# CITY OF FRANKLIN PLAN COMMISSION MEETING\* FRANKLIN CITY HALL COUNCIL CHAMBERS 9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN AGENDA THURSDAY, JUNE 23, 2022, 7:00 P.M.

The YouTube channel "City of Franklin WI" will be live streaming the Plan Commission meeting so that the public will be able to watch and listen to the meeting.

<a href="https://www.youtube.com/c/CityofFranklinWIGov">https://www.youtube.com/c/CityofFranklinWIGov</a>.

- A. Call to Order and Roll Call
- B. Approval of Minutes
  - 1. Approval of regular meeting of June 9, 2022.
- C. **Public Hearing Business Matters** (action may be taken on all matters following the respective Public Hearing thereon)
  - 1. **FACE PALETTE AESTHETICS BY L.E. LLC BEAUTY SALON.** Special Use application by Lourdes Hernandez, owner, d/b/a Face Palette Aesthetics by L.E. LLC, to operate a two employee beauty salon specializing in skincare and waxing services, with hours of operation generally from 8:00 a.m. to 7:00 p.m., Monday through Friday, in Suite 220 of the multi-tenant building located at 11113 West Forest Home Avenue, property zoned M-1 Limited Industrial District; Tax Key No. 704-9978-002. **A PUBLIC HEARING IS SCHEDULED FOR THIS MEETING UPON THIS MATTER**.
- D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)
  - 1. **FIDUCIARY REAL ESTATE DEVELOPMENT, INC. MULTI-FAMILY APARTMENT COMPLEX WITH A CLUBHOUSE DEVELOPMENT.** Certified Survey Map application by Fiduciary Real Estate Development, Inc. (CCM-9801 27th Franklin, LLC, property owner), to combine the existing tax parcels into a single parcel for the development of the previously approved multi-family development to be called "The Seasons at Franklin", properties located at 9801 South 27th Street and 9605 South 29th Street, zoned B-4 South 27th Street Mixed-Use Commercial District; Tax Key Nos. 902-9965-006 and 902-9966-001.
- E. Adjournment

<sup>\*</sup>Supporting documentation and details of these agenda items are available at City hall during normal business hours.

<sup>\*\*</sup>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

# Franklin Plan Commission Agenda 6/23/22 Page 2

Common Council will not take formal action at this meeting.

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

## REMINDERS:

Next Regular Plan Commission Meeting: July 7, 2022

# City of Franklin Plan Commission Meeting June 9, 2022 Minutes

unapproved

### A. Call to Order and Roll Call

Mayor Steve Olson called the June 9, 2022, regular Plan Commission meeting to order at 7:01 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor Steve Olson, Commissioners Patrick Leon and Kevin Haley, Alderwoman Shari Hanneman and City Engineer Glen Morrow. Absent was Patricia Hogan. Excused was Adam Burckhardt. Also present were City Attorney Jesse Wesolowski, Planning Manager Heath Eddy and Principal Planner Régulo Martínez-Montilva.

# **B.** Approval of Minutes

1. Regular Meeting of May 19, 2022.

Commissioner Leon moved and Alderwoman Hanneman seconded a motion to approve the May 19, 2022, regular meeting minutes. On voice vote, all voted 'aye'; motion carried (4-0-2).

# C. Public Hearing Business Matters

# 1. WOODFIELD TRAIL CONDOMINIUM DEVELOPMENT.

Special Use and Site Plan applications by Stephen R. Mills, President of Bear Development, LLC (Boomtown, LLC, property owner), to allow for the development of a condominium complex (Woodfield Trail), consisting of 26 dwelling units arranged in 13 side-byside duplex structures, which will include a new cul-de-sac street connecting to West Ryan Road, with sidewalks on both sides, street trees, a landscaped berm along West Loomis Road, 3 stormwater management areas and public water and sewer service to all dwelling units, property located at 12000 West Loomis Road (15.6 acres), such property being zoned R-8 Multiple-Family Residence District; Tax Key No. 891-9011-000 [a Special Use permit is required in the R-8 Multiple-Family Residence District for all residential uses, either single-family, two-family or multi-family].

The Official Notice of Public hearing for a Special Use was read in to the record by Planning Manager Heath Eddy and the Public Hearing was opened at 7:13 p.m. and closed at 7:13 p.m.

## **Special Use**

Principal Planner Régulo Martínez-Montilva presented the request by Stephen R. Mills, President of Bear Development, LLC (Boomtown, LLC, property owner), to allow for the development of a condominium complex (Woodfield Trail), consisting of 26 dwelling units arranged in 13 side-by-side duplex structures, which will include a new cul-de-sac street connecting to West Ryan Road, with sidewalks on both sides, street trees, a landscaped berm along West Loomis Road, 3 stormwater management areas and public water and sewer service to all dwelling units, property located at 12000 West Loomis Road (15.6 acres), such property being zoned R-8 Multiple-Family Residence District; Tax Key No. 891-9011-000 [a Special Use permit is required in the R-8 Multiple-Family Residence District for all residential uses, either single-family, two-family or multi-family].

Alderwoman Hanneman moved and Commissioner Leon seconded a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a Special Use for a condominium complex development use upon property located at 12000 West Loomis Road, and to remove condition of approval no. 6. On roll call vote, four 'ayes', one 'no' and two absents; motion carried. (4-1-2).

# Site Plan

Alderwoman Hanneman moved and Commissioner Leon seconded a motion to adopt a Resolution approving a Site Plan for the development of a condominium complex with associated cul-de-sac street construction, sidewalks, landscaping, stormwater management and public water and sewer service (12000 West Loomis Road). On voice vote, all voted 'aye'; motion carried. (4-0-2).

### **D.** Business Matters

### 1. None.

# Adjournment

Commissioner Leon moved and Commissioner Haley seconded to adjourn the Plan Commission meeting of June 9, 2022 at 7:49 p.m.. On voice vote, all voted 'aye'; motion carried (4-0-2).

Item C.1.



# CITY OF FRANKLIN REPORT TO THE PLAN COMMISSION

# Meeting of June 23, 2022 Special Use

**RECOMMENDATION:** City Development Staff recommends approval of the proposed Special Use for a beauty shop business use upon property located at 11113 W. Forest Home Avenue, subject to the conditions of approval in the attached draft resolution.

**Project Name:** Face Palette Aesthetics Special Use

**Project Address:** 11113 West Forest Home Avenue, Suite 220

**Applicant:** Joel Cook

Owners (property): 11113 West Forest Home Avenue, LLC

Current Zoning: M-1 Limited Industrial District & C-1 Conservancy District

2025 Comprehensive Master Plan Industrial

Use of Surrounding Properties: WE Energies substation and Ewald automobile dealership to the

north, gasoline service station to the south, Ewald Truck Center and Hiller Ford automobile dealership to the east and single-

family residential to the west.

**Applicant Action Requested:** Recommendation of approval for the proposed Special Use for

Face Palette Aesthetics.

On April 12, 2022, Joel Cook of Ogden Construction submitted a Special Use application on behalf of Face Palette Aesthetics, requesting approval to operate a beauty shop business use within the building located at 11113 West Forest Home Avenue.

## PROJECT DESCRIPTION AND ANALYSIS:

The property is zoned M-1 Limited Industrial zoning district; the proposed use corresponds to Standard Industrial Classification (SIC) Title No. 7231 Beauty Shops, which is allowed within the M-1 Limited Industrial District as a Special Use. A special use for a similar business in the neighboring suite was approved by the Common Council on June 7, 2022. This request is nearly identical.

As the applicant is not proposing exterior modifications to the property, a Site Plan amendment is not required at this time.

The hours of operation will be generally from 8:00 a.m. to 7:00 p.m., Monday through Friday. The business will have one client chair. For Beauty Shop uses, UDO Table 15-5.0203 requires 3 parking spaces for each client chair, plus one space per employee. The building has 83 spots available.

This Special Use permit would be contingent upon obtaining all other necessary licenses and permits, such as occupancy or building permits. Signage will require appropriate permitting from the Department of City Development. No license is required from the Health department. If piercing or

injecting anything under the skin (tattoo, permanent makeup, etc.) then licensing through the State of Wisconsin is necessary.

Face Palette Aesthetics has submitted a complete application for a special use permit, including responses to Section §15-3.0701 of the Unified Development Ordinance sets out the General Standards for Special Uses. UDO Section §15-3.0703 Detailed Standards for Special Uses in Nonresidential Districts does not apply to this project, as the proposed special use is not one of the specified special uses in this section. The applicant has submitted responses to each of those standards, asserting that there will be no undue adverse impact or interference with surrounding development as a result of this special use.

The intent of the M-1 district is to provide for manufacturing, industrial, warehousing, and uses of a limited nature and size in locations where the relative proximity to other uses requires more restrictive regulation. The proposed use is consistent with the district intent.

# **STAFF RECOMMENDATION:**

The Department of City Development staff recommends approval of this application for Special Use.

MILWAUKEE COUNTY [Draft 6-6-22]

RESOLUTION NO. 2022-

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A BEAUTY SALON USE UPON PROPERTY LOCATED AT 11113 WEST FOREST HOME AVENUE, SUITE 220 (LOURDES HERNANDEZ, OWNER, D/B/A FACE PALETTE AESTHETICS BY L.E. LLC, APPLICANT)

WHEREAS, Lourdes Hernandez, owner, d/b/a Face Palette Aesthetics by L.E. LLC, having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District under Standard Industrial Classification Title No. 7231 "Beauty Shops", to allow for a two employee beauty salon, with hours of operation generally from 8:00 a.m. to 7:00 p.m., Monday through Friday, upon property located at 11113 West Forest Home Avenue, Suite 220, bearing Tax Key No. 704-9978-002, more particularly described as follows:

Parcel 1 of Certified Survey Map No. 3988, recorded on March 11, 1981, Reel 1362, Images 185 to 187, as Document No. 5462366, being a part of the Northeast 1/4 of Section 6, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 23rd day of June, 2022, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Lourdes Hernandez, owner, d/b/a Face Palette Aesthetics by L.E. LLC, for the approval of a Special Use for the property

LOURDES HERNANDEZ, OWNER, I	D/B/A FACE PALETTE AF	ESTHETICS BY L.E.
LLC – SPECIAL USE		
RESOLUTION NO. 2022-		
Page 2		

particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

- 1. That this Special Use is approved only for the use of the subject property by Lourdes Hernandez, owner, d/b/a Face Palette Aesthetics by L.E. LLC, successors and assigns, as a beauty salon use, which shall be developed in substantial compliance with, and operated and maintained by Lourdes Hernandez, owner, d/b/a Face Palette Aesthetics by L.E. LLC, pursuant to those plans City file-stamped June 14, 2022 and annexed hereto and incorporated herein as Exhibit A.
- 2. Lourdes Hernandez, owner, d/b/a Face Palette Aesthetics by L.E. LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Lourdes Hernandez, owner, d/b/a Face Palette Aesthetics by L.E. LLC beauty salon, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
- 3. The approval granted hereunder is conditional upon Lourdes Hernandez, owner, d/b/a Face Palette Aesthetics by L.E. LLC and the beauty salon use for the property located at 11113 West Forest Home Avenue, Suite 220: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

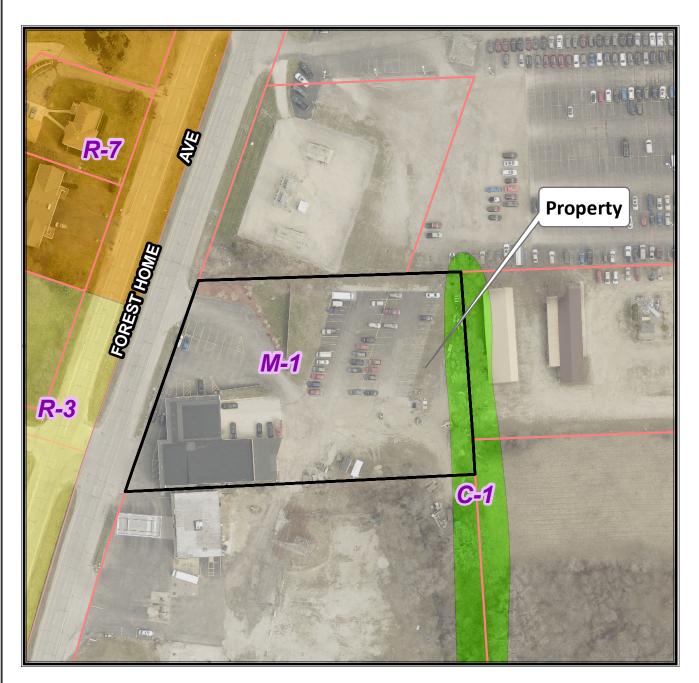
BE IT FURTHER RESOLVED, that in the event Lourdes Hernandez, owner, d/b/a Face Palette Aesthetics by L.E. LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19 of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a

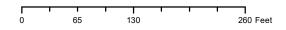
LOURDES HERNANDEZ, OWNER, D/B/A FACE PALETTE AESTHETICS BY L.E. LLC – SPECIAL USE RESOLUTION NO. 2022 Page 3
separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.
BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.
BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.
BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.
Introduced at a regular meeting of the Common Council of the City of Franklin this day of, 2022.
Passed and adopted at a regular meeting of the Common Council of the City of Franklin this day of, 2022.
APPROVED:
Stephen R. Olson, Mayor
ATTEST:
Sandra L. Wesolowski, City Clerk
AYES NOES ABSENT



# 11113 W. Forest Home Ave. TKN 704 9978 002



Planning Department (414) 425-4024

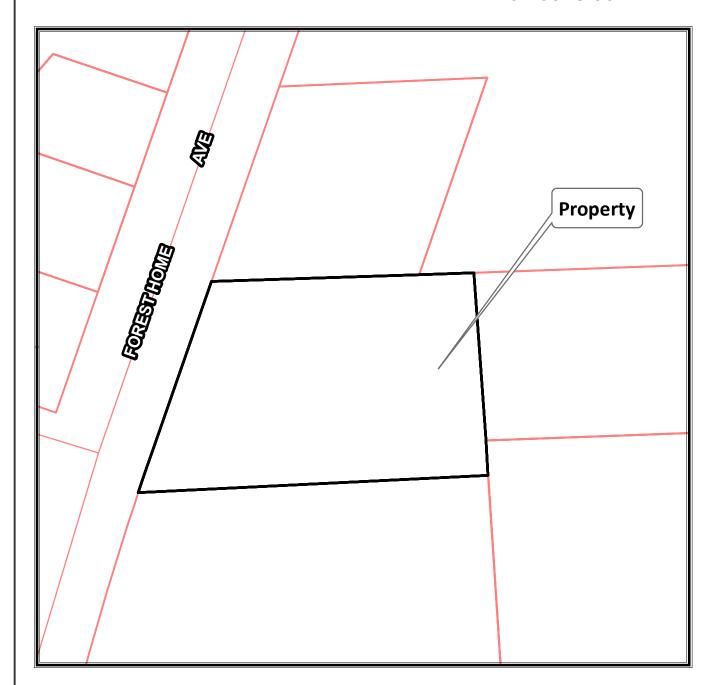


NORTH 2021 Aerial Photo

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.



# 11113 W. Forest Home Ave. TKN 704 9978 002



Planning Department (414) 425-4024



NORTH 2021 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.



Phone 414.342.7200 • Fax 414.342.4203

Website: ogdenre.com

June 15, 2022

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

RE: 11113 W. Forest Home Avenue-Suite 220 Special Use Summary

I am asking for a special use permit to allow a beauty shop at my multi-tenant building. Per the M-1 Zoning, a beauty shop is listed as special use.

The salon hours for Face Pallet Aesthetics, LLC are from 8:00am to 7:00pm, Monday through Saturday with one employee and one customer at a time. They will have no adverse effect on the neighborhood. They will occupy 890 sq.ft existing space with no building modifications and will provide a much needed service to the residents of Franklin.

I appreciate your consideration of this proposal.

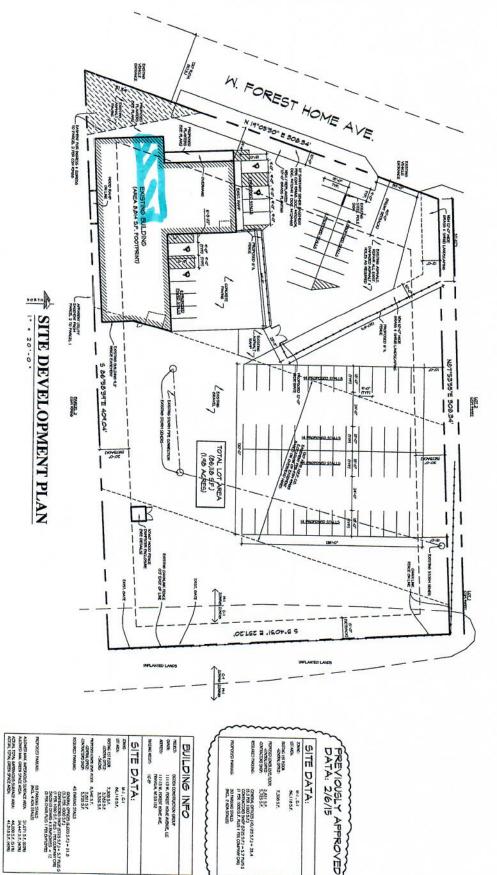
Sincerely,

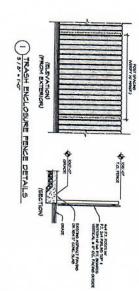
OGDEN CONSTRUCTION GROUP, LLC

Joel Cook

President

Commencing at the northeast corner of ¼ Section; thence S. 00°26′05″ E., along the east line of said ¼ Section, 329.93 feet to a point; thence S. 87°53′55″ W., 855.90 feet to the point of beginning of the lands to be described; thence continuing S. 87°53′55″ W., 308.34 feet to a point in the easterly right of way of C.T.H. "00"; thence S. 19°05′30″ W., along said right of way line, 209.63 feet to a point of curve; thence along the arc of a curve with a radius of 3759.83 feet center lying to the southeast. Chord bearing point; thence N. 87°53′55″ E., 500.08 feet to a point; thence N. 03°40′51″ W., 496.55 feet to the point of beginning.





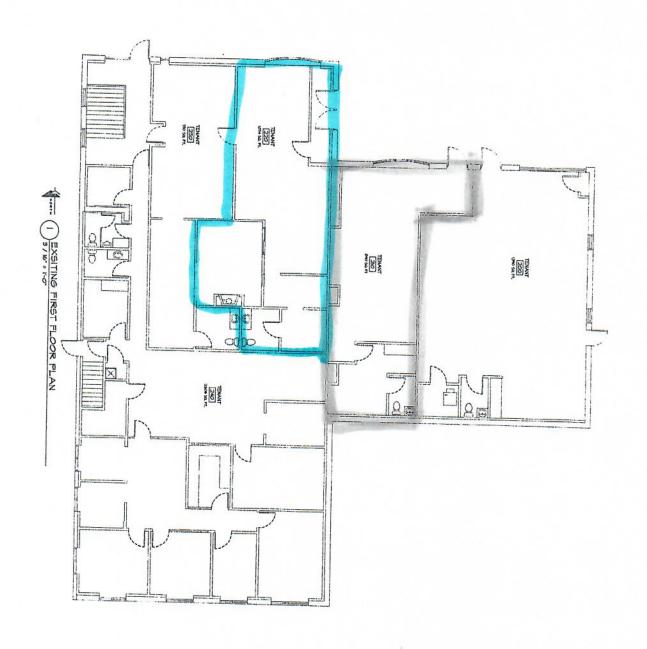


# OGDEN CONSTRUCTION REMODEL

1113 V. POREST HOME AVE.
PRANCLEN, ME
SMEET TATALE
PROPOSED SITE DEVELOPMENT PLAN & DETAILS









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# City of Franklin Department of City Development

Date: May 16, 2022

To: Joel Cook, Ogden Construction

From: Department of City Development - Associate Planner Ecks

RE: Special Use – Face Pallette Aesthetics – 11113 W Forest Home Ave. STE 220 -

Staff Comments

Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Special Use for Face Pallette Aesthetics – 11113 W Forest Home Ave. STE 220 - Staff Comments date stamped April 12, 2022.

# **Department of City Development Comments**

Beauty Shops (SIC 7231) require Special Use approval in M-1 zoning.

# **Project Summary**

1. How many client chairs does Face Pallette Aesthetics have? One

2. Does Face Pallette Aesthetics provide any additional services other than skincare and salon services (e.g. microblading, makeup, etc.)? No

# **Parking**

3. Please provide details about parking for this business. For Beauty Shop uses, UDO Table 15-5.0203 requires 3 parking spaces for each client chair, plus one space per employee. The site has 83 parking spots. Parking is not a problem.

# Signage

4. Please note that any changes to signage will require issuance of a Sign Permit. Duly noted.

# **Health Department Comments**

5. No license required from the Health department. If piercing or injecting anything under the skin (tattoo, permanent makeup, etc.) then licensing through the State of Wisconsin is necessary. Duly noted.

# **Inspection Services Department Comments**

- 6. Project will require separate Building, HVAC, Plumbing and Electrical Permits for any remodeling work the owner may be contemplating. No work is planned; taking space as is.
- 7. Additional Water Impact fees may be required based on business use, employee count and work hours. Tenant will be required to file a "Water Impact Fee" calculation sheet. It would be desirable to have building Owner provide previous occupant information for this space

indicating the use, number of employees and business hours. Previous occupant was a roofing contractor with three people.

# **Legal Department Comments**

8. Does Lourdes Hernandez, applicant on application, have a middle name, and is she the owner of Face Pallette Aesthetics, which is not listed with the Department of Financial Institutions? What is the legal name? See attached Article of Confederation.

Sec. 183.0202 Wis. Stats.



# State of Wisconsin Department of Financial Institutions

# ARTICLES OF ORGANIZATION - LIMITED LIABILITY COMPANY

Executed by the undersigned for the purpose of forming a Wisconsin Limited Liability Company under Chapter 183 of the Wisconsin Statutes:

Article 1. Name of the limited liability company:

Face Palette Aesthetics by L.E. LLC

Article 2. The limited liability company is organized under Ch. 183 of the Wisconsin Statutes.

Article 3. Name of the initial registered agent:

Lourdes Hernandez

Article 4. Street address of the initial registered office:

3108 W. National Ave MILWAUKEE, WI 53215 United States of America

Article 5. Management of the limited liability company shall be vested in:

A manager or managers

Article 6. Name and complete address of each organizer:

Lourdes Hernandez 3108 W. National Ave MILWAUKEE, WI 53215 United States of America

Other Information. This document was drafted by:

Lourdes Hernandez

Organizer Signature:

Lourdes Hernandez

Date & Time of Receipt:

1/18/2021 7:29:10 PM

Order Number:

202101185639867

	ed Liability Company(Ch
	Filing Fee Total Fee:
ENDORSEMENT	
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Project summary for business:

Beauty Salon specializing in skincare and waxing services. Open from 8 a.m. – 7 p.m. Monday-Friday. Two employees and there will be no construction done.

Planning Department 9229 West Loomis Road Franklin, Wisconsin 53132 generalplanning@franklinwi.gov (414) 425-4024 franklinwi.gov

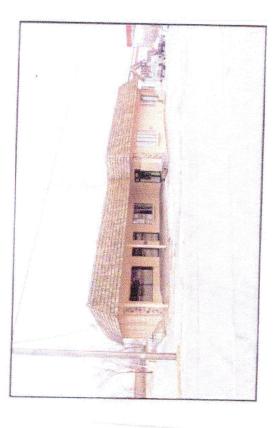


APPLICATION DA	TE:
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COMMON COUNC	TEVIEW AFFEICATION
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APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
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PROPERTY ADDRESS: PROJECT PRO	PERTY INFORMATION
PROPERTY OWNER:	TAX KEY NUMBER: 704-9918002
11113 CV. Garatus	PHONE:
MAILING ADDRESS:	914.406.0946
CITY/STATE:	EMAIL ADDRESS: Jack Control
Frankly wet 52122	DATE OF COMPLETION: OF COMPLETION:
77/7	6/1/22
Please the Lei	CATION TYPE
Special Use / Special Use Amendment	on type that you are applying for  Amendment □ Planned Development District □ Rezoning  Unified Development Ordinance Text Amendment  ssion review and Common Council approval.
Special Use / Special Use Amendment   Most requests require Plan Commis Applicant is responsible for providing Plan Commission resub	Amendment  Planned Development District  Rezoning Unified Development Ordinance Text Amendment  ssion review and Common Council approval. mittal materials up to 12 copies pending staff request and comments.
Special Use / Special Use Amendment   Most requests require Plan Commis Applicant is responsible for providing Plan Commission resub  he applicant and property owner(s) hereby certify that: (1) all statements and populicant and property owner(s)' knowledge; (2) the applicant and property owner(s)' knowledge; (2) the applicant and property owner(s)' knowledge; (3) the applicant and property owner(s)' knowledge; (4) the applicant and property owner(s)' knowledge; (2) the applicant and property owner(s)' knowledge; (3) the applicant and property owner(s)' knowledge; (4) the applicant and property owner(s)' knowledge; (5) the applicant and property owner(s)' knowledge; (6) the applicant and property owner(s)' knowledge; (7) the applicant and property owner(s)' knowledge; (8) the applicant and property owner(s)' knowledge; (9) the applicant and property owner(s)' knowledge; (1) the applicant and property owner(s)' knowledge; (1) the applicant and property owner(s)' knowledge; (1) the applicant and property owner(s)' knowledge; (2) the applicant and property owner(s)' knowledge; (3) the applicant and property owner(s)' knowledge; (4) the applicant and property owner(s)' knowledge; (4) the applicant and property owner(s)' knowledge; (5) the applicant and property owner(s)' knowledge; (6) the applicant and property owner(s)' knowledge; (7) the applicant an	Amendment  Planned Development District  Rezoning Unified Development Ordinance Text Amendment  ssion review and Common Council approval. mittal materials up to 12 copies pending staff request and comments.  NATURES other information submitted as part of this application are true and correct to the best
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# BEFORE



11113 W. FOREST HOME AVE. FRANKLIN . WI



