscape or architectural screen or combination thereof
- K Parking areas shall be permitted in setback and offset areas but not closer than three feet to any property line and said areas shall be temporary in nature
- L Solar collectors shall be permitted as an accessory use and may be permitted in any district subject to the regulations of the particular district
- M Temporary structures and miscellaneous screening devices Any temporary structure or miscellaneous screening device serving an accessory use shall be permitted anywhere on the lot consistent with the standards as set out in Subsection C above and no building permit shall be required provided a zoning permit is obtained However, where such proposed structure does not comply with the setback and offset requirements of the district in which it is located or where such proposed structure does not comply with architectural standards, the approval of the Plan Commission must first be obtained Plan Commission approval for such modification in setback/offset or architectural requirements shall be based on the following  
[Amended 2-4-2010 by Ord No 1311]
  - (1) The proposed structure is out of public view or adequately screened
  - (2) Notice of meeting is given to owners within 100 feet of property lines
  - (3) If the miscellaneous screening device is a carport, it shall have no sides or ends
  - (4) May be subject to annual review by the Plan Commission for yearly maintenance concerns
- N Outdoor storage No unenclosed storage of materials, equipment, temporary structure, supplies or vehicles shall be permitted where such storage is unsightly to the surrounding view

August 7, 2020

VIA EMAIL ONLY. [generalplanning@franklinwi.gov](mailto:generalplanning@franklinwi.gov)

City of Franklin  
Department of City Development  
9229 W. Loomis Road  
Franklin, WI 53132

Re: Amendment to UDO Section 15-3.0702

To Whom It May Concern:

I am the owner of the property known as 8930 S. 116<sup>th</sup> Street. I have reviewed the proposed ordinance amendment for accessory structures. I am requesting that R-3 be included as part of the amendment to UDO Section 15-3.0702.

My lot consists of approximately 9.424 acres. There are many lots within the R-3 zoning district which consist of over 3 acres. Currently, the proposed amendment to UDO Section 15-3.0702 includes only land zoned R-1 and R-2. Based upon the staff report, the basis for not including R-3 with the ordinance amendment is that “[i]ncluding the R-3 district into this amendment may be contrary to the district intent that is “to protect the character of building bulk in established suburban/estate residential neighborhood and subdivision”” and that “the zoning is not limited to the southwest portion of the city”.

The City’s ordinances define “bulk” as “[a]ll new buildings and structures shall conform to the building regulations established for the district in which each building is located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the City of Franklin. “Bulk” simply means that the building must comply with the ordinance requirements.

The R-1 zoning indicates an intent that residential developments are at intensities “that are consistent with the maintenance of a COUNTRYSIDE/ESTATE character and a COUNTRYSIDE/ESTATE life-style as set forth in the City of Franklin Comprehensive Master Plan and components thereof”.

The R-2 zoning indicates an intent to “[p]reserve and enhance an ESTATE character of surrounding areas and the attractiveness associated with such areas.”

There are no definitions in the ordinances to define what “suburban/estate”, “countryside/estate” and “estate” means

While I recognize that R-3 zoning does include many subdivisions with smaller lots, R-3 zoning also contains many lots (as set forth on the attached map) with significantly larger lots, including my lot. Because the zoning text requires a minimum of 3 acres for any accessory structure greater than 1,200 square feet, only the larger lots within R-3 would be able to construct a larger accessory structure thereby protecting the smaller subdivisions and the purported intent of the R-3 zoning. Additionally, larger accessory structures require a greater setback from the road, making the accessory structures less visible to the public.

I am requesting that the R-3 zoning district be added to the amendment to UDO Section 15-3.0702.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Marshall", written in a cursive style.

Paul Marshall

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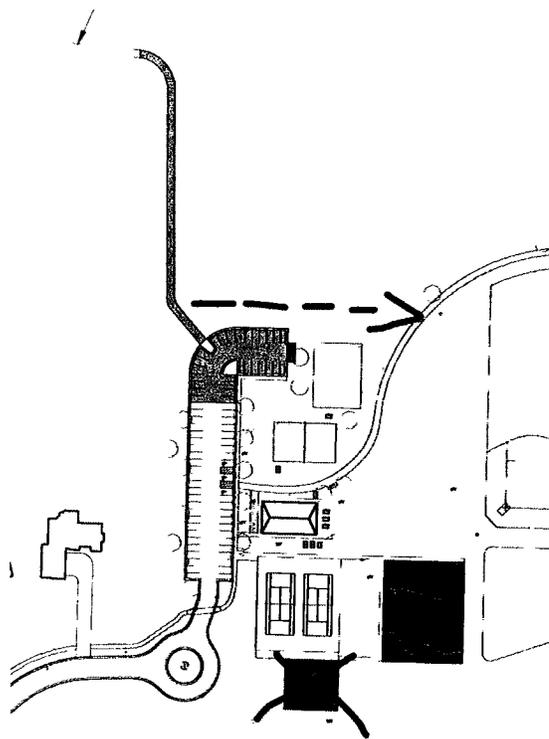
APPROVAL <i>J. C.</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 09/15/20
REPORTS & RECOMMENDATIONS	Authorization for the Dept of Public Works to purchase Radar Message Signs	ITEM NUMBER <i>G. 7.</i>
<p>Within the approved 2020 Capital Budget Fund, was the funds to purchase two (2) Radar Message Signs to be used by the Police Dept and DPW. Pricing has been received from All Traffic Solutions Inc., as follows, for the purchase of two complete radar message sign units</p> <ol style="list-style-type: none"> <li>1. Two (2) Radar Message Signs, \$28,999.00. Budgeted for these items was \$29,000 00</li> </ol> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p style="text-align: center;">Approval to purchase Radar Message Signs.</p>		

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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>09/15/2020</p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>REQUEST FROM THE PARKS COMMISSION FOR THE COMMON COUNCIL TO APPROVE THE CONCEPTUAL SITE PLAN FOR PLEASANT VIEW NEIGHBORHOOD PARK</b></p>	<p><b>ITEM NUMBER</b></p> <p>G, 8.</p>

January 21, 2020, the Common Council directed the Director of Administration to work with the Alderman of District 3 to prepare a contract and scope of services for an updated site plan for Pleasant View Park, in order to complete the park. The Council authorized a contract with GRAEF; this is the resulting Conceptual Site Plan.

At their August 10 meeting, the Parks Commission recommended that GRAEF revise draft conceptual plan No. 1 to include 2 tennis courts and 8 pickleball courts. The resulting Conceptual Site Plan was forwarded for review of the Plan Commission, and is attached in the Plan Commission report as EXHIBIT A.



At the regular meeting of the Plan Commission on September 3, 2020, the following action was approved: a motion to recommend approval of the conceptual site plan for Pleasant View Neighborhood Park, with the exception of striking 2 pickleball courts and moving the pathway to connect to the existing parking lot with the request that the existing pathways connect. The Plan Commission notes that the additional trail connection is to avoid pedestrian and bicycle traffic crossing the parking lot.

Options to engage a consultant for the necessary site engineering are provided on this agenda as a separate agenda item.

Figure 1 Plan Commission Recommendation

**COUNCIL ACTION REQUESTED**

A motion to approve the Conceptual Site Plan for Pleasant View Neighborhood Park as presented.

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

**Meeting of September 3, 2020**

**Conceptual Site Plan**

---

**Action Requested:** A recommendation to the Common Council regarding this conceptual site plan.

---

<b>Project Name:</b>	Pleasant View Park Conceptual Site Plan
<b>Project Address:</b>	4620 W. Evergreen St. (TKN 788 9999 003) and TKN 788 9999 002
<b>Applicant:</b>	City of Franklin
<b>Property Owner:</b>	City of Franklin
<b>Current Zoning:</b>	P-1 Park District
<b>2025 Comprehensive Plan:</b>	Recreational and Areas of Natural Resource Features
<b>Use of Surrounding Properties:</b>	Pleasant View School to the north, Victory Creek Trails to the east, residential to the south, and future residential to the west.
<b>Applicant's Action Requested:</b>	Recommendation to the Common Council for approval of the proposed Conceptual Site Plan

---

**Background**

The Pleasant View Park is located in the northeast quadrant of the City of Franklin, just east of the Victory Creek park, a conservation area with both gravel and mown trails, and walking connections to the neighborhood to the north and south. Pleasant View Park is roughly 24 acres, however the total parkland area in combination with the trails is more than 90 acres, not including the neighboring Pleasant View school.

The Comprehensive Outdoor Recreation Plan (CORP) imagined this park as a neighborhood park, to serve the surrounding community including the school, which was at the time the CORP was written, supplying the parking area to access the space (City of Franklin CORP Update: 2025, Page 14).

The CORP was adopted on April 4, 2011. In it, Pleasant View Park was described as “undeveloped.” The document recommended several of the amenities in the proposed site plan under consideration, as well as the creation of an 80-foot collector street to access the park (CORP, Table 6.1, Page 5-6).

On January 21, 2014, the City of Franklin Common Council directed the Engineering Department to produce a site plan for Pleasant View, which was then adopted and funded later that spring. As a result, several improvements have been made to the park including the installation of a 60-foot street with roundabout to access the park via Evergreen Dr., a baseball diamond, playground, and two tennis courts. A year-round pavilion was completed in early 2020.

On July 8, 2019, the Parks Commission's recommended that efforts be made to complete the park and proposed amenities. Council directed the Director of Administration to work with the Alderman of

District 3 to prepare a contract and scope of services for the updated site plan. The Council authorized that contract with GRAEF on January 21, 2020. This is the resulting Conceptual Site Plan, attached as EXHIBIT A. Two versions are provided at different scales. The conceptual plan is intended to establish the desired amenities in order to request funding for the project; it is not as detailed as a full site plan.

### **Public Input**

As part of the scope of the update and completion of the Site Plan, GRAEF facilitated public input with the neighborhood and stakeholders.

### **Public Meeting / Survey**

Originally, this input was to include a public meeting hosted by Alder Wilhelm; however that meeting was cancelled due to the implementation of the Safer-at-Home order. Instead, GRAEF prepared a survey which was distributed online and mailed to 153 residents in the neighborhood immediately surrounding the park. A summary of the results is attached as EXHIBIT B.

### **Parks Commission**

The City of Franklin Parks Commission provided feedback on the Conceptual Site Plan over the course of two meetings on March 9, 2020 and August 10, 2020. Members of the public were also present at those meetings, and provided comments and suggestions related to proposed amenities.

At their August 10 meeting, GRAEF presented two alternative concepts for input: Plan Number 1 attached as EXHIBIT C and Plan Number 2 attached as EXHIBIT D. There was a robust discussion, including input from the public, especially in favor of the inclusion of pickleball courts, and a general desire to retain the existing amenities like the tennis courts. The Parks Commission recommended that GRAEF revise plan No. 1 to include 2 tennis courts and 8 pickleball courts. The resulting Conceptual Site Plan, EXHIBIT A, is now subject to review of the Plan Commission.

### **Other comments**

In his review of the proposed Conceptual Site Plan, the Mayor has expressed a desire to include an ice-skating rink at this location. This was proposed as an amenity by the CORP.

A number of members of the public have contacted staff to share their thoughts on updates to the park. Those comments have been included for review as EXHIBIT E

### **Site Plan Analysis**

Pleasant View Park is two City of Franklin owned parcels of 6.74 acres and 17.04 acres respectively (just under 24 acres total) adjacent to a conservation area and school. The site is zoned P-1 Park District, and proposed amenities are all within the setback and other dimensional requirements of the zoning.

The park currently contains several amenities: two tennis courts, a baseball diamond with outfield, a playground, an open-space "multipurpose field" and a four-season pavilion. There is a parking lot with 45 spaces to serve these amenities, and a paved trail which connects to the conservation area to

the east and to the stub of Marquette Avenue to the north. There are also informal trails on the north end of the property which connect to the school, and the area is popular as a cross-country running practice area.

The park includes a stormwater detention pond to serve the parking lot, trails and other improvements. The conceptual site plan does not include detailed stormwater calculations, which would be required for future development, but the consultants estimate that the proposed additions would be within the capacity of the pond. There are two stormwater easements connecting to this pond, on either side of the existing tennis courts. The northern part of the park slopes to a degree that it would make adding amenities there difficult. No impacts to natural resources are proposed.

The new conceptual site plan proposes the addition of eight (8) pickleball courts as a major new feature, based on feedback from the community requesting a number of courts which could accommodate league play and rotating pick-up games. The pickleball courts would be placed in part of the existing multipurpose field and to the south of the tennis courts, so as to avoid easements.

The two existing tennis courts would remain. A sand volleyball court is also proposed to be installed to the north of the pavilion, and a future trail connection to the north is included in the plan. Other amenities to be added include picnic tables and landscaping.

While it is not depicted, an ice rink could be constructed seasonally on either the multipurpose field or the open space east of the pavilion. Previous versions of the site plan included a basketball court, but public input indicated that this was not desired, and so it is omitted from this concept.

All amenities are laid out so as to preserve the “pleasant” view from the pavilion to the east.

Planning staff reviewed the proposed concept and notes that the existing parking lot which is 45 spaces with two (2) ADA spaces does not provide adequate parking for the desired amenities, although an overflow parking area was included. Table 15-5.0203 details parking requirements for various uses.

Amenity	Quantity or area	Required parking spaces	Per standards	Parking need
Pavilion (occupants)	50	1	Per 3 occupants	17
Tennis Courts	2	2	Per court	4
Volleyball Court	1	4	Per court	4
Multiuse Field	21,600	1	Per 4,000 sf of area	5
Baseball out and infield*	104,000	1	Per 4,000 sf of area*	26
<i>*UDO does not have and applicable parking standard, so the playfield standard was used</i>				
Pickleball courts	8	2	Per court	16
Skating rink	Seasonal	1	Per 1,000 sf of rink area	
ADA requirements	<i>For 51-75 total spaces, 3 ADA spaces required For 76-100, 4 are required</i>			
			<b>Total Need</b>	72
			<b>ADA Required</b>	2

Existing amenities would require 56 spaces. The conceptual plan includes the addition of 28 parking spaces for a total of 73.

**CONCLUSION:**

Final approval of funding and thus amenities for Pleasant View Park lies with the Common Council, therefore this item is presented for review and recommendation of the Plan Commission.

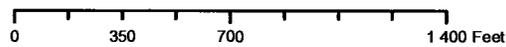


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TKN: 788 9999 003



Planning Department  
(414) 425-4024



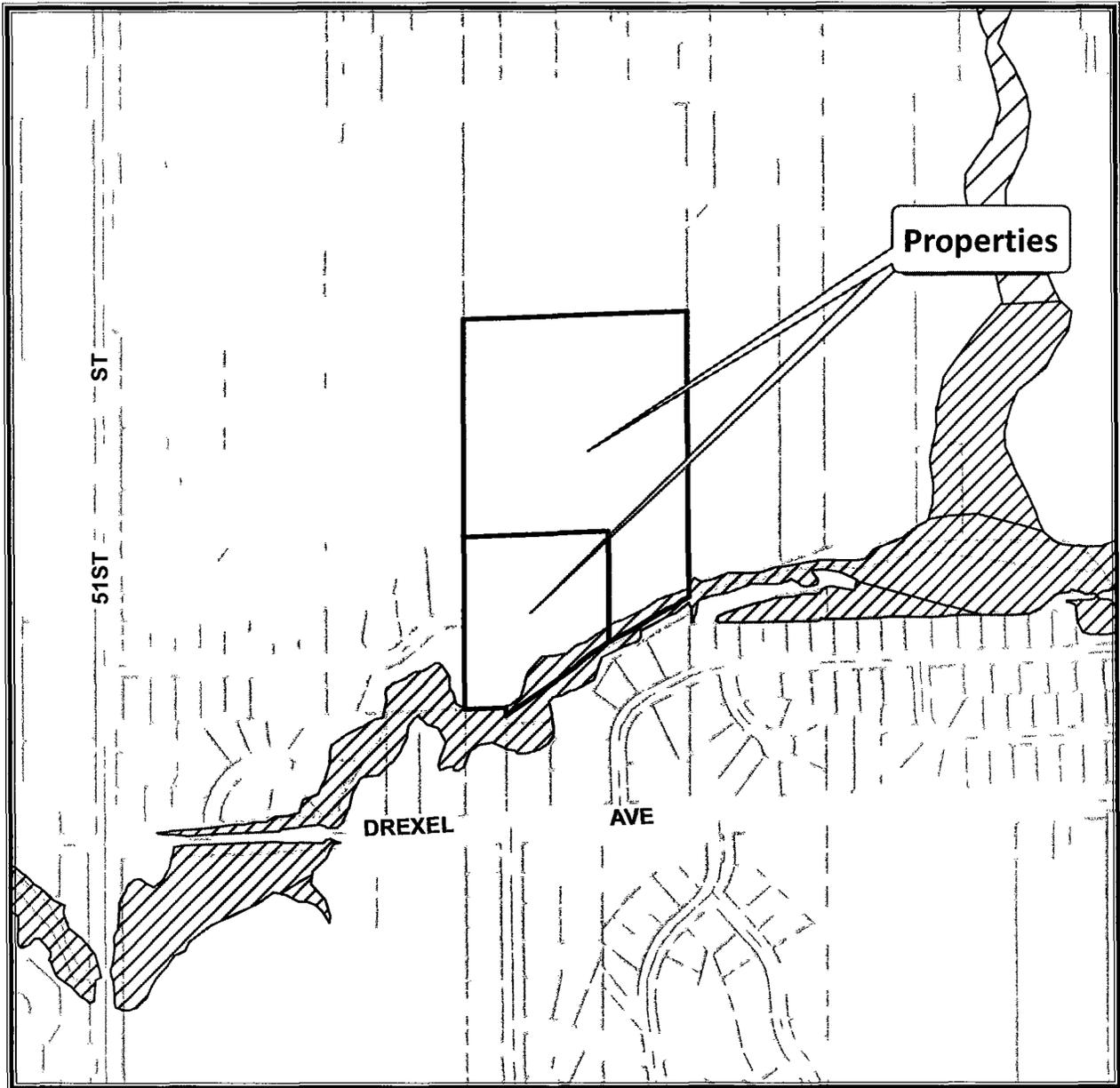
2017 Aerial Photo

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

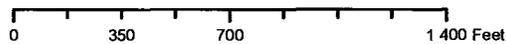


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TKN: 788 9999 003



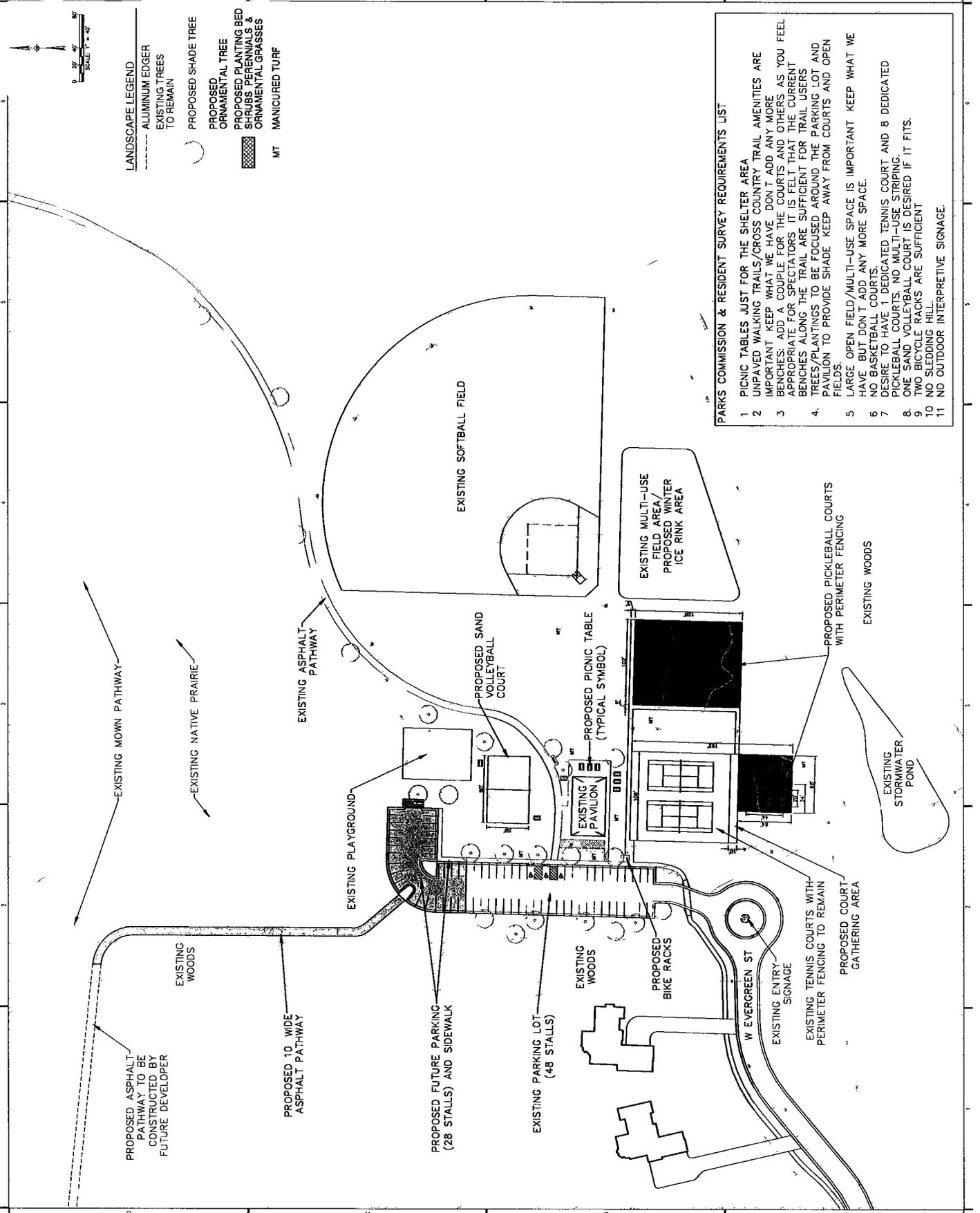
Planning Department  
(414) 425-4024



2017 Aerial Photo

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

EXHIBIT A



- LANDSCAPE LEGEND**
- ALUMINUM EDGER
  - EXISTING TREES TO REMAIN
  - PROPOSED SHADE TREE
  - PROPOSED ORNAMENTAL TREE
  - ▨ PROPOSED PLANTING BED
  - ▨ SHRUBS, PERENNIALS & ORNAMENTAL GRASSES
  - MT MANICURED TURF

- PARKS COMMISSION & RESIDENT SURVEY REQUIREMENTS LIST**
- 1 PICNIC TABLES JUST FOR THE SHELTER AREA
  - 2 UNPAVED WALKING TRAILS/CROSS COUNTRY TRAIL AMENITIES ARE IMPORTANT KEEP WHAT WE HAVE DON'T ADD ANY MORE
  - 3 BENCHES: ADD A COUPLE FOR THE COURTS AND OTHERS AS YOU FEEL APPROPRIATE FOR SPECTATORS IT IS FELT THAT THE CURRENT TREES ALONG THE TRAIL ARE SUFFICIENT FOR TRAIL USERS
  - 4 PAVILION TO PROVIDE SHADE KEEP AWAY FROM COURTS AND OPEN FIELDS.
  - 5 LARGE OPEN FIELD/MULTI-USE SPACE IS IMPORTANT KEEP WHAT WE HAVE BUT DON'T ADD ANY MORE SPACE.
  - 6 NO BASKETBALL COURTS.
  - 7 DESIRE TO HAVE 1 DEDICATED TENNIS COURT AND 8 DEDICATED PICKLEBALL COURTS. NO MULTI-USE STRIPING.
  - 8 ONE SAND VOLLEYBALL COURT IS DESIRED IF IT FITS.
  - 9 TWO BICYCLE RACKS ARE SUFFICIENT
  - 10 NO SLEDDING HILL.
  - 11 NO OUTDOOR INTERPRETIVE SIGNAGE.

EXHIBIT A

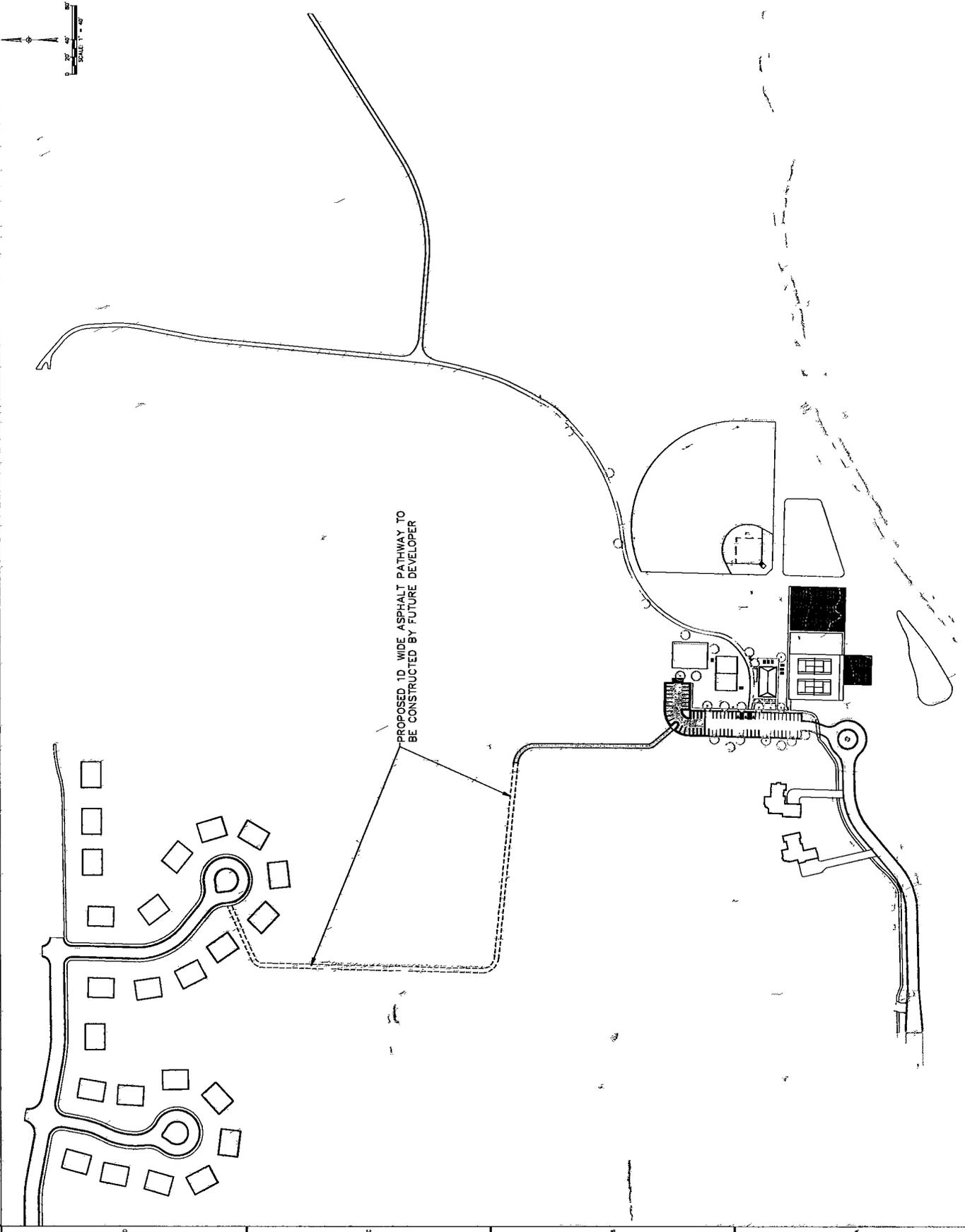


EXHIBIT B

**City of Franklin  
Department of City Development**

Date: July 13, 2020  
To: City of Franklin Parks Commission  
From: Department of City Development – Assistant Planner Ecks  
RE: Pleasant View Park Site Plan – Public Input Survey Results

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At the June 8, 2020 meeting of the Parks Commission, staff provided results from the Pleasant View Park Site Plan Update Public Input Survey.

The consulting team from Graef has requested that the Commission direct them as to which amenities from those under discussion should be prioritized for inclusion in a proposed draft site plan update. Key results from the survey are:

*Participants*

- The majority (58%) consider Pleasant View Park to be their neighborhood park. 51% live less than 0.5 miles away, or about a ten-minute walk. 89% of respondents live in Franklin.
- 43% of respondents get to the park by walking, and 40% get there by driving.

*Preference Results*

- Respondents were divided nearly evenly (52% yes, 48% no) on whether pickleball courts and volleyball courts were desired.
- Respondents were more supportive of basketball courts (57% yes, 43% no) and baseball fields (62% yes, 38% no) as amenities in the park.

*Park Amenities from most to least desired:*

Rank	Amenity
1	Picnic Tables
2	Unpaved Walking Trails
3	Benches
4	Trees / Plantings
5	Large Open Field / Multi-use Space
6	Baseball Field(s)
7	Basketball Court(s)
8	Pickleball Court(s)
9	Volleyball Court(s)
10	Bike Racks
11	Sledding Hill
12	Cross-Country Running Trail Amenities
13	Outdoor Interpretive Signs

- Respondents were very supportive of smaller improvements such as picnic tables, benches, and additional trees. Interpretive signage was not as popular.
- A majority (roughly 60%) thought that there should be unpaved walking trails, but that group split over whether they should only be in scenic locations, or throughout the park. People were also divided over support for cross-country running trails, with many expressing “no preference.”
- Half of respondents thought there should be bike racks in the parking lot. 22% thought they should also be along the paved trail.
- 46% would like a sledding hill. 60% would like a multi-purpose field.

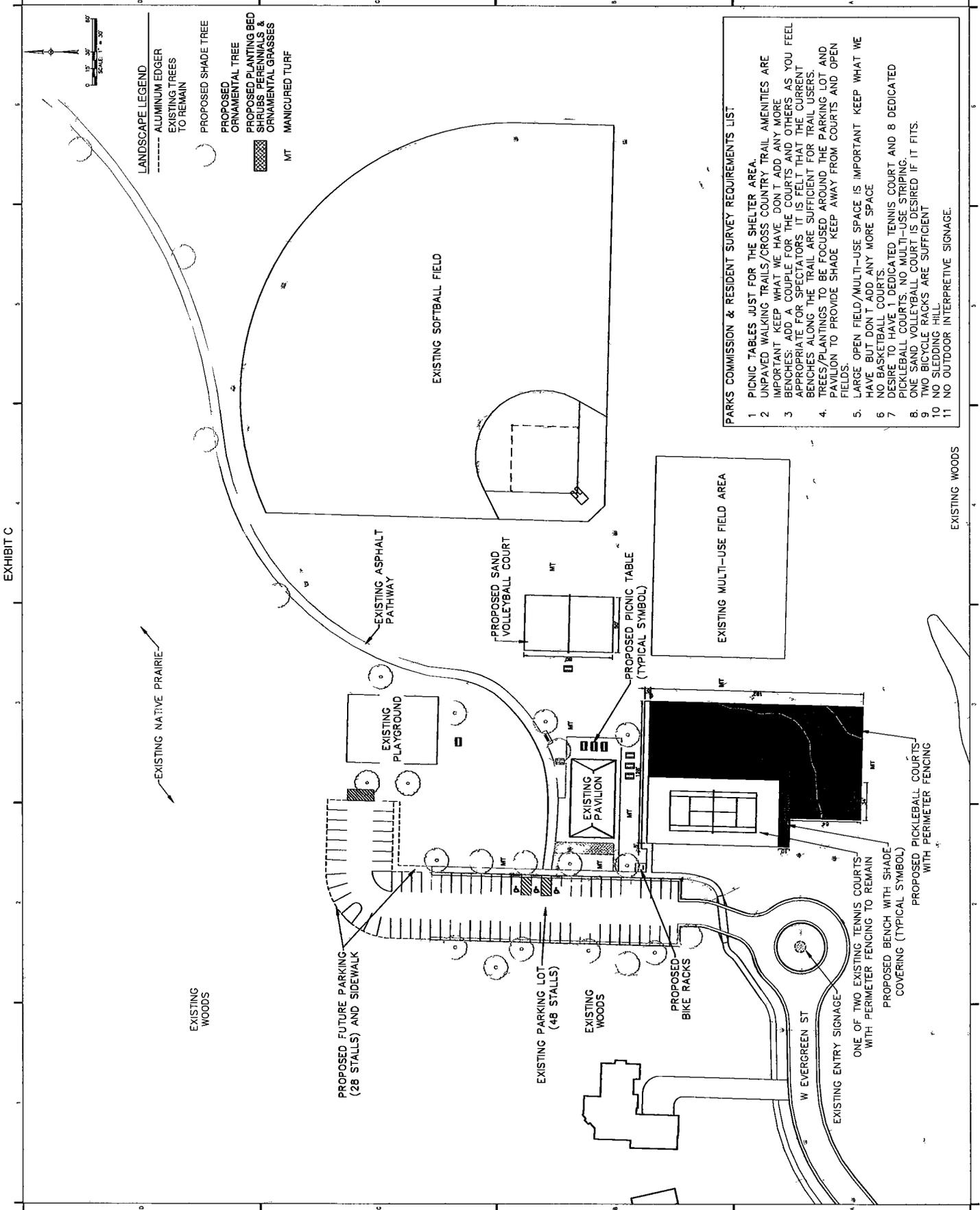
## EXHIBIT B

- When asked to rank the amenities under consideration, the most desired was picnic tables.

Staff has not had time to analyze the nearly 400 open-ended responses

MX

PROJECT STATUS

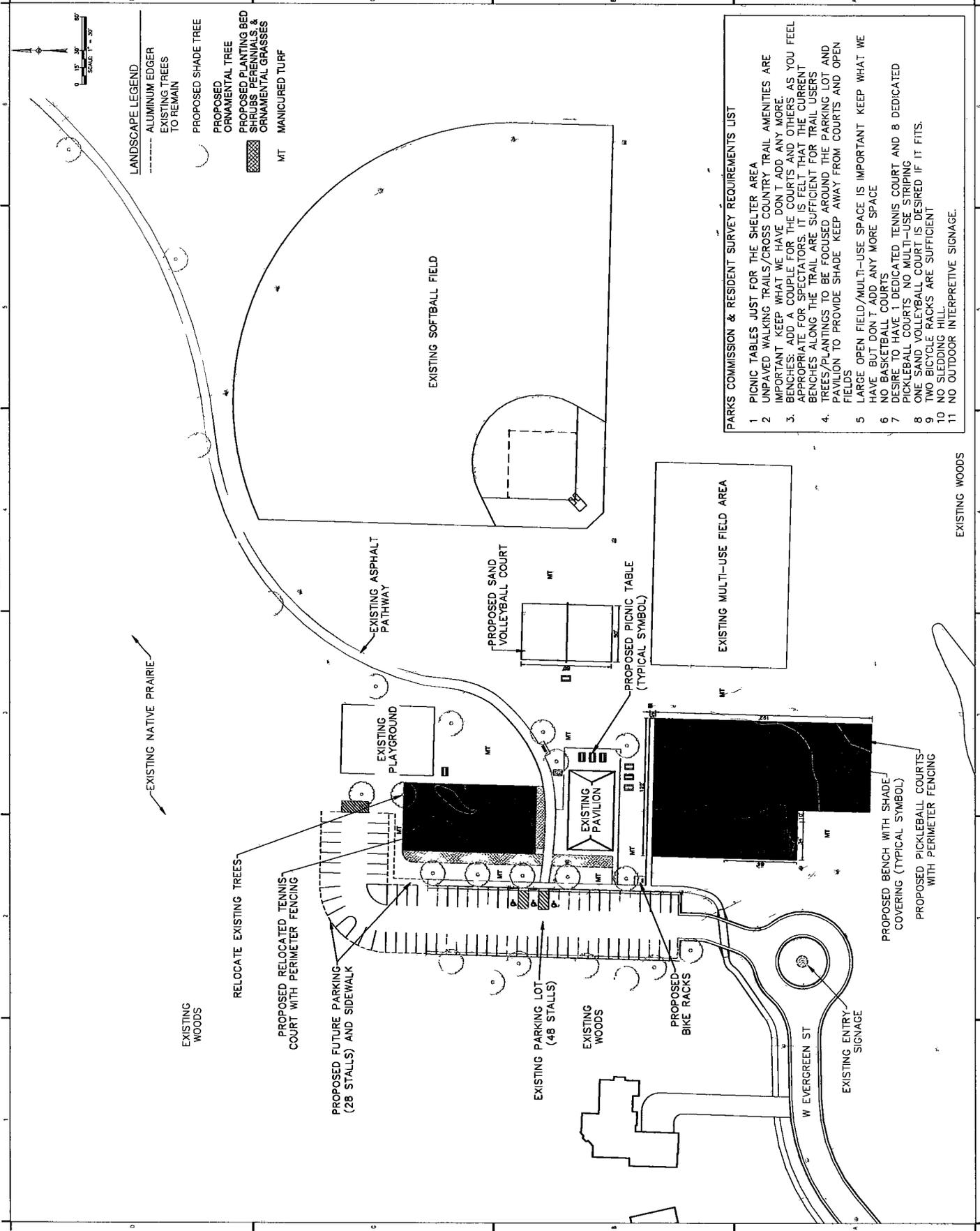


- PARKS COMMISSION & RESIDENT SURVEY REQUIREMENTS LIST**
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  2. UNPAVED WALKING TRAILS/CROSS COUNTRY TRAIL AMENITIES ARE IMPORTANT KEEP WHAT WE HAVE DON T ADD ANY MORE
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  4. TREES/PLANTINGS TO BE FOCUSED AROUND THE PARKING LOT AND PAVILION TO PROVIDE SHADE KEEP AWAY FROM COURTS AND OPEN FIELDS.
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  9. TWO BICYCLE RACKS ARE SUFFICIENT
  10. NO SLIDDING HILL
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EXHIBIT C

PROJECT STATUS

EXHIBIT D



- LANDSCAPE LEGEND**
- ALUMINUM EDGER
  - EXISTING TREES TO REMAIN
  - PROPOSED SHADE TREE
  - PROPOSED PLANTING BED
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  - 10 NO SLEDDING HILL
  - 11 NO OUTDOOR INTERPRETIVE SIGNAGE.

## Marion Ecks

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**From:** Kengo Usui <kengousui77@hotmail.com>  
**Sent:** Tuesday, August 25, 2020 7 52 PM  
**To:** Kristen Wilhelm, Marion Ecks, General Planning  
**Subject:** Franklin Pleasantview tennis courts

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear City of Franklin,

When we contacted Alderwoman Kristen Wilhelm, she told us that we should submit our comments about the City's plan to convert the two tennis courts at the Pleasantview park to pickle ball courts by tomorrow.

Franklin is one of the few cities that don't have tennis courts at the high school. As a matter of fact, there are very few tennis courts left in the neighborhood. We often need to drive to other cities (Greendale or Oak Creek) to use the tennis courts because the Pleasantview courts are taken. It would be very disappointing to see the number of tennis courts being reduced in the city. We would highly appreciate it if you could consider our feedback.

Thank you in advance for your consideration,

Kengo Usui  
8220 S 47th St. Franklin  
414-322-4546

## Marion Ecks

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**From:** Bill Frank <wfrank1@wi rr com>  
**Sent:** Wednesday, August 26, 2020 1 21 PM  
**To:** General Planning, Marion Ecks  
**Cc:** Kristen Wilhelm  
**Subject:** Pleasant View Park - Plans

Hello,

My name is Bill Frank. I am a resident of Franklin, and I would like to offer a few comments about the future plans for Pleasant View Park.

Specifically, I am concerned about the future of the tennis courts in the park. I understand that there is a big push for pickle ball. My main concern is that the pickle ball player's needs will be met at the expense of what the tennis players currently have, and will need going forward.

I've heard that there is a proposal being put forth to "relocate" just one tennis court, and to put pickle ball courts in where the tennis courts are now. The tennis courts we have now are used and needed, and are too new to try and relocate them, or to repurpose them exclusively for pickle ball.

- We need the two tennis courts. For example, there is a family with two girls that practices there regularly. (We affectionately refer to it as "tennis boot camp." Who knows - maybe someday they will be the next Williams Sisters! You heard it here first.) Having just one tennis court seems unacceptable, especially since we already have two.
- I don't think that there is really any such thing as "relocating" a tennis court. They will just have to build a new one, which is wasteful because we already have two tennis courts.
- What assurances do we have that a single "relocated" tennis court will ever be built? What will likely happen is that the existing two tennis courts will be replaced with pickle ball courts, and then no "relocated" tennis court will ever be built. That will leave us with no tennis courts at all in Pleasant View Park. That would be a shame, because we already have 2 nice courts. Having tennis courts was the plan from the beginning, not pickle ball.

I understand that meeting the needs of the pickle ball players in Franklin has been years in the making. However, I do not think that those needs should be met at the expense of those who currently enjoy using the tennis courts.

Bill Frank

## Marion Ecks

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**From:** Karl Freund <kgfreund2@yahoo.com>  
**Sent:** Wednesday, August 26, 2020 3:14 PM  
**To:** Marion Ecks  
**Cc:** General Planning  
**Subject:** Pickleball courts at Pleasant View Park

Marion,

I just wanted to point out the great need for more Pickleball courts in our area; specifically at Pleasant View Park. We currently have a social group of people playing at Lions Legend Park. This past Tuesday we had all four courts filled and 14 people sitting out waiting to play! This is a fairly common occurrence, so much so, that we often have to lower the points per game needed to win just to accommodate more through put of players.

I have been playing Pickleball for 3-1/2 years and each year more and more people are joining the sport. It's a great social game and brings together good people of all ages!

Rest assured that if we can get these 8 courts built, the people will surely be there to fill them.

Please stop by on any Tuesday or Thursday to Lions Park and witness for yourself the large gathering of people.

By the way, before Covid-19 we were all signed up through the rec department and were playing on Monday's, Tuesday's, Thursday's and Saturday's. Wednesday's, Friday's and Sunday were used for social Pickup for those that still can't get enough Pickleball. We have about 50 people signed up to the WhatsApp app for people to use for those 'impromptu' let's -get-together-to-play days; and it's never a problem getting people together!!

Please allow these 8 courts to be built so that we can accommodate more people's growing interest in the game and continue to meet more of our Franklin neighbors!!

Karl Freund

Sent from my iPhone

## Marion Ecks

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**From:** Susan Lance <momjigga@hotmail.com>  
**Sent:** Thursday, August 27, 2020 9:03 AM  
**To:** Marion Ecks, generalplanning@franklin.gov  
**Cc:** Sam Crisci, Susan Lance  
**Subject:** Planning meeting - Pickleball courts

To Marian and the planning committee

With regards to the building of 8 permanent Pickleball courts at Pleasant View park:

I am in support of the building of the additional courts

As you know, today, there are 4 permanent courts at Lions Legend II. This is now the 3rd year that they have been in place. (Thank you Parks department!).

There has been a Pickleball program thru the recreation department since the inception. The numbers of players has grown annually and there is continued interest from the community in the sport. The number of players have now outgrown the use of only 4 courts

Pickleball play is unlike other sports in that the players like to congregate together in one location. The players rotate in to the games after winning or losing in a particular fashion. This allows them to play with many different players in one session. There is also a very big social aspect to the playing Pickleball

The sport is popular with all age levels, but particularly with the senior population.

Unfortunately due to Covid the program had to be cancelled this summer. However there are still high numbers of players that meet regularly on M-W-F mornings and T-Th evenings.

The building of the 8 new pickleball courts should meet the needs of the community with its continued growth in numbers.

It is my hope that you vote to approve the building of these 8 new Pickleball courts.

Sue Lance  
3721 W Glenwood Dr  
Franklin WI 53132  
414-708-2532  
Sent from my iPhone

8/26/2020

Ms. Maron Ecks  
Assistant Planner  
City of Franklin  
Franklin, WI 53132

RE: New Pickleball Courts at Pleasant View Park

Dear Ms. Ecks,

In the past three years, I have personally witnessed noteworthy pickleball interest in Franklin. I can say with confidence that I unofficially represent over 50 residents that are strongly in favor of a new facility. The proposed courts, that have been recommended by the Parks Commission, will have a significant return on investment and will reflect Franklin's commitment to outdoor activities.

As a long time Franklin resident and avid pickleball player myself, please take the below comments into consideration towards the addition of pickleball courts at Pleasant View Park.

Pickleball has been cited in many articles as the fastest growing sport in America. Benefits of the sport include:

- **The sport does not discriminate age!** – I have personally played with people from teenage years through 80 years of age.
- **Health benefits** – The sport provides good aerobic exercise, muscle strengthening, stress reduction, mental health benefits, etc.
- **Lost cost of entry and participation** – It only requires a paddle and balls.
- **It's fun** – People play because they enjoy it. It's also very social. The health benefits are the bonus.

Specifically regarding court design, please consider the following:

- **Number of Courts** – Eight (8) courts would be optimal for long term service and usage. That allows players at different skill levels to use the facilities concurrently and to keep up with the growing demand. Keep in mind that one tennis courts provides the value of 4 pickleball courts.
- **Total Playing Surface Dimensions** – Design standards recommend overall court size to be 34'x64'. Please make this court size a priority.
- **Wind Screens** – This is an important component of court design. Pickleballs are merely modified wiffle balls and are affected greatly by wind. Screens diminish wind penetration on the court and allow for more stable play.
- **Lighting** – This was not discussed at the Parks Commission meetings that I attended. I understand that it can be a controversial issue. However, lower placed LED lights with shielding are not equivalent to the Rock Sports Complex. Lights will be very helpful, especially on the shoulder seasons (i.e. – Spring and Fall) when daylight diminishes. Adding an hour of play from 6 PM to 7 PM for example, is of great value. I would personally support lights being turned off

at a specified time daily (i.e. – 9 PM) out of respect for the community. Lighting only applies to the playing season and there will be off months.

- **Seating Next to the Courts** – The consultant renderings included permanent seating with sun shades. This would really be nice amenity. However, if money is an issue, it can be deferred.

In brief summary, we don't expect an opportunity for something of this caliber to happen often. Thus, we feel it is important to act now. Pleasant View Park has the layout and capacity to include this amenity. I can almost guarantee it will be used, appreciated, and serve as a recreational "jewel" of the City of Franklin for years to come.

Also, provided separately, is a facility comparison that I compiled for discussion if desired.

Thank you for your time.

Most Sincerely,

Todd Niedermeyer

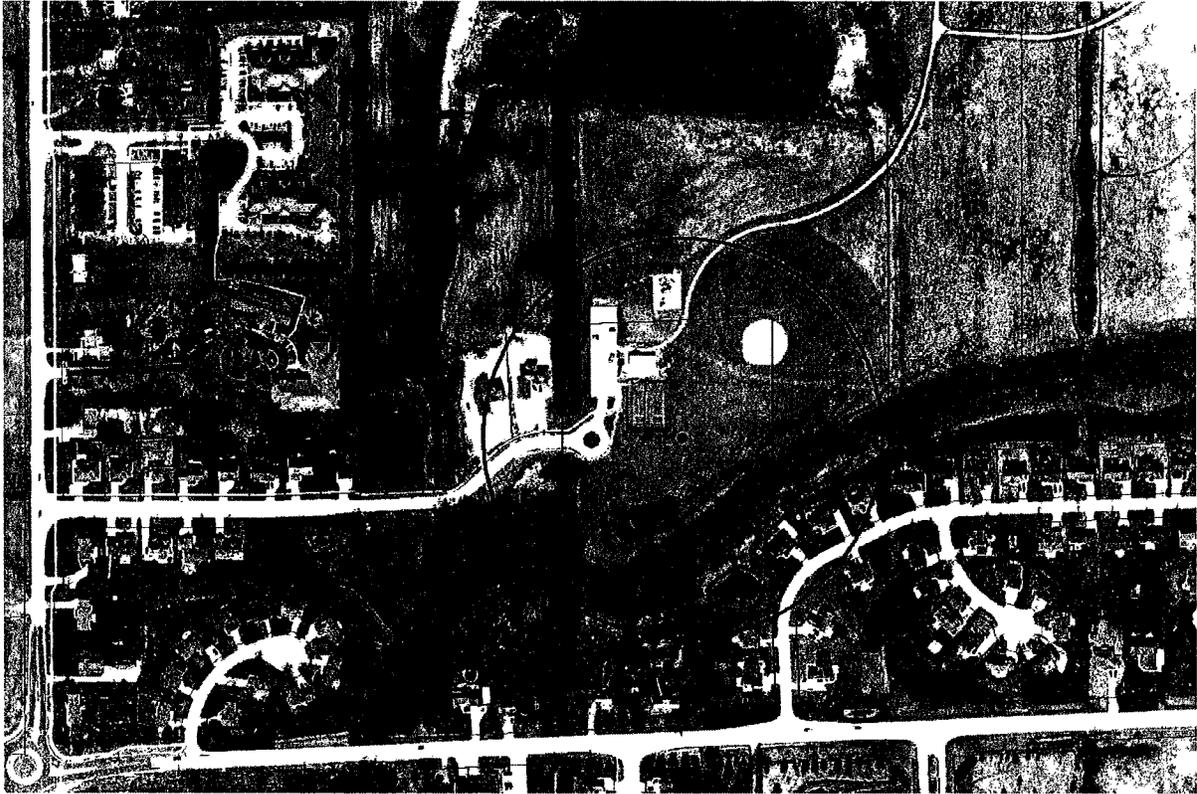
## Local Pickleball Facility Comparison

Lions Legend Park – Existing location in Franklin



- Four courts – Deteriorating court conditions. Converted tennis court.
- Minimal impact to adjacent residential community
- Wind Screens -Partial
- Lighting - None
- Demand exceeds capacity

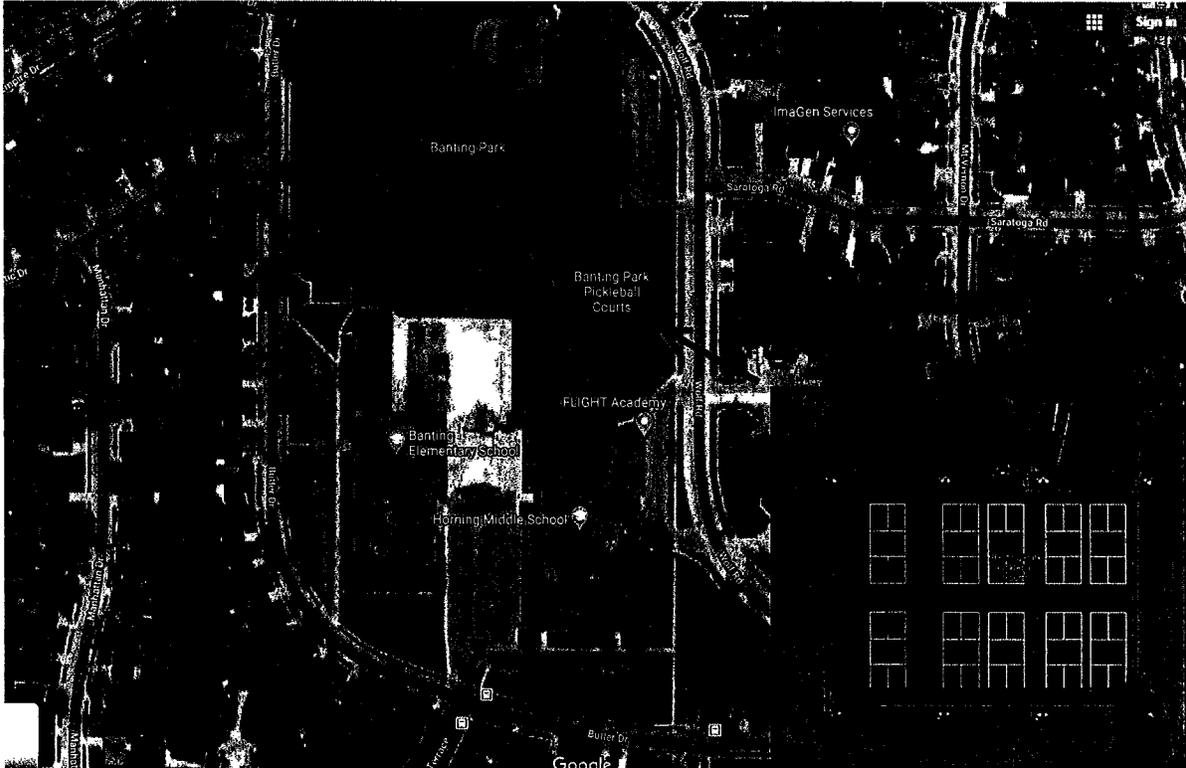
## Pleasant View Park - Proposed Location in Franklin



- Eight courts – Proposed
- Minimal impact to adjacent residential community – Very similar to Lions Legend Park
- Wind Screens – To be determined
- Lighting – To be determined
- Expected to meet demand

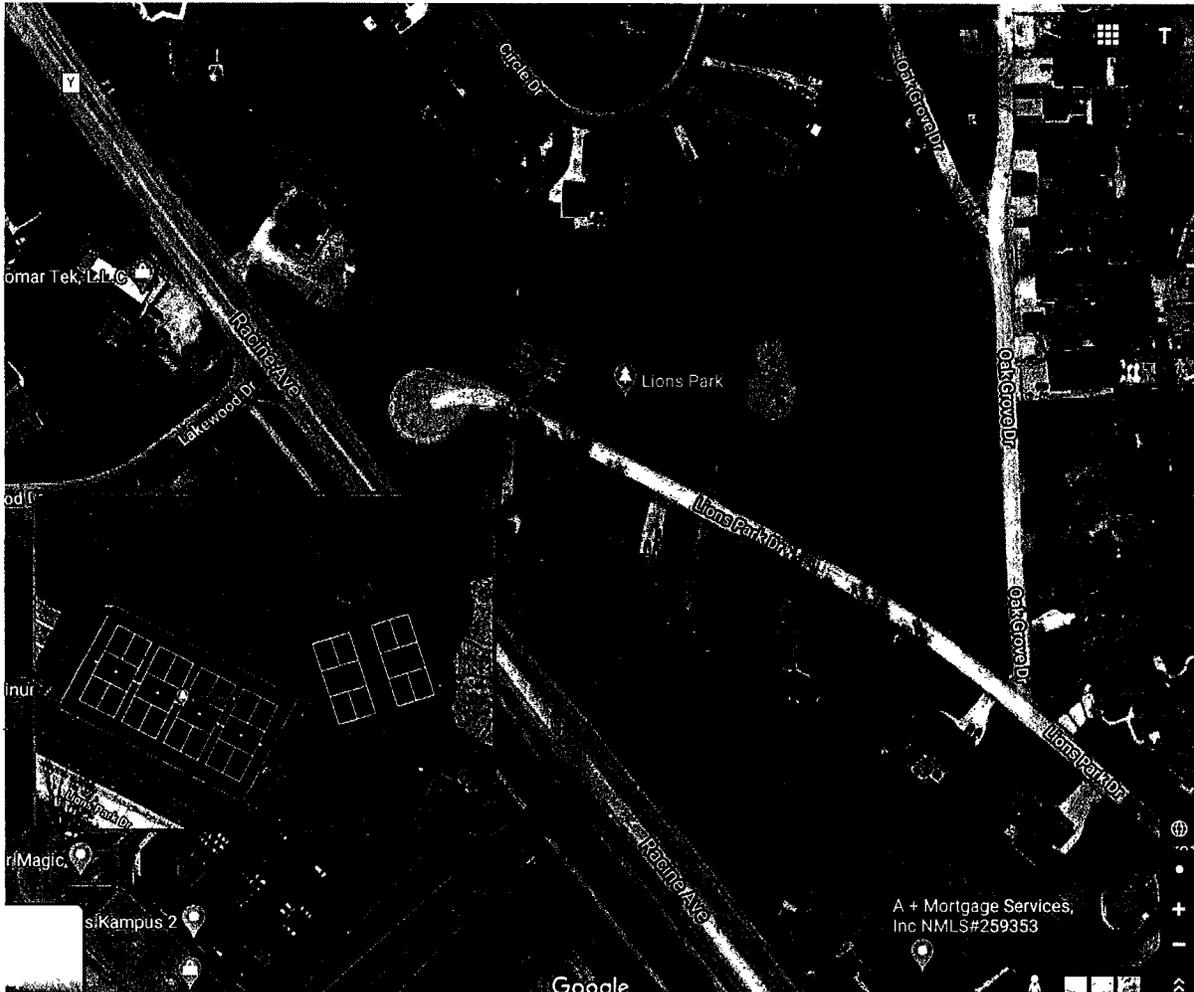
## Other Community Examples

### Banting Park, Waukesha - Located at Horning Middle School



- Ten courts – eight courts permanent and one tennis court with two pickleball court lines
- Courts are much closer to residential homes – 150' to closest home
- Wind Screens – Fully screened
- Lighting – Yes
- Running at fully capacity on evening of site visit (8/25/2020)

## Muskego - Located at Lions Park



- Six courts – Four courts permanent and one multi-purpose area with two pickleball court lines
- Courts are much closer to residential homes – 125' to closest home
- Wind Screens – Fully screened
- Lighting – No
- Permanent courts run at fully capacity daily from 7 AM through 10 AM. It's used during other hours as well.

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<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> September 15, 2020
<b>Reports &amp; Recommendations</b>	<b>A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AMENDMENT NO. 1 TO AN AGREEMENT WITH GRAEF-USA, INC. FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE PLEASANT VIEW PARK MASTER PLAN UPDATE, IN THE AMOUNT OF \$123,590.00</b>	<b>ITEM NO.</b> <i>G.9.</i>

**BACKGROUND**

On March 3, 2020, Common Council moved to adopt Resolution No. 2020-7602, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT WITH GRAEF-USA, INC. FOR PROFESSIONAL, ARCHITECTURAL, AND ENGINEERING SERVICES FOR THE PLEASANT VIEW PARK MASTER PLAN UPDATE, IN THE AMOUNT OF \$19,900.00.

That work has been completed and the results of that work are elsewhere on this agenda.

**ANALYSIS**

Final Design and Bidding documents are a lump sum fee of \$63,590.00 and Contract Administration and construction observation are hourly reimbursable fee of \$60,000.

Staff has reviewed the hourly spreadsheet and the fees reflect the requested effort.

**OPTIONS**

- A. Authorize GRAEF to proceed with the design of the Pleasant View Park improvements.
- Or,
- B. Refer back to Staff with further direction.

**FISCAL NOTE**

This initiative is included in the 2020 Capital Improvement Budget, in the amount of \$150,000, with the actual cost expected to be \$123,590. Neighborhood Parks are eligible for 47% reimbursement (\$58,087) from the Park Impact Fees. And, the match of \$65,503 will be funded from landfill siting fees.

**RECOMMENDATION**

(Option A) Resolution 2020-\_\_\_\_ a resolution to execute an Amendment No. 1 to an agreement with GRAEF-USA, Inc. for professional architectural and engineering services for the Pleasant View Park Master Plan Update, in the amount of \$123,590.00

Engineering Department: GEM

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2020-\_\_\_\_

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AMENDMENT NO. 1 TO AN AGREEMENT WITH GRAEF-USA, INC. FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE PLEASANT VIEW PARK MASTER PLAN UPDATE, IN THE AMOUNT OF \$123,590.00

WHEREAS, the Common Council and the Parks Commission having considered the development to this date and the public interests in and the further development of Pleasant View Park; and

WHEREAS, the City commissioned a Pleasant View Park Master Plan Update from Graef-USA Inc. on March 3, 2020; and

WHEREAS, the Parks Commission and the Plan Commission have considered and approved the final plan.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that an amendment to the Agreement with Graef-USA Inc. for Professional Architectural and Engineering Services for the Pleasant View Park Master Plan Update for professional fees of \$123,590, in the form and content as annexed hereto, be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor, the Director of Finance and Treasurer and the City Clerk be and the same are hereby authorized to execute and deliver said Agreement.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

ATTEST:

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

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

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



The Avenue  
275 West Wisconsin Avenue, Suite 300  
Milwaukee, WI 53203  
414 / 259 1500  
414 / 259 0037 fax  
[www.graef-usa.com](http://www.graef-usa.com)

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September 8, 2020

Mr Glen Morrow  
Director of Public Works  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

SUBJECT Pleasant View Park Amendment  
Final Design, Bidding Documents, Contract Administration and Construction  
Observation

Dear Mr. Morrow:

We are very pleased to provide you with this proposal to amend our professional services. When accepted, this proposal will amend our Agreement dated February 25, 2020.

This proposal is for final design, bidding documents, contract administration and construction observation for improvements at Pleasant View Park (Project). This proposal is subject to Terms and Conditions, which were attached to our original proposal.

It is our understanding that the nature of the Project is to perform final design and prepare bidding documents, contract administration and construction observation for the improvements at Pleasant View Park based on the August 10, 2020 concept plan

For this Project, GRAEF proposed to provide the following additional **Basic Services for Final Design and Bidding Documents:**

- Perform topographic survey of the area of proposed improvements only.
- Coordinate with MMSD regarding the proposed improvements.
- Modify model to reflect additional impervious areas.
- Modify outlet structure to pond.
- Revise stormwater exhibits.
- Discuss with MMSD, City and WDNR, as needed
- Revise the stormwater management plan.
- Perform wetland delineation and permitting.
- Prepare WRAPP.
- Prepare detailed site plan with 6 pickle ball courts, one volleyball court, 28 additional parking stalls, approximately 400-foot pathway to the northwest to a future development, sidewalks around the pickle ball courts, and one designated ice rink area.
- Prepare a planting plan, detailed plant schedule, and planting details for areas primarily around the Pavilion building. Native plants and/or improved cultivars shall be considered for shade trees, shrubs, ornamental grasses and perennial selections. Trees shall be provided for scale and shade in appropriate areas i.e. picnic areas away from pavilion area.
- Prepare grading plan only in the area of the proposed improvements.



- Prepare erosion control plan.
- Prepare demolition plan.
- Prepare construction details.
- Prepare opinion of probable cost.
- Prepare technical specifications and the project manual.
- Prepare bid form.
- Attend 4 staff progress meetings.
- Attend 2 Parks Commission meetings.
- Attend 1 Plan Commission meeting.
- Attend 1 Common Council meeting.
- Provide 12 weekly email updates.
- Prepare 2 addenda.
- Attend the bid opening.
- Review bids received and write a recommendation of award letter.

For this Project, GRAEF proposed to provide the following additional **Basic Services for Contract Administration and Construction Observation**

- Prepare contracts.
- Perform general contract administration.
- Prepare RFIs.
- Attend preconstruction meeting.
- Provide construction staking.
- Attend 6 construction progress meetings.
- Prepare punch list
- Provide construction observation- assumes 8 weeks of inspection.
- Provide shop drawing reviews
- Review pay applications.
- Prepare change orders.

GRAEF will endeavor to perform the proposed additional Basic Services per the following schedule:

Notice to Proceed	September 16, 2020
30% Drawings	October 9, 2020
60% Drawings	November 13, 2020
Final Drawings and Project Manual	December 18, 2020
Advertisement for Bids	January 13 & 20, 2021
Open Bids	January 27, 2021
Begin Construction	April 5, 2021

GRAEF can provide the following Additional Services for additional compensation as detailed below.

- Additional meeting attendance.



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- New site utility design or modifications other than noted above.

It is our understanding that you will provide the following services, items and/or information.

- Provide timely reviews of progress drawings and project manual.
- Provide venue for meetings and invite appropriate staff and project stakeholders.

You agree to compensate GRAEF \$63,590.00 for all additional Basic Services for final design and bidding documents on a lump sum basis plus reimbursable direct expenses. Reimbursable direct expenses include mileage, permit fees and printing costs.

You agree to compensate GRAEF \$60,000.00 for all additional Basic Services for contract administration and construction observation on an hourly rate and direct expense basis. Reimbursable direct expenses include mileage, permit fees and printing costs.

You agree to compensate GRAEF for any Additional Services on an hourly rate and direct expense basis.

To accept this proposal for additional Basic Services, please sign and date and return one copy to us. Upon receipt of an executed copy, GRAEF will commence work on the additional Basic Services for the Project.

Please call us at 414-266-9086 if you have any questions regarding this proposal.

Sincerely,

Graef-USA Inc.

Accepted by  
City of Franklin

Michael N Paulos, P.E.  
Principal

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name Printed)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

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<b>APPROVAL</b> <i>SW</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 09/15/2020
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>ENVIRONMENTAL COMMISSION RECOMMENDATION TO ADD BUCKTHORN TO THE LIST OF NOXIOUS WEEDS.</b>	<b>ITEM NUMBER</b> 6, 10,

At the August 26, 2020 meeting of the Environmental Commission, the Commission adopted a motion to recommend that all varieties of buckthorn be added to noxious weed list. The Commission requests that their recommendation be considered by the Common Council for review/approval.

Common buckthorn “Rhamnus cathartica” is listed by the WI Department of Natural Resources as a Restricted Invasive Species. It is classified in the City of Franklin as a “Subnoxious weed” under §178-3: Public nuisances affecting health (§178-3.F(2)). Classification as a subnoxious weed means that the City may prohibit the plant from inclusion on landscape plans, however this classification does not require that landowners destroy it.

Common Council has previously considered reclassification of buckthorn as a noxious weed in 2012. At that time, several options to address the problem were proposed. The following are four potential options for controlling buckthorn that could be considered:

1. Classify buckthorn as a noxious weed. With this option, all buckthorn in the City would need to be destroyed. Alternatively, it would need to be kept cut to a height not to exceed 18 inches, and in platted subdivisions which have buildings on more than 50% of the lots, kept cut to a height not to exceed six inches. If it is not destroyed or cut, all properties containing buckthorn would be in violation of the City’s public nuisance ordinance.
2. Require the removal of buckthorn within 50 to 100 feet of all property lines. With this alternative, property owners, or whoever controls or occupies the property, would be required to remove buckthorn within a 50 to 100 foot buffer from all property lines on the property, but not from the entire property.
3. Continue to classify buckthorn as a subnoxious weed. With this option, the City would not make any changes to how it regulates buckthorn.
4. Continue to classify buckthorn as a subnoxious weed, but initiate a public outreach/education effort for identifying and removing buckthorn.

In addition to the above, other land management and invasive species control options exist but would require further research by staff.

**COUNCIL ACTION REQUESTED**

A motion to act on the above item as the Common Council deems appropriate.

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<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> September 15, 2020
Reports & Recommendations	<b>RELEASE OF ESCROW DEPOSIT FOR THE PUBLIC IMPROVEMENTS AT THE FOREST VIEW APARTMENTS LOCATED AT 5833 - 5977 W. FOREST VIEW COURT</b>	<b>ITEM NO.</b> <i>G.11.</i>

**BACKGROUND**

Pursuant to the development of the Forest View Apartments located at 5833 – 5977 W. Forest View Court (S. 60<sup>th</sup> Street north of W. Ryan Road), please be advised that Staff has reviewed the public improvements contained in the development agreement and find that all items have been completed.

**ANALYSIS**

Staff recommends releasing the escrow deposit of \$6,116.

**OPTIONS**

Approve release of escrow

**FISCAL NOTE**

Does not impact budgets.

**RECOMMENDATION**

Motion to authorize Staff to release the escrow deposit for the public improvements at the Forest View Apartments located at 5833 - 5977 W. Forest View Court.

Engineering Department: GEM

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<p><b>APPROVAL</b></p> 	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b> <b>9/15/2020</b></p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>Presentation of the Mayor's 2021 Recommended Budget</b></p>	<p><b>ITEM NUMBER</b> <i>6.12.</i></p>

The Mayor's 2021 Recommended Budget will be presented to the Common Council on September 15, 2020. The Director of Administration will present an overview of the budget and major budget initiatives. The presentation will primarily consist of a PowerPoint presentation on the budget and review of the budget timetable through Council consideration of the budget on November 17, 2020.

In accordance with Section 13-2, "Preparation of Budget" of the City of Franklin Municipal Code, the Mayor's 2021 Recommended Budget will be submitted to the Finance Committee for its review. The Finance Committee shall review the Recommended Budget and submit its recommended changes to the Common Council at their meeting of October 6, 2020. The Finance Committee will review the Mayor's Recommended Budget at the following planned meetings:

- Tuesday, September 22, 4 p.m. - Introduction of 2021 Budget for all funds, revenues and expenditures, cost allocations, personnel head counts and additions.
- Thursday, September 24, 4 p.m. - Capital and Operating Budgets - Public Safety, Health, and Conservation and Development.
- Tuesday, September 29, 4 p.m. - Capital and Operating Budgets - Public Works, General Government and Recreation.
- Thursday, October 1, 4 p.m. -TIDs, Solid Waste, Debt Service, Total Tax Levy and Tax Rates.

Following the presentation, the Aldermen may determine or identify additional materials or information needed for the October 6, 2020 Common Council Meeting where the Council will discuss/decide regarding the Finance Committee's recommendations and initial changes to the budget.

A copy of the Mayor's 2021 Recommended Budget document will be provided at the September 15, 2020 Council meeting.

**COUNCIL ACTION REQUESTED**

Motion to forward the Mayor's 2021 Recommended Budget to the Finance Committee for its review and submission of its recommended changes to the Common Council at their meeting of October 6, 2020 and to further provide other direction to staff, as appropriate, relative to additional materials or information needed for the October 6, 2020 Common Council Meeting budget discussions.

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<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> <b>SEPT 15, 2020</b>
<b>Reports &amp; Recommendations</b>	<b>PROPOSAL BY SHELLY TESSMER TO DEVELOP A DOG PARK ON PROPERTY LOCATED IMMEDIATELY WEST OF 6855 SOUTH 27TH STREET (TAX KEY NO. 738-9974-005). THE COMMON COUNCIL MAY ENTER CLOSED SESSION PURSUANT TO WIS. STAT. § 19.85(1)(E), FOR MARKET COMPETITION AND BARGAINING REASONS, TO CONSIDER THE POTENTIAL ACQUISITION OF PROPERTY TO BE USED FOR PUBLIC DOG PARK PURPOSES IN THE CITY, AND TO REENTER OPEN SESSION AT THE SAME PLACE THEREAFTER TO ACT ON SUCH MATTERS DISCUSSED THEREIN AS IT DEEMS APPROPRIATE.</b>	<b>ITEM NO.</b>  <i>G.13.</i>

### BACKGROUND

For sometime residents have expressed a desire for a dog exercise park but a location, land purchase, fencing costs, etc. for its creation have impeded the ability to provide dog-lovers the opportunity enjoyed by many other communities.

Ms. Shelley Tessmer is a District 3, Franklin business owner. She has reached out to city Staff and the aldermanic district representative. The Park Commission aldermanic representative has also been informed of this request. This item was on the September 14<sup>th</sup>, 2020 Parks Commission agenda for review. This Council item has been forwarded at the request of the Alderman of the District; staff will advise Council of the Parks Commission recommendation verbally.

Initial contacts have been made with the property owner(s) with favorable results but the next phases would require discussions and the entering into agreements, which is beyond one citizens' ability and would require some park funding and Council action.

### CONSIDERATIONS

**Site identification/location** - The suggested location is north of the Rawson Avenue and 27th Street intersection. Taxkey: 738 9974 005 (See attached map)

**Benefits of the location** - Milwaukee County park program uses a minimum 10-acre standard of dedicated space for a dog exercise area. This is in part due to popularity and to avoid overuse with the ability to block off some area if site restoration is needed without closing the park. This site meets and slightly exceeds the minimum at 11.45 acres.

The area has very limited residential homes nearby. This makes it ideal in the quest to avoid residential noise disturbance from active dogs.

**Land Utilization and proposed easement** - According to initial research and previous plans for this parcel, the land is a previous Superfund site that has been remediated and cleared for sale. Additional clarifications and research is available via the EPA. The property is currently for sale but due to its constraints, has been on the market for sometime. The owner's agent has in interest in working with the City to consider leasing it for a dog exercise area. A lease may meet the requirements to allow some use of park impact fees to ready the site with minimal effort. A lease and use of impact fees will require further review.

**Disturbance of natural areas** - The site use would not impact any areas of natural resources. The site consists of graded upland and appears to have good drainage, making the site easier to maintain. It also makes use of a reclaimed contaminated parcel that has development limitations.

**Access** - The site has several access points. The access locations will determine parking and gate opening locations. The ideal access would be at or near the *previous* Gander Mountain parking lot. This large parking lot is under utilized at this point and its use would be a significant cost savings to the city.

**Construction and Amenities** - The site is appropriately graded and already fenced. Two gate openings would need to be installed in the existing fence, confirmation on shared parking, a doggie cleanup station, and trashcans are items that could ready this site with minimal cost and effort.

**Methods for maintenance** - The City could collect fees for the dog exercise area operations and maintenance costs. The Environmental and Parks Commission had previously discussed the need for revitalizing the "Friends of Franklin Parks Group", which could assist with many park needs including attracting volunteers to offset costs.

**Timetable** -The interest is strong and the opportunity is before us now.

**Additional information:** A link to documents that went before the City of Wauwatosa for approval in 2012. They are under item 1 on this on the agenda:

<http://wauwatosacitywi.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=1046&Inline=True>

#### **REQUEST FOR RECOMMENATION**

The Parks Commission is well positioned to assist residents with gaining a dog park. As a recommending body to the City Council; Ms. Tessmer, Alderwomen's Wilhelm and Hanneman request the Commissions' favorable support for a recommendation to the Council for legal assistance and possible funding for dog park items that may be needed should the land use conditions be acceptable to the owners and the City.

#### **SUGGESTED MOTION**

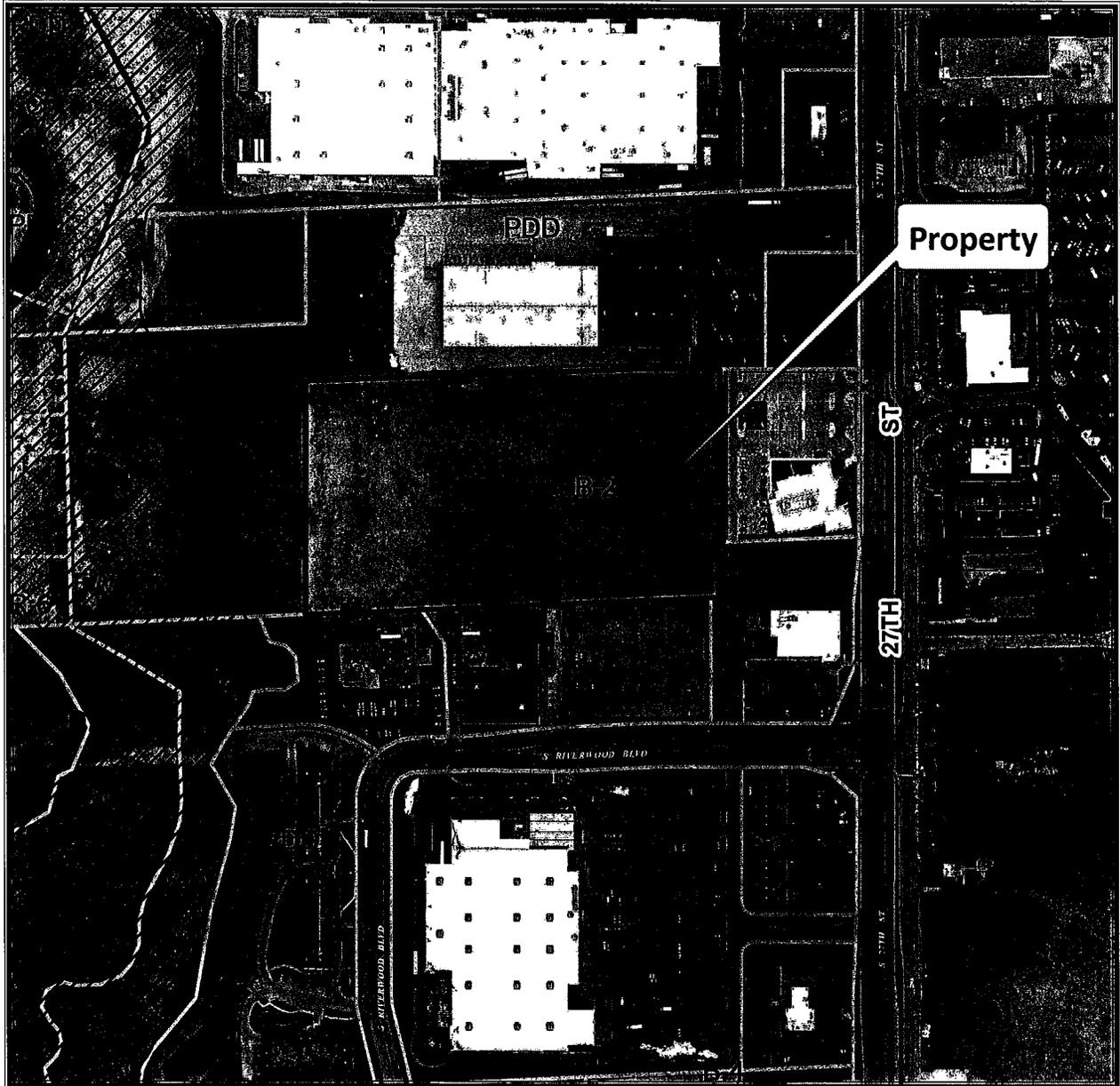
A motion to enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to consider the potential acquisition of property to be used for public dog park purposes in the City, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate;

or,

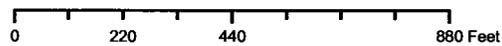
such motion as the Common Council deems appropriate.



TKN: 738 9974 005



Planning Department  
(414) 425-4024



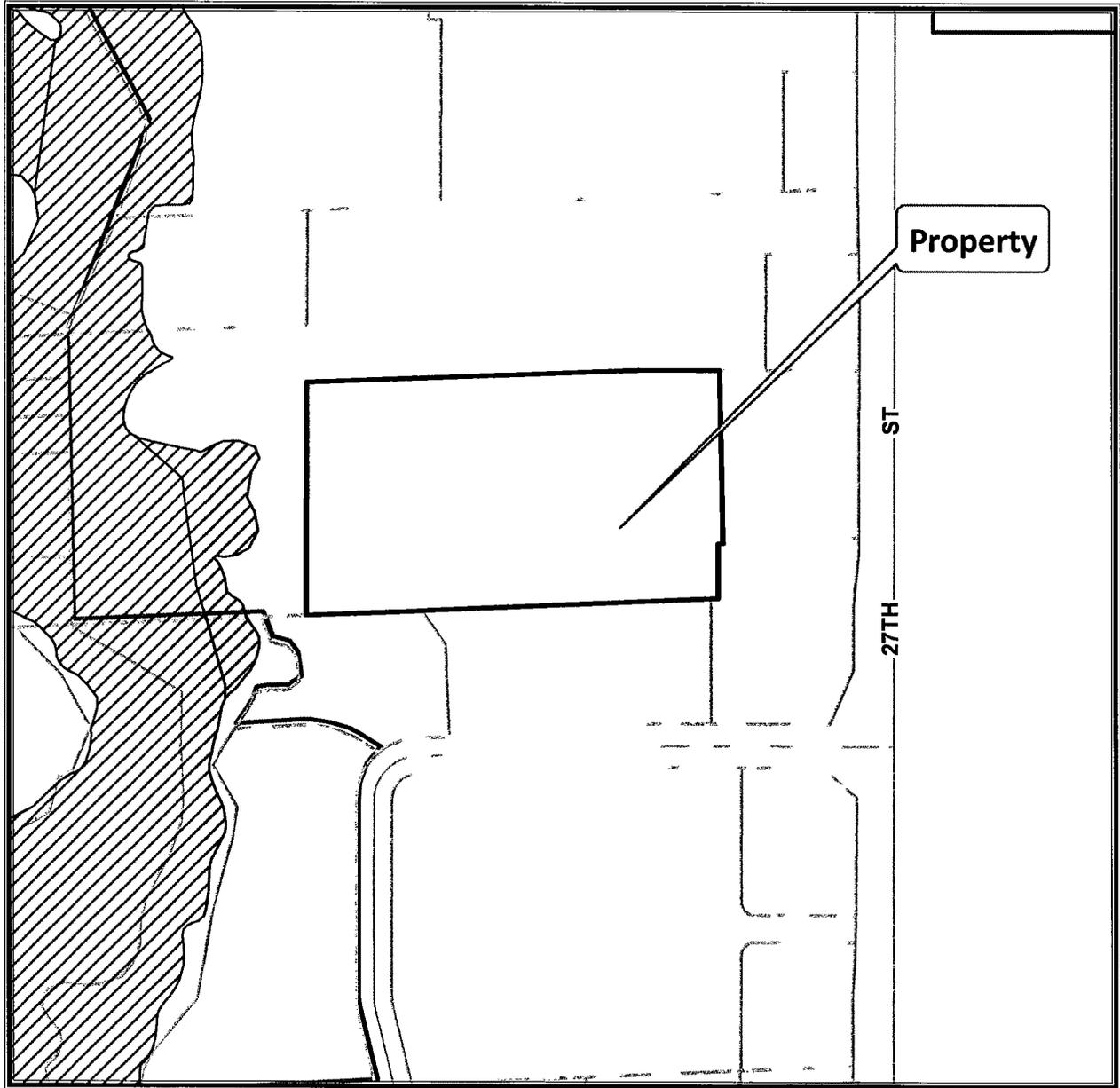
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal engineering, or surveying purposes.*



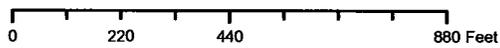
2017 Aerial Photo



TKN: 738 9974 005



Planning Department  
(414) 425-4024



2017 Aerial Photo

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

<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  September 15, 2020
<b>REPORTS AND RECOMMENDATIONS</b>	<p>Potential sale of property owned by the City of Franklin at 9619 South 60th Street, Franklin, Wisconsin, bearing Tax Key No. 898-9997-011; such property previously having been a public water well site use.</p> <p>The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to consider the potential sale of property owned by the City of Franklin at 9619 South 60th Street, Franklin, Wisconsin, bearing Tax Key No. 898-9997-011; such property previously having been a public water well site use, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate</p>	<b>ITEM NUMBER</b>  <i>G.14.</i>

Attached hereto is an aerial view map of the subject .23 acre property.

### COUNCIL ACTION REQUESTED

A motion to enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to consider the potential sale of property owned by the City of Franklin at 9619 South 60th Street, Franklin, Wisconsin, bearing Tax Key No. 898-9997-011; such property previously having been a public water well site use, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Engineering Department: GEM; Legal Services Dept.: jw



APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 9/15/2020
LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM NUMBER H.

See attached listing from meeting of September 15, 2020.

**COUNCIL ACTION REQUESTED**



414-425-7500

**License Committee**

**Agenda\***

**Aldermen's Room**

**September 15, 2020 - 5:55 p.m.**

<b>1.</b>	<b>Call to Order &amp; Roll Call</b>	<b>Time:</b>
<b>2.</b>	<b>Applicant Interviews &amp; Decisions</b>	
<b>License Applications Reviewed</b>		<b>Recommendations</b>

<b>Type/ Time</b>	<b>Applicant Information</b>	<b>Approve</b>	<b>Hold</b>	<b>Deny</b>
<b>Extraordinary Entertainment &amp; Special Event 6:00 p.m.</b>	<b>Rock Sports Complex – The Hills Has Eyes</b> Person in Charge: Scot Johnson Location: 7044 S. Ballpark Dr. Date of Event: 10/09/2020 through 10/31/2020 Friday and Saturday's only			
<b>People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant</b>	<b>Boy Scouts of America</b> Fee Waivers: Construction of a Tribute Date of Event: 9/13/2020 Location: Franklin Public Library			
<b>3.</b>	<b>Adjournment</b>			
		<b>Time</b>		

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

<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>9/15/2020</b>
<b>Bills</b>	<b>Vouchers and Payroll Approval</b>	<b>ITEM NUMBER</b> <i>I.</i>

Attached are vouchers dated September 2, 2020 through September 10, 2020 Nos. 179635 through Nos. 179789 in the amount of \$ 3,503,748.10. Also included in this listing are EFT's Nos. 4381 through Nos. 4393, Library vouchers totaling \$ 47,244.90, Tourism vouchers totaling \$ 1,000.00 and Water Utility vouchers totaling \$ 8,801.81. Voided checks in the amount of (\$ 136.85) are separately listed.

Early release disbursements dated September 2, 2020 through September 9, 2020 in the amount of \$ 844,471.37 are provided on a separate listing and are also included in the complete disbursement listing. These payments have been released as authorized under Resolution 2013-6920.

The net payroll dated September 11, 2020 is \$ 396,440.12 previously estimated at \$ 410,000.00. Payroll deductions dated September 11, 2020 are \$ 228,596.76 previously estimated at \$ 229,000.00.

The estimated payroll for September 25, 2020 is \$ 407,000.00 with estimated deductions and matching payments of \$ 448,000.00.

Attached is a list of property tax disbursements Nos. 17914 through Nos. 17917 dated August 31, 2020 through September 10, 2020 in the amount of \$ 7,810.93. Voided checks in the amount of (\$104.00) are separately listed.

**COUNCIL ACTION REQUESTED**

Motion approving the following:

- City vouchers with an ending date of September 10, 2020 in the amount of \$ 3,503,748.12 and
- Payroll dated September 11, 2020 in the amount of \$ 396,440.12 and payments of the various payroll deductions in the amount of \$ 228,599.76 plus City matching payments and
- Estimated payroll dated September 25, 2020 in the amount of \$ 407,000.00 and payments of the various payroll deductions in the amount of \$ 448,000.00, plus City matching payments and
- Property Tax disbursements with an ending date of September 10, 2020 in the amount of \$ 7,810.93.

**ROLL CALL VOTE NEEDED**