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<https://www.youtube.com/c/CityofFranklinWIGov>

****Revised**

CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, MARCH 15, 2022, AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B.
 - 1. Citizen Comment Period.
 - 2. Mayoral Announcements:
 - (a) Light and Unite RED Proclamation.
 - (b) Proclamation Honoring Eagle Scout Ryan Ratkowski (Ald. Wilhelm).
- C. Approval of Minutes: Regular Common Council Meeting of March 1, 2022.
- D. Hearings – A Proposed Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to Change the City of Franklin 2025 Future Land Use Map for a Portion of the Property Located at 11595 West Forest Home Avenue from Residential Use to Residential – Multi-Family Use (Approximately 3.151 Acres) (P. Kenneth Servi, Servi Investments, LLC, Applicant).
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. An Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to Change the City of Franklin 2025 Future Land Use Map for a Portion of the Property Located at 11595 West Forest Home Avenue from Residential Use to Residential – Multi-Family Use (Approximately 3.151 Acres) (P. Kenneth Servi, Servi Investments, LLC, Applicant).
 - 2. An Ordinance to Amend the Unified Development Ordinance (Zoning Map) to Rezone a Certain Parcel of Land from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District (a Portion of the Property Located at 11595 West Forest Home Avenue) (Approximately 3.15 Acres) (P. Kenneth Servi, Servi Investments, LLC, Applicant).
 - 3. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use to Allow for a Single-Family Residential Development Use in an R-8 Multiple-Family Residence District Upon Property Located at 11595 and 11600 West Forest Home Avenue (P. Kenneth Servi, Servi Investments, LLC, Applicant).
 - 4. A Resolution Conditionally Approving a Preliminary Plat for Tess Creek Estates Subdivision (at 11595 and 11600 West Forest Home Avenue) (P. Kenneth Servi, Servi Investments, LLC, Applicant).

5. Approve First Amendment to Tax Incremental District No. 7 Development Agreement Between the City of Franklin and Velo Village Apartments LLC (Developer), Velo Village – Franklin, Wisconsin (Project).
6. A Resolution Conditionally Approving a Preliminary Plat for Cape Crossing Subdivision (at 12200 West Ryan Road) (Neumann Developments, Inc., Applicant).
7. A Resolution Conditionally Approving a 1 Lot Certified Survey Map, Being Outlot 1 of Certified Survey Map No. 6416, Being a Part of the Southwest 1/4 of Section 16, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Karley J. Blake and Jacob W. Mutter, Applicants) (Generally the West End of West Lake Pointe Drive).
8. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Multi-Family Residential Apartment Complex Development Use Upon Property Located at 9801 South 27th Street and 9605 South 29th Street (Fiduciary Real Estate Development, Inc., Applicant).
9. An Ordinance to Amend the Municipal Code Section 245-3 B. Stops Required to Add 2 Stop Signs on Eastbound and Westbound Legs of W. Marquette Avenue at the Intersection of S. 49th Street.
10. A Resolution to Adopt the Oak Creek Watershed Restoration Plan.
11. A Resolution to Adopt the Root River Watershed Restoration Plan.
12. A Resolution to Modify the Master Plan for the Southwest Sanitary Sewer District in the Vicinity of W. Ryan Road Between S. 76th Street and S. 92nd Street.
13. Authorize Purchase of Portable Ice Rink from EZ Ice Rinks, Inc. for \$5,380.50.
14. Authorize Bidding for S. Hickory Street Pipe and Related Appurtenances.
15. Authorize Bidding and Budget for W. Ryan Road Watermain Pipe and Related Appurtenances.
16. Approve the Fiber Internet Construction Project for City of Franklin Municipal Business Operations in an Amount not to Exceed \$1,239,455 for Capital Construction, Including Partnerships with Other Public Entities.
17. Interview of Candidate for Position of Economic Development Director. The Common Council may enter closed session pursuant to Wis. Stat. §19.85(1)(c) and (f), to consider employment, promotion, compensation, or performance evaluation data of a public employee over which the Common Council has jurisdiction or exercises responsibility and to consider financial, social and personal histories of specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories and may re-enter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.
- ** 18. A Resolution to Enter Into a Transmission Facility Relocation Agreement with American Transmission Company, LLC for Work Across 3617 W Oakwood Road (TKN 950-9997-002) for \$1,660,000.

H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of March 15, 2022.

I. Bills.

Request for Approval of Vouchers and Payroll.

Common Council Meeting Agenda

March 15, 2022

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J. Adjournment.

*Supporting documentation and details of these agenda items are available at City Hall during normal business hours

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

REMINDERS:

March 17	Plan Commission Meeting	7:00 p.m.
April 4	Common Council Meeting	6:30 p.m.
April 5	Spring Election	7:00 a.m.-8:00 p.m.
April 19	Common Council Meeting	6:30 p.m.
April 21	Plan Commission Meeting	7:00 p.m.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 3/15/2022
Reports and Recommendations	Light and Unite RED Proclamation	ITEM NUMBER B.2.(a)

Background: Light and Unite RED week is a County Wide Annual initiative that shines a spotlight on the dangers of substance misuse and raises awareness for local prevention efforts. Franklin plans to show support for this campaign by displaying a red pinwheel garden on the Franklin Public Library property and displaying messaging on electronic City information boards. Volition Franklin members will provide community members with educational resources and encourage participation in a variety of community and school-based events throughout the designated week.

* Members from the coalition will be present at the Common Council Meeting

COUNCIL ACTION REQUESTED

No action requested.

City of Franklin Proclamation

Whereas, substance misuse prevention coalitions within Milwaukee County work together annually to shine a spotlight on the dangers of substance misuse and the importance of mental health during Light & Unite Red Week; and

Whereas, Light & Unite Red Week will be March 26th through April 1st, 2022; and

Whereas, one of the Milwaukee County community groups partnering in this event is Volition Franklin; and

Whereas, the number of overdose deaths in Milwaukee County rose 30% between 2019 and 2020 and there were more than 600 confirmed overdose deaths in the year 2021; and

Whereas, Franklin is not immune to substance misuse as evident by local data; and

Whereas, awareness, knowledge, and community support serve as protective factors against the misuse of alcohol and other drugs; and local leaders in government, schools, businesses, and citizens have the opportunity to participate in Light & Unite Red week; and

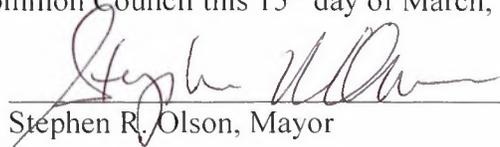
Whereas, community members are urged to participate in Light & Unite Red activities and use the color red as a way of symbolizing local efforts to prevent substance misuse and promote mental health awareness; and

Whereas, Volition Franklin and the City of Franklin Health Department will be engaging the community in awareness raising efforts throughout the City during Light & Unite Red week; and

Whereas, continued commitment to alcohol, tobacco, and other drug education and prevention are imperative;

Now Therefore, be it proclaimed, that I, Stephen R. Olson, Mayor of the City of Franklin, Wisconsin, on behalf of all the Citizens of Franklin, hereby declare the week of March 26th—April 1st, 2022 to be Light & Unite Red Week in the City and ask all citizens and businesses to join me in recognizing this week.

Presented to the City of Franklin Common Council this 15th day of March, 2022


Stephen R. Olson, Mayor



B.2.(b)

City of Franklin Proclamation

A PROCLAMATION HONORING RYAN RATKOWSKI

WHEREAS, on February 27, 2022, before an Eagle Scout Court of Honor, Ryan Ratkowski of Troop 532, shall receive the Boy Scouts of America highest achievable honor, the Eagle Scout Award, only achieved by less than 4% of scouts; and

WHEREAS, Ryan has been active in Franklin Scouts since age 6, earning 32 merit badges. He is a Senior at Franklin High School, a member of the Varsity Soccer, Varsity Cross-country teams, Volition Franklin and working as a Youth Gymnastic Coach; and

WHEREAS, Ryan is taking college Fire Science and Emergency Services and firefighter training through MATC and an internship program with the Hales Corners Fire Department where his membership in the Milwaukee Junior Institute shows his dedication and commitment as a public servant; and

WHEREAS, Ryan completed his Eagle Scout Service Project at The Veteran's Outreach of Wisconsin in Racine, a community of tiny homes, available to veterans at-risk; and

WHEREAS, Ryan dedicated 262 hours as a giving member of society using his leadership skills to construct a fenced-in exercise area for service and therapy dogs owned by veterans living at the Veteran's Outreach of Wisconsin. Ryan's contribution supports animal companionship often important for mental health of our veterans leaving a lasting contribution to our American Veterans; and

WHEREAS, Ryan serves as an example to youth through his high level of personal achievement, leadership and community service, which the City of Franklin and its community are very proud.

NOW, THEREFORE, I, Kristen Wilhelm, District 3 Alderwomen, on behalf of the Common Council and the residents of the City of Franklin, do hereby present this Proclamation to Ryan Ratkowski on this occasion of becoming an Eagle Scout and I ask all to join me in congratulating Ryan on his achievements, leadership and community service.

Dated this 27th day of February 2022 in Franklin, Wisconsin

Stephen R. Olson, Mayor

Kristen M. Wilhelm, Alderwoman



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- AMEND 2025 FUTURE LAND USE MAP FOR TKN: 892-9999-002, S. 112TH ST., BEAR DEV., LLC, APPLICANT; IGNASIAK INV. CO., LLC, OWNER
- G.1. Alderman Holpfer moved to table to refer to the Parks Commission and Planning staff for alternatives, An Ordinance Amending the City of Franklin 2025 Comprehensive Master Plan to Change the City of Franklin 2025 Future Land Use Map for Property Bearing Tax Key Number 892-9999-002 From “Recreational” Use and “Areas of Natural Resource Features” to “Residential” Use (By Stephen R. Mills, President of Bear Development, LLC, Applicant, Ignasiak Investment Company, LLC, Property Owner). Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- AMEND UDO ZONING MAP TKN: 892-9999-002 TO SINGLE-FAMILY RESIDENCE, BEAR DEV., LLC, APPLICANT, IGNASIAK INV. CO., LLC, OWNER
- G.2. Alderman Nelson moved to table to the May 3, 2022, Common Council meeting, An Ordinance Amending the Unified Development Ordinance (Zoning Map) to Rezone a Certain Parcel of Land Bearing Tax Key Number 892-9999-002 From A-2 Prime Agricultural District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District (By Stephen R. Mills, President of Bear Development, LLC, Applicant, Ignasiak Investment Company, LLC, Property Owner). Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2022-7831 SPECIAL USE FOR MEAT PROCESSING PLANT, STRAUSS BRANDS, LLC, APPLICANT
- G.3. Alderman Mayer moved to deny Resolution No. 2022-7831, A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Meat Processing Facility Use Upon Property Located at the Southwest Corner of the Intersection of West Loomis Road and the New Monarch Drive (Lot 83 of Ryan Meadows Subdivision) (Strauss Brands, LLC, Applicant), based upon the following substantial evidence reasons under applicable standards for Special Uses in Unified Development Ordinance Sec. 15-3.0701: No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood; Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities; No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and does not include

proof of the benefit that would contribute to the general welfare of the neighborhood; there has been no proof of alternate locations; and no proof beyond a reasonable doubt they will have no adverse impacts as to odor and noise. Seconded by Alderwoman Wilhelm. Alderman Mayer withdrew his motion with no objections from the Common Council.

Alderwoman Wilhelm then moved to deny Resolution No. 2022-7831, A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Meat Processing Facility Use Upon Property Located at the Southwest Corner of the Intersection of West Loomis Road and the New Monarch Drive (Lot 83 of Ryan Meadows Subdivision) (Strauss Brands, LLC, Applicant), based upon the following substantial evidence reasons under applicable standards for Special Uses in Unified Development Ordinance:

§ 15-9.0103.C. Applications for Special Use. A statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in § 15-3.0700.

§ 15-9.0103.E. Authorization for Special Uses. Applicant has not provided any additional conditions or guarantees that they will meet the protection of the public interest.

§ 15-9.0103.E. Not shown under burden of proof with regard to the findings to be made to the Common Council that shall be provided by the applicant.

§§ 15-3.0700 and 15-3.0701. General Standards for a Special Use. No special use shall be recommended or granted pursuant to this ordinance unless the applicant shall establish the following:

§ 15-3.0701.A.2. No Undue Adverse Impact. It does not meet the public health, safety, morals, general welfare, and it does not prove that they do not substantially diminish or impair property values, inserting the CohnReznick Report provided by the residents of the City of Franklin.

§ 15-3.0701.A.4. Adequate Public Facilities. They have not provided for the essential public services, including the public water system, police and fire protection, and that noting that the City of Franklin is just now looking into building a southwest Fire and Department of Public Works to serve that area.

§ 15-3.0701.C.2. Considerations. They have not proven they have looked at alternative locations at some other site that may be more appropriate than the proposed site.

§ 15-3.0701.C.3. Based on the resolution and statements that they will have noise from fans and odor that needs to be dissipated, they have not proven that they can take care of all odors and noise with substantial evidence to minimize any adverse effects.

Seconded by Alderman Mayer. On roll call, Alderman Mayer, Alderwoman Wilhelm, Alderman Nelson voted Aye; Alderman Holpfer, Alderwoman Hanneman, and Alderman Barber voted No. Mayor Olson broke the tie by voting No. Motion failed.

Alderwoman Hanneman moved to table indefinitely Resolution No. 2022-7831, A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Meat Processing Facility Use Upon Property Located at the Southwest Corner of the Intersection of West Loomis Road and the New Monarch Drive (Lot 83 of Ryan Meadows Subdivision) (Strauss Brands, LLC, Applicant). Seconded by Alderman Barber. Alderwoman Hanneman withdrew her motion and Alderman Barber withdrew his second with no objections from the Common Council.

Alderman Barber then moved to adopt Resolution No. 2022-7831, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A MEAT PROCESSING FACILITY USE UPON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST LOOMIS ROAD AND THE NEW MONARCH DRIVE (LOT 83 OF RYAN MEADOWS SUBDIVISION) (STRAUSS BRANDS LLC, APPLICANT), with the following amendments to the Resolution provided in the packet for this Common Council meeting:

Renumbering of conditions and restrictions following amendments.

Add Condition 5. The maximum livestock that may be processed on a 24-hour basis shall be no more than 500.

Amendment to the date on page 74.

Condition 12. A special use amendment shall be required for any future building expansion areas.

Conditions 19 and 20. Upon notification by the Health Department of odors, the user has six hours to resolve otherwise complete operation shall be suspended until such time that all odor is eliminated.

The Department of City Development and the City Hall Department shall provide reports to the Common Council of any unabated obnoxious odor for review and consideration for special use compliance by the Common Council.

Page 88, add Condition 21.A. Exterior trash compactors shall be enclosed.

Condition 25. Add: noncompliance shall come before the Common Council for compliance review.

Seconded by Alderman Holpfer. On roll call, Alderman Barber, Alderwoman Hanneman, and Alderman Holpfer voted Aye; Alderman Nelson, Alderwoman Wilhelm, and Alderman Mayer voted

No. Mayor Olson broke the tie by voting Aye. Motion carried.

Alderman Mayer moved to appoint an Independent Review Committee regarding this process and report back by September. Seconded by Alderman Nelson. On roll call, Alderman Mayer voted Aye; Alderman Holpfer, Alderwoman Wilhelm, Alderwoman Hanneman, Alderman Barber, and Alderman Nelson voted No. Motion failed.

WATERMAIN PROJECT
SURVEY ON S. LOVERS
LANE RD.

G.11. Alderman Barber moved to suspend the regular order of business to allow Tri-County Baptist Church Pastor Jones to speak. Seconded by Alderman Nelson. All voted Aye; motion carried. Alderman Barber moved to return to the regular order of business. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderman Mayer moved to direct staff to conduct neighborhood meeting at the Tri-County Baptist Church (8050 S. 100th Street) this summer before returning to Common Council with a preliminary resolution to assess for a watermain project along S. 100th Street, and further to direct staff to bid the water tower and watermain project along S. Lovers Lane Road with the recommendation to award a contract on or after the preliminary resolution to assess. Seconded by Alderman Holpfer. All voted Aye; motion carried.

ORD. 2022-2502
AMEND CODE
STOPS REQUIRED

G.4. Alderwoman Wilhelm moved to amend Ordinance No. 2022-2502, AN ORDINANCE TO AMEND THE MUNICIPAL CODE SECTION 245-3 B STOPS REQUIRED TO ADD 24 LOCATIONS IN AND AROUND THE NEW SUBDIVISIONS OF OAKES ESTATES, RYAN MEADOWS, AND PLEASANT VIEW RESERVE, as amended. Seconded by Alderman Nelson. All voted Aye; motion carried.

AGREEMENT FOR
FULL EXTERNAL
PENETRATION TEST OF
I.T. SYSTEM

G.5. Alderman Mayer moved to approve an agreement with RMM Solutions, in the amount of \$19,212.96, to perform a Full External Penetration Test of the City's Information Technology System and to authorize the Director of Administration to execute the appropriate, related agreement for the same. Seconded by Alderwoman Hanneman. All voted Aye, motion carried.

RES. 2022-7832
ENGINEERING
SERVICES
AGREEMENT IN
PLEASANT VIEW
RESERVE

G.6. Alderwoman Wilhelm moved to adopt Resolution No. 2022-7832, A RESOLUTION FOR A PROFESSIONAL SERVICES AGREEMENT WITH EXCEL ENGINEERING, INC. FOR ENGINEERING SERVICES RELATED TO S. 50TH STREET RECONSTRUCTION AND ASSOCIATED WATER MAIN FROM W. MINNESOTA AVENUE SOUTH TO THE TERMINATED END

OF 50TH STREET IN PLEASANT VIEW RESERVE AND WATERMAIN EXTENSION IN W. MINNESOTA AVENUE FROM S. 51 ST STREET TO S. 49TH STREET, THEN 50 FT NORTH OF THE INTERSECTION IN THE AMOUNT OF \$52,500. Seconded by Alderman Barber. All voted Aye; motion carried.

BLD. INSP. SALARY
AND BENEFITS

G.7. Alderman Mayer moved to authorize the hiring of a Building Inspector at a salary of \$77,500, and to allow the award of three (3) sick days upon hire to be used as needed, as well as supporting a promotion of the candidate to the Department Head position when appropriate as long as the candidate proves himself in the interim and is a good fit for the position along with the additional vacation accrual at that time. Seconded by Alderwoman Hanneman. All vote Aye; motion carried.

DPW LIGHT
EQUIPMENT
OPERATOR

G.8. Alderman Barber moved to authorize replacement of Department of Public Works Light Equipment Operator in advance of current employee retirements. Seconded by Alderman Mayer. All voted Aye; motion carried.

2022 SANITARY SEWER
USER FEE

G.9. Alderman Barber moved to adopt the quarterly 2022 Residential Sanitary Sewer charge of \$68.38 and a fixed Commercial Connection charge of \$16.99 plus a \$3.90367040 per thousand-gallon volumetric charge, effective January 1, 2022, as provided by Municipal Code §207-14 H (3)(b). Seconded by Alderman Holpfer. All voted Aye; motion carried.

WATER SURVEY FOR
FRONTAGE RD. ON S.
LOVERS LANE RD.

G.10. Alderman Nelson moved to instruct staff to return with a professional services contract to commence design and WISDOT coordination for Frontage Road along S. Lovers Lane Road (USH 45/STH 100) from W. Herda Place to S. Phyllis Lane. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2022-7833
WIDOT PROJECT ON S.
LOVERS LANE RD.
AND W. RYAN RD.

G.12. Alderman Mayer moved to adopt Resolution No. 2022-7833, A RESOLUTION TO EXECUTE STATE/MUNICIPAL FINANCIAL AGREEMENT AND A STATE/MUNICIPAL MAINTENANCE AGREEMENT FOR IMPROVEMENTS RELATED TO A WISCONSIN DEPARTMENT OF TRANSPORTATION PROJECT ON S. LOVERS LANE/W. RYAN ROAD (USH 45 / STH 100) FROM S. 60TH STREET TO W. ST. MARTINS ROAD IN THE AMOUNT OF \$624,700. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

STATE CONTRACT FOR
PURCHASE OF SALT

G.13. Alderwoman Hanneman moved to direct staff to participate in the State contract for purchase of 2,000 tons of salt with a purchase of an

additional 400 tons in reserve. Seconded by Alderman Mayer. All voted Aye; motion carried.

SURVEY FOR SUMP
PUMP PROJECTS

G.14. Alderman Holpfer moved to direct staff to electronically survey neighborhoods for sump pump projects and return with professional services contracts with recommendations on selected projects. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

2021 OPEB AND
GASB 74 AND 75
DISCLOSURE REPORT

G.15. Alderwoman Hanneman moved to accept the City of Franklin Other Post-Employment Benefits (OPEB) Program / GASB 74 and 75 Disclosure Report for Fiscal Year 2021 and place it on file. Seconded by Alderman Holpfer. All voted Aye; motion carried.

RES. 2022-7834
AMEND RES. 2013-6920
AND APPEND
RES. 2015-7062
DISBURSEMENTS

G.16. Alderwoman Hanneman moved to adopt Resolution No. 2022-7834, A RESOLUTION AMENDING RESOLUTION NO. 2013-6920 AND APPENDING RESOLUTION NO. 2015-7062 GRANTING LIMITED SPECIFIC AUTHORITY FOR DISBURSEMENTS IN ADVANCE OF REVIEW OF VOUCHER LISTINGS; and also, to fulfill the requirement of f) (2) of Resolution No. 2015-7062, which states the Finance Director shall update the Common Council as the vendor list changes for advance disbursement, and with the up-to-date list of vendors qualifying for early release of payment. Seconded by Alderman Mayer. All voted Aye; motion carried.

PURCHASE OF AERIAL
BUCKET TRUCK

G.19. Alderman Barber moved to authorize the Department of Public Works to purchase a Runnion Equipment Company Aerial Bucket truck in the amount of \$229,916.00. Seconded by Alderman Holpfer. All voted Aye; motion carried.

LICENSES AND
PERMITS

H. Alderman Nelson moved to approve the following:
Hold the 2021-2022 Operator License of Kimberly Henzig for appearance;
Grant 2021-2022 Operators' Licenses to: Robert Knurowski, Kailey Locke, and Allie Orłowski;
Grant Extraordinary Entertainment & Special Event License to: Mulligan's Irish Pub & Grill, St Patrick's Day Party, Brian Francis, Agent, 8933 S 27th Street, March 17, 2022, 11:00 am to 10:30 pm; and
Approve Amended Public Grant Application and Closing Hours of Civic Celebration Event from 10:00 pm to 11:00 pm, John Bergner, Chairman of Civic Celebration Commission.
Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

- I. Alderman Barber moved to approve City vouchers with an ending date of March 1, 2022, in the amount of \$4,844,401.37; payroll dated February 25, 2022, in the amount of \$455,649.60 and payments of the various payroll deductions in the amount of \$430,035.16, plus City matching payments; estimated payroll dated March 11, 2022, in the amount of \$442,000 and payments in the various payroll deductions in the amount of \$255,000, plus City matching payments; property tax disbursements with an ending date of February 28, 2022, in the amount of \$19,544,183.92. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
RES. 2022-7836
DISALLOWING CLAIM
FROM PETER
PECKARSKY
CENTRAL COUNT
ABSENTEE BALLOTS

- G.18. Alderman Nelson moved to adopt Resolution No. 2022-7836, A RESOLUTION DISALLOWING CLAIM SUBMITTED BY PETER PECKARSKY RECEIVED NOVEMBER 29, 2021, AND TO FURTHER NOTIFY THE ATTORNEY FOR THE CLAIMANT BY CERTIFIED MAIL AT THE LAW OFFICES OF DAVIS & PLEDL, S.C. OF THE DISALLOWANCE OF THE CLAIM AND THE FACT THAT THE CLAIMANT HAS SIX (6) MONTHS FROM THE DATE OF SERVICE OF THE NOTICE OF DISALLOWANCE TO APPEAL PURSUANT TO WIS. STAT. §893.80(1g), with the Notice of Claim from Attorney Robert Pledl, on behalf of his client, Peter Peckarsky, announced candidate for U.S. Senate, challenging the unconstitutional practice of marking absentee ballots with identifying information when absentee ballots are counted at a central location pursuant to Wis. Stat. §7.52(3)(a). Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
ACQUISITION OF
PROPERTY ON
W. SWISS STREET
RES. 2022-7835
ACQUISITION
W. SWISS ST.
W. CHURCH ST.

- G.17. Alderman Nelson moved to enter closed session at 11:32 p.m. pursuant to Wis. Stat. §19.85(1)(e), for competitive and bargaining reasons, to consider the potential acquisition of property from 11213 W. Swiss Street (TKN 796-0020-000) and 11225 W. Swiss Street (TKN 796-0021-001) to be used for a public pathway/trail project along W. Church Street and the negotiating of the purchase and the investing of public funds, including Park Impact fees with regard to the potential acquisition thereof, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 11:32 p.m., Alderman Mayer moved to adopt Resolution No. 2022-7835, A RESOLUTION TO ACQUIRE 0.04 ACRES OF PROPERTY FROM 11213 W. SWISS STREET (TKN 796-0020-000) IN THE AMOUNT OF \$6,797.32 AND 0.02

ACRES OF PROPERTY FROM 11225 W. SWISS STREET (TKN 796-0021-001) IN THE AMOUNT OF \$2,581.97 FOR THE PURPOSES OF EXTENDING THE W. CHURCH STREET RIGHT-OF-WAY AND ACCOMMODATE THE CONSTRUCTION OF A PATHWAY. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderman Barber moved to adjourn the meeting at 11:33 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

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**NOTICE OF PUBLIC HEARING
CITY OF FRANKLIN
COMMON COUNCIL**

MEETING DETAILS

HEARING DATE: Tuesday, March 15, 2022, at 6:30 p.m.

PLACE: The Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132.

PROPOSAL INFORMATION

APPLICANT: P. Kenneth Servi, Servi Investments, LLC (Forest Home Investors, LLC, property owner).

SUBJECT PROPERTY: 11595 West Forest Home Avenue (totaling 3.151 acres).

TAX KEY NUMBER: 751-9001-000.

PROPOSAL: To amend the Future Land Use Map designation for property located at 11595 West Forest Home Avenue, containing 3.151 acres, from Residential Use to Residential – Multi-Family Use.

CONTACT INFORMATION

City Development Department

(414) 425-4024

www.franklinwi.gov/planning

generalplanning@franklinwi.gov

PUBLIC HEARING INFORMATION

This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.1001(4)(d). The public is invited to attend the public hearing and to provide input. A map showing the property affected, full legal description, the application and all supporting materials, are available for review and may be obtained from the City Council by way of request to the Department of City Development at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, telephone number (414) 425-4024, during normal business hours. The proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan is available and open for inspection by the public in the Office of the City Clerk at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. Any questions or comments about the proposed amendment to the Comprehensive Master Plan may be directed to Heath Eddy, City of Franklin Planning Manager, at 414-425-4024.

Dated this 24th day of January, 2022.

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">03/15/22</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR A PORTION OF THE PROPERTY LOCATED AT 11595 WEST FOREST HOME AVENUE FROM RESIDENTIAL USE TO RESIDENTIAL – MULTI-FAMILY USE (APPROXIMATELY 3.151 ACRES) (P. KENNETH SERVI, SERVI INVESTMENTS, LLC, APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.1.</p>

At its February 17, 2022, regular meeting, the Plan Commission adopted Resolution 2022-005, recommending the adoption of this Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for a portion of the property located at 11595 West Forest Home Avenue from residential use to residential – multi-family use, pursuant to Wis. Stat. § 66.1001(4)(b).

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance 2022-_____, an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for a portion of the property located at 11595 West Forest Home Avenue from residential use to residential – multi-family use (approximately 3.151 acres) (P. Kenneth Servi, Servi Investments, LLC, applicant)

ORDINANCE NO. 2022-_____

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF
FRANKLIN 2025 FUTURE LAND USE MAP FOR A PORTION OF THE
PROPERTY LOCATED AT 11595 WEST FOREST HOME AVENUE FROM
RESIDENTIAL USE TO RESIDENTIAL – MULTI-FAMILY USE
(APPROXIMATELY 3.151 ACRES)
(P. KENNETH SERVI, SERVI INVESTMENTS, LLC, APPLICANT)

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

WHEREAS, P. Kenneth Servi, Servi Investments, LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for a portion of the property located at 11595 West Forest Home Avenue from Residential Use to Residential – Multi-Family Use; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on February 17, 2022, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for a portion of the property located at 11595 West Forest Home Avenue from Residential Use to Residential – Multi-Family Use; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on March 1, 2022; and

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

SECTION 1: The City of Franklin 2025 Comprehensive Master Plan is hereby amended to change the City of Franklin 2025 Future Land Use Map designation for a portion of the property located at 11595 West Forest Home Avenue from Residential Use to Residential – Multi-Family Use. Such property is more particularly described within Resolution No. 2022 _____ of even-date herewith.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of

competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2022, by Alderman _____.

Passed and adopted by a majority vote of the members-elect of the Common Council at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2022.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

STATE OF WISCONSIN

CITY OF FRANKLIN
PLAN COMMISSION

MILWAUKEE COUNTY

RESOLUTION NO. 2022-005

A RESOLUTION RECOMMENDING THE ADOPTION OF AN
ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN
2025 FUTURE LAND USE MAP FOR A PORTION OF THE
PROPERTY LOCATED AT 11595 WEST FOREST HOME AVENUE FROM
RESIDENTIAL USE TO RESIDENTIAL – MULTI-FAMILY USE,
PURSUANT TO WIS. STAT. § 66.1001(4)(b)

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

WHEREAS, pursuant to Wis. Stat. § 66.1001(4)(b), the Plan Commission may recommend the amendment of the Comprehensive Master Plan to the Common Council by adopting a resolution by a majority vote of the entire Commission, which vote shall be recorded in the official minutes of the Plan Commission; and

WHEREAS, P. Kenneth Servi, Servi Investments, LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for a portion of the property located at 11595 West Forest Home Avenue from Residential Use to Residential – Multi-Family Use, such property bearing Tax Key No. 751-9001-000, more particularly described as follows:

BEING A PART OF LOT 1, CSM 9289 LOCATED IN THE NORTHEAST 1/4 OF SEC 7, T5N, R21E, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN. COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 7, THENCE N 88°37'15" W ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 7, 1762.29 FEET TO THE NORTHWEST CORNER OF LOT 7 BLOCK 5 OF MISSION HILLS WEST ADDN. NO. 3, THE NORTHEAST CORNER OF PARCEL 1, CSM 6508, AND THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED, THENCE, CONTINUING ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 7, N 88°37'15" W 810.33 FEET TO THE EASTERLY RIGHT OF WAY LINE OF WEST FOREST HOME AVE.; THENCE NORTHEASTERLY 290 20 FEET ALONG THE EASTERLY RIGHT OF WAY LINE OF WEST FOREST HOME AVENUE AND ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 2864 79 FEET, AND WHOSE CHORD BEARS N 12°04'11" E 290.08 FEET, THENCE S 58°47'24" E 14 39 FEET, THENCE S 17°42'46" W

34.23 FEET; THENCE S 64°59'51" E 14.94 FEET; THENCE N 79°51'39" E 19.62 FEET; THENCE S 66°24'42" E 18.81 FEET; THENCE N 65°02'19" E 6.45 FEET; THENCE S 73°22'18" E 9.49 FEET; THENCE S 85°17'44" E 22.67 FEET; THENCE S 79°05'48" E 22.47 FEET; THENCE S 88°55'32" E 23.61 FEET; THENCE S 64°29'04" E 23.52 FEET; THENCE S 25°43'03" E 19.96 FEET; THENCE S 21°44'13" E 14.94 FEET; THENCE S 59°05'14" E 24.91 FEET; THENCE S 68°36'13" E 32.76 FEET; THENCE S 48°41'52" E 27.71 FEET; THENCE S 58°46'47" E 26.71 FEET; THENCE S 75°38'44" E 31.70 FEET; THENCE S 55°24'07" E 7.89 FEET; THENCE S 83°55'55" E 17.70 FEET; THENCE N 83°17'42" E 12.82 FEET; THENCE S 68°18'00" E 16.87 FEET; THENCE S 87°23'58" E 11.35 FEET; THENCE S 79°34'12" E 14.94 FEET; THENCE S 76°52'31" E 23.82 FEET; THENCE N 75°13'19" E 33.32 FEET; THENCE N 88°14'47" E 21.07 FEET; THENCE S 84°33'49" E 32.79 FEET; THENCE N 89°29'36" E 29.27 FEET; THENCE N 53°05'51" E 56.04 FEET; THENCE N 61°24'27" E 9.74 FEET; THENCE N 75°17'38" E 23.08 FEET; THENCE S 75°03'43" E 5.94 FEET; THENCE N 66°43'57" E 45.30 FEET; THENCE N 58°49'30" E 42.82 FEET; THENCE N 64°05'09" E 18.45 FEET; THENCE N 61°38'29" E 36.05 FEET; THENCE N 62°07'21" E 29.53 FEET; THENCE S 00°22'09" E 247.71 FEET TO THE NORTHWEST CORNER OF LOT 7 BLOCK 5 OF MISSION HILLS WEST ADDN. NO. 3, THE NORTHEAST CORNER OF PARCEL 1, CSM 6508 AND THE POINT OF BEGINNING. SAID LANDS CONTAINING 137,271 SQ. FT. (3.151 ACRES) MORE OR LESS; and

WHEREAS, the Plan Commission having determined that the proposed amendment, in form and content as presented to the Commission on February 17, 2022, is consistent with the Comprehensive Master Plan's goals, objectives and policies and in proper form and content for adoption by the Common Council as an amendment to the 2025 Comprehensive Master Plan, subject to such modifications the Common Council may consider reasonable and necessary, following public hearing, in order to protect and promote the health, safety and welfare of the City of Franklin

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the application for and the proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for a portion of the property located at 11595 West Forest Home Avenue from Residential Use to Residential – Multi-Family Use, be and the same is hereby recommended for adoption and incorporation into the 2025 Comprehensive Master Plan by the Common Council.

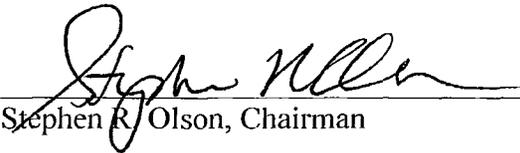
Introduced at a regular meeting of the Plan Commission of the City of Franklin this 17th day of February, 2022

RESOLUTION NO. 2022-005

Page 3

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this 17th day of February, 2022.

APPROVED:



Stephen R. Olson, Chairman

ATTEST:



Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0



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

Item C.1.

Meeting of February 17, 2022

Comprehensive Master Plan Amendment, Rezoning, Special Use and Preliminary Plat

RECOMMENDATION: City Development staff recommends approval of these Comprehensive Master Plan Amendment, Rezoning, Special Use and Preliminary Plat applications for the Tess Creek Estates subdivision, the Special Use and Preliminary Plat shall be subject to the conditions set forth in the attached resolutions.

Project Name:	Tess Creek Estates subdivision
Project Address:	11595 & 11600 W Forest Home Avenue
Applicant:	Servi Investments, LLC
Agent:	CJ Engineering
Property Owner:	Forest Home Investors, LLC
Current Zoning:	R-8 Multiple-Family Residence District, R-3 Suburban/Estate Single-Family Residence District, FC Floodplain Conservancy District and FW Floodway District
Proposed Zoning:	R-8 Multiple-Family Residence District FC Floodplain Conservancy District and FW Floodway District areas remain
2025 Comprehensive Plan:	Residential and Residential-Multifamily
Use of Surrounding Properties:	Tess Creek and floodplain areas to the north, vacant land zoned residential to the northeast, residential single family (Mission Hills Additions 3&4) to the southeast and south, vacant land zoned commercial, Country Dale Elementary School and recreational trail to the west across Forest Home Avenue.
Applicant’s Action Requested:	Recommendation for approval of Comprehensive Master Plan Amendment, Rezoning, Special Use and Preliminary Plat applications for the Tess Creek Estates subdivision
Planner:	Régulo Martínez-Montilva, AICP, Principal Planner

Introduction:

Before you is a proposal for a new single-family residential subdivision to be called “Tess Creek Estates” on a 10-acre site located on 11595-11600 W. Forest Home Avenue. On November 30, 2021, the applicant submitted requests for Rezoning, Special Use and Preliminary Plat, then a Comprehensive Master Plan amendment was submitted on January 25, 2022, following staff comments.

On January 24, 2022, the applicant extended the review time frame for the Preliminary Plat and associated applications to be scheduled for this February 17, Plan Commission meeting and March 15, Common Council.

This 10-acre consist of two properties: 11595 and 11600 W Forest Home Avenue. Certified Survey Map No. 9289 to create 11595 W. Forest Home was recorded in February 2021

(appendix #1). Then, the applicant submitted applications for rezoning, special use and preliminary plat, these previous applications did not advance in the review process due to concerns with the West Shore Pipeline. After revisions to the original subdivision design, the applicant submitted new applications in November 2021.

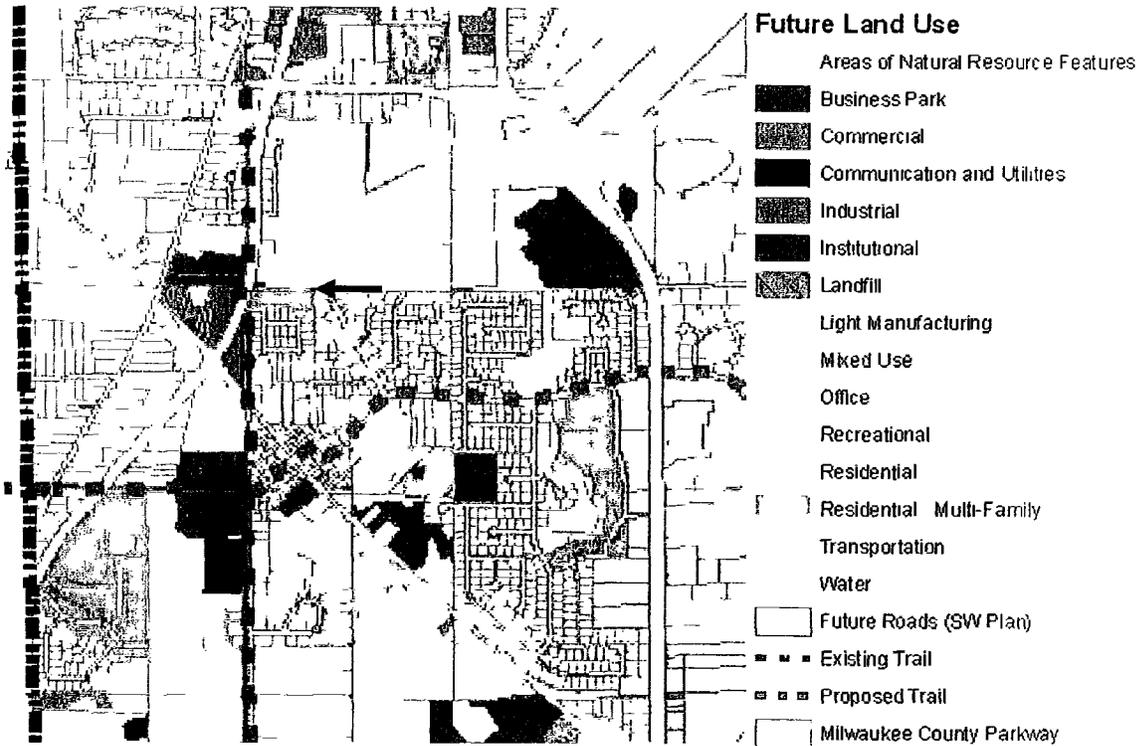


Aerial image (2020) with current lot configuration following Certified Survey Map No. 9289.

Comprehensive Master Plan Amendment:

The subject site has three (3) designations per the future land use map of the City of Franklin 2025 Comprehensive Master Plan. The south property (Tax Key Number TKN 796 9987 001) is designated as Residential-Multifamily, while the north property (TKN 751 9001 000) is designated as Residential and Area of Natural Resource Features. The Tess Creek floodplain corresponds to the Area of Natural Resource Features and no development is proposed in such area.

Even though this proposal is for a single-family residential subdivision, the applicant is requesting a rezoning of a portion of the north property from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District as described below in the rezoning section. The R-8 zoning district allows for single-family residential but also for multi-family residential, therefore, an amendment to Comprehensive Master Plan future land use map from Residential to Residential-Multifamily is required because a rezoning ordinance needs to be consistent with the local comprehensive plan pursuant to Wis. Stats. § 66.1001(3).



City of Franklin 2025 Future Land Use Map. Arrow indicates location of subject site, note that the lot configuration is previous to Certified Survey Map (CSM) No. 9289.

Rezoning:

The project site is approximately 10.10 acres in two properties with different zoning designations. The southern property (11600 W Forest Home) is entirely zoned R-8 Multiple-Family Residence District with an area of 5.03 acres, while the northern property (11595) has several zoning designations: R-3 Suburban/Estate Single-Family Residence District, FC Floodplain Conservancy District and FW Floodway District. Section 15-3.0103 “District Boundaries” of the Unified Development Ordinance (UDO) does not allow newly created lots with multiple zoning designations, also known as split zoning, with the exception of floodplain districts such as FC and FW. Due to this standard, the applicant is seeking to rezone 3.15 acres of the northern property from R-3 to R-8 in order to avoid split zoning. The areas zoned FC and FW remain with these zoning designations.

The proposed single-family residential subdivision is compatible with adjacent residential subdivisions: Mission Hills West Addition No. 4 to the south and Mission Hills West Addition No. 3 to the southeast. The subdivision abuts Tess Creek to the north and the plat includes the required 75-foot shore buffer from the ordinary high water line and the 50-foot setback from delineated wetlands as indicated in the Natural Resource Protection Plan. To the west, Forest Home Avenue is classified as a Principal Arterial road, no direct access from lots to this avenue is being proposed and a landscape bufferyard easement is depicted on the plat along such avenue. To the east, the new Tess Creek Street is intended to connect to future development on the property bearing TKN 751 9999 001.

Special Use:

The UDO requires a Special Use permit for all residential developments in the R-8 zoning district regardless of the housing type (single-family, two-family or multiple-family). Therefore, the applicant is requesting a Special Use permit to allow for single-family detached residential use. Note that the proposed special use is for single-family residential but the R-8 zoning district may allow two-family residential use. A new special use permit will be required for any two-family residential home in the future Tess Creek Estates subdivision.

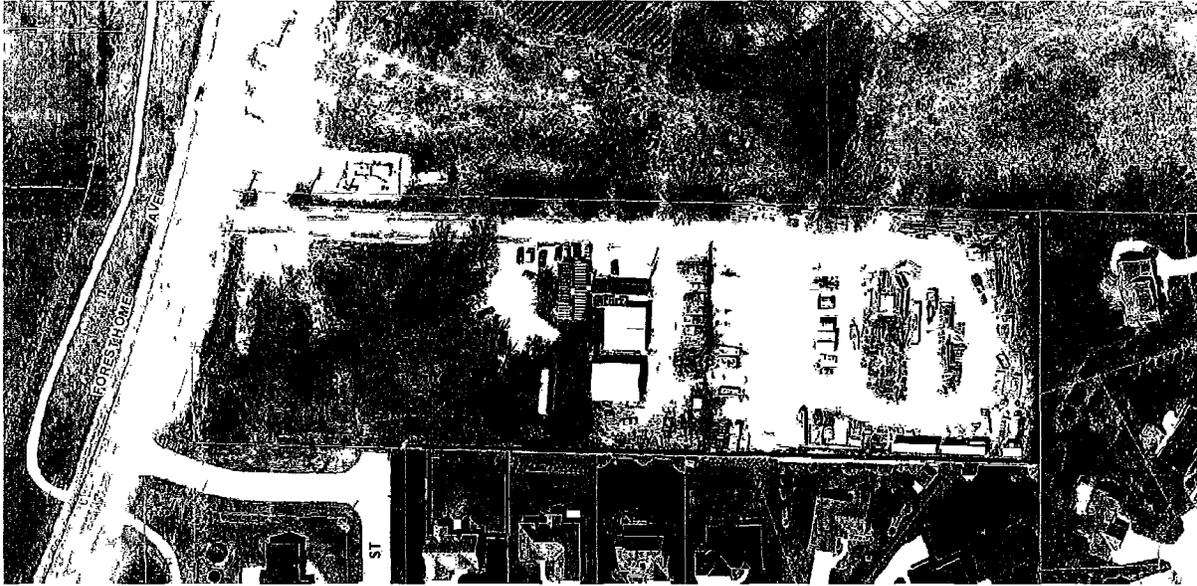
The West Shore pipeline St. Martins junction is located on this site as well as the fuel line easement going to the east. The applicant has indicated that the pipeline operator is favorable to the proposed design, see response to review comment #15.



St. Martins fuel line junction and fuel line easement going east. Photograph by City Development staff.

Open Remediation and Redevelopment (RR) Site

It is worth noting that the south property (11600 W Forest Home Ave) is listed as an open Remediation and Redevelopment (RR) site by the Wisconsin Department of Natural Resources (DNR), named as Rawson Contractors Yard (appendix #2). Soil contamination has been detected on this property per the Site Investigation and Remedial Action Plan, prepared by Symbiont, dated July 31, 2008 (appendix #3, executive summary only), specifically “cadmium impacted material” and “fill materials containing asphalt and elevated polycyclic aromatic hydrocarbon concentrations” as indicated in the plan Recommendations (page vi).



Aerial image of the Rawson Contractors yard site, 2005.

City Development staff is also concerned about the vapor intrusion risk for the proposed residential development as noted in letter from the Department of Natural Resources dated April 6, 2021 (appendix #4). Therefore, City Development staff recommends to include the following condition to the Special Use and Preliminary Plat resolutions: The applicant must obtain the Final Case Closure of the Rawson Contractors Yard, Remediation and Redevelopment site, and adhere to any Continuing Obligations prior to the approval of the Final Plat or any land disturbance activity. Note that this condition is consistent with the goals listed by Moraine Environmental in Status Report dated May 3, 2021 (appendix #5).

The applicant did not include information about the Remediation and Redevelopment site in the Special Use application. Appendices #2-5 regarding the open Remediation and Redevelopment site were obtained from the Wisconsin Remediation and Redevelopment Database (WRRD) available on-line at <https://dnr.wisconsin.gov/topic/Brownfields/WRRD.html>

Public hearings

Public hearing notices have been sent for the Comprehensive Master Plan amendment, Rezoning and Special Use. Public hearings will be held during the Plan Commission meeting for the Rezoning and Special Use, and a separate public hearing is scheduled before the Common Council on March 15 for the Comprehensive Master Plan amendment.

No public comments have been received by the City Development Department as of writing of this report.

Preliminary Plat:

The proposed 17-lot subdivision consists of a single minor street to be called “Tess Creek Street” with a length of 790 feet, 60-foot right-of-way, designed to the typical minor street standards of UDO Table 15-5.0103 and with a temporary turnaround cul-de-sac. This street may be connected

to Mission Hills Court providing access to future development. In addition to the 17 residential lots, the subdivision would include an outlot for floodplain, natural resource areas, stormwater basin and existing fuel substation (St. Martins junction). It is worth noting the presence of a fuel line easement crossing the entire subdivision from the fuel substation to the east.

The zoning for the proposed plat is R-8 Multiple-Family Residence District, however, it would be a single-family residential subdivision as previously discussed. All lots exceed the R-8 minimum lot area of 6,000 square feet, and meet the requirement for minimum lot width of 60 feet measured at the right-of-way line and setback line.

City Development had concerns with lots 13 and 14 (formerly lots 16 and 17) due to the irregular building footprint that may cause a hardship to future lot owners. The applicant has indicated in a table that the available buildable area within setbacks allows for building footprints over 2,000 square feet, which meets the minimum living area per dwelling unit in the R-8 zoning district of 1,250 square feet, see response to review comment #5.

All single-family lots would have access to the proposed Tess Creek Street. The three lots abutting W Forest Home Avenue (lots 10, 11 and 12) would not have direct access to this avenue prevented by a landscape bufferyard easement. Note that this landscape bufferyard easement is required per Unified Development Ordinance UDO §15-5.0102.A, because Forest Home Avenue is classified as a Principal Arterial roadway.

Site Intensity calculations have been prepared (UDO §15-3.0500), and that the proposed development meets specifications regarding density and buildable area.

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

Pedestrian amenities and recreational trail

A sidewalk is proposed on one side (south-east) of Tess Creek Street. Sidewalks are not required in the bulb of the cul-de-sac.

In letter from Milwaukee County Department of Administrative Services dated October 29, 2021, Milwaukee County Parks Department recommends dedication to the City of Franklin or easement for a recreational trail, at least 20-foot wide and outside the 100-year floodplain (appendix #5, page 2).

The applicant has included a 20-foot recreational trail between the Forest Home Avenue right-of-way and the proposed Tess Creek Street. However, the recreational trail is not depicted in the landscape plan.

Stormwater Management and other Engineering approvals and required improvements

A stormwater ponds is proposed within Outlot 1. The applicant must submit a Stormwater Management Plan and calculations to the Engineering Department for review, and will require final Engineering Department approval as part of the review of the Final Plat Application. Section 15-8.0100 of the UDO sets forth the required improvements for all land divisions.

Natural Resource Protection Plan (NRPP)

A Natural Resource Protection Plan (NRPP) has been prepared for this subdivision, including wetland delineations by Wetland and Waterway Consulting dated November 6, 2019.

The proposed impact to natural resources is 754 square feet of young woodlands and the total area of this natural resource on this site is 38,831 square feet. Therefore, the proposed impact (1.9%) is within the permitted impact to young woodlands for residential land use of 50%. All other present natural resources would not be impacted: shore buffer, floodplain, wetland, wetland buffer and wetland setback.

Signage:

A subdivision monument or other similar signage would require separate City review and approval.

Other required documents

§15-7.0603 requires submittal of any Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowners' Association prior to approval of the Final Plat

Improvements including streets and utilities must be installed prior to recording of the Final Plat (§15-2.0303.A). If complete construction is not practicable, the applicant may enter into a Subdivider's ("Developer's") agreement with the City of Franklin, and provide a letter of credit for improvements (§15-2.0303.B). Should the final plat be recorded in two phases, the applicant would need to provide the financial guaranty in the amount required for each phase of the final plat prior to the recording of that phase.

Recommendation

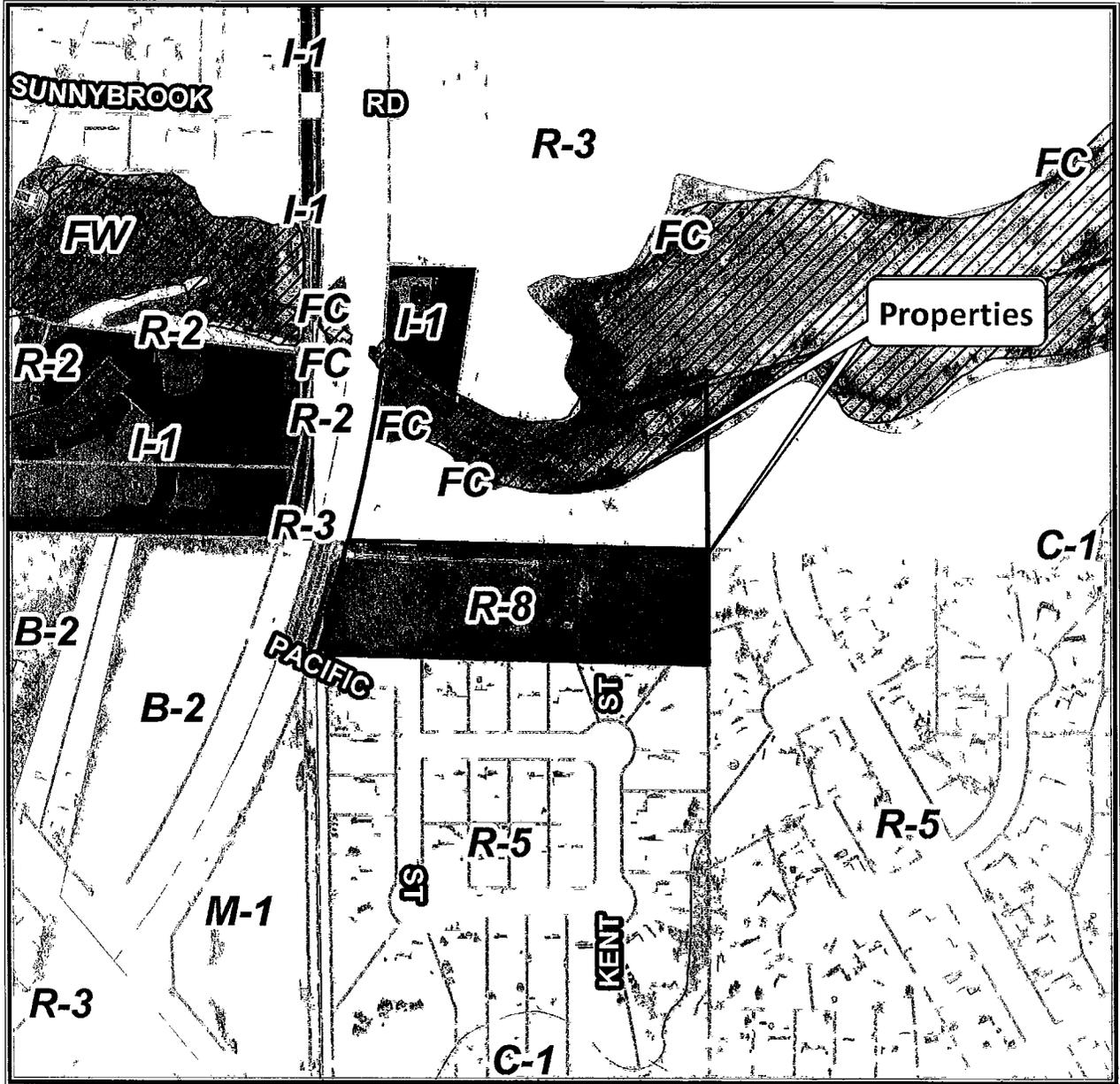
City Development staff recommends approval of these Comprehensive Master Plan Amendment, Rezoning, Special Use and Preliminary Plat applications for the Tess Creek Estates subdivision, the Special Use and Preliminary Plat shall be subject to the conditions set forth in the attached resolutions.

Appendices

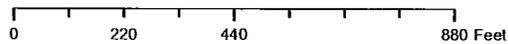
1. Certified Survey Map No. 9289, recorded in 2021.
2. Remediation and Redevelopment (RR) database record, Rawson Contractors Yard.
3. Site Investigation Report by Symbiont, 2008, Executive Summary only.
4. Vapor Intrusion – Short Term Risks for Trichloroethylene Vapors, Vapor Intrusion Pathway Assessment, and Immediate and Interim Actions, letter from the Department of Natural Resources dated April 6, 2021.
5. Status Report by Moraine Environmental, Inc. dated May 3, 2021.
6. Review letter from Milwaukee County dated October 29, 2021.

Franklin

11595 & 11600 W. Forest Home Ave.
TKNs: 751 9001 000 & 796 9987 001



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.

CERTIFIED SURVEY MAP NO. 9289

BEING PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

SW COR NE 1/4
SECTION 7-5-21
CONC MON W/BRASS CAP
N 337 382.98
E 2,520 046.43

- INDICATES IRON PIPE FOUND
- INDICATES 1 INCH DIA. IRON PIPE, 18 INCHES IN LENGTH, WEIGHING 113 LBS PER LINEAL FOOT, SET

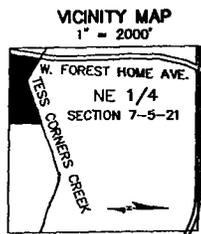
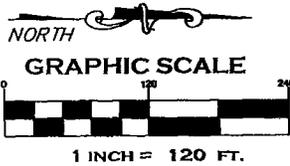
SW COR SE 1/4
SECTION 7-5-21
CONC MON W/BRASS CAP
N 334 727.42
E 2 520,078.71

ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT

ALL BEARINGS SHOWN ARE REFER TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 7-5-21, WHICH HAS A WISCONSIN STATE PLANE COORDINATE SYSTEM GRID, SOUTH ZONE, BEARING OF N 88°37'15" W.

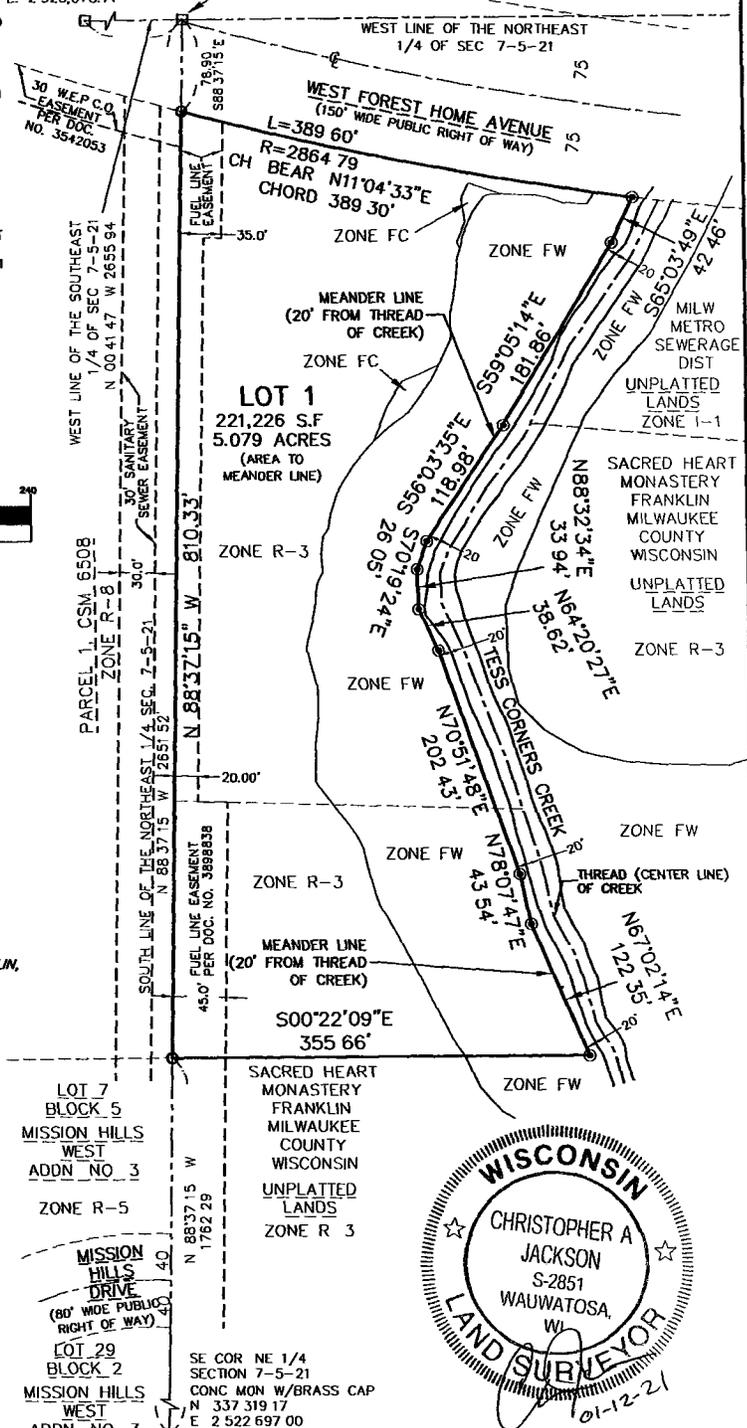
LAND SHOWN IS SERVICED BY PUBLIC SANITARY SEWER AND WATER.

PUBLIC TRUST INFORMATION:
ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1 OF THE STATE CONSTITUTION



OWNER:
SACRED HEART MONASTERY, FRANKLIN,
MILWAUKEE COUNTY, WISCONSIN.
P.O. BOX 289
HALES CORNERS, WI 53130

CJ engineering
civil design and consulting
9205 W Center Street
Suite 214
Milwaukee WI 53222
PH (414) 443-1312
www.cj-engineering.com





#2

ENVIRONMENTAL CLEANUP & BROWNFIELDS REDEVELOPMENT BRRTS ON THE WEB

>> SEARCH >> ACTIVITY

Click the Location Name or FID below to view the Location Details page. If additional Activities are present at this location, they may be accessed from Location Details.

ACTIVITY DETAILS

02-41-548631 RAWSON CONTRACTORS YARD

Status	Activity Type	Jurisdiction		
OPEN	ERP	DNR RR		
Location Name		County	DNR Region	
<u>WEST SHORE - ST MARTINS JUNCTION (JT)</u>		MILWAUKEE	SOUTHEAST	
Address		Municipality		
11600 W FOREST HOME AVE		FRANKLIN		
PLSS Description	Latitude (WGS84)	Longitude (WGS84)	Google Maps	RR Sites Map
NW 1/4 of the SE 1/4 of Sec 07, T05N, R21E	42 9086637	-88 0565159	CLICK TO VIEW	CLICK TO VIEW
Additional Location Description		Additional Activity Details		Acres
				5
Facility ID	PECFA No	EPA ID	Start Date	End Date
<u>241438230</u>			2007-01-05	

PECFA Funds Eligible	EPA Superfund	EPA NPL Site	Above Ground Petrol Tank	Underground Petrol Tank	Drycleaner	PFAS	Sediments	WI DOT Site
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Records related to the site are documents that were available at the time the scanned paper or electronic file was uploaded. Records withheld by the department due to confidentiality, attorney-client privilege, and other sensitive records, as well as lab data, may not be included. Additional records associated with the site may or may not be accessible through an open records request through DNR or another state agency (see Jurisdiction above).

Date	Code	Name	File	Comment
2007-01-05	1	<u>Notification of Hazardous Substance Discharge</u>		
2007-01-08	79	<u>Case Closure Review Request Received</u>		REC D CK# 000846 \$750.00
2007-01-29	2	<u>Responsible Party (RP) letter sent</u>		
2007-04-23	80	<u>Closure Not Recommended</u>		LETTER SENT
2007-07-19	135	<u>Site Investigation Workplan (SIWP) Received (fee)</u>		REC D CK# 000927 \$500.00
2007-10-03	36	<u>Site Investigation Workplan (SIWP) Approved</u>		LETTER SENT
2008-04-09	35	<u>Site Investigation Workplan (SIWP) Received (non-fee)</u>		

Date	Code	Name	File	Comment
2008-04-09	7	<u>Environmental Consultant Hired</u>		SYMBIONT
2008-05-14	97	<u>Technical Assistance Request Received (fee)</u>		REC D CK# 1169 \$500 00 RAWSON CONTRACTORS SITE MEETING
2008-05-14	98	<u>Technical Assistance Provided</u>		REC D CK# 1169 \$500 00 RAWSON CONTRACTORS SITE MEETING
2008-08-11	37	<u>Site Investigation Report (SIR) Received (non-fee)</u>		REC D SI
2008-08-11	99	<u>Miscellaneous</u>		REC D DISPOSAL EXEMPTION REQUEST
2008-08-11	147	<u>Remedial Action (RA) Design Report Received (non-fee)</u>		REC D RAP
2009-03-04	149	<u>Remedial Action (RA) Design Report Approved</u>		
2011-09-07	130	<u>DNR Regulatory Reminder Sent</u>		Vapor Intrusion (VI) Assessment Notification Ltr Sent
2012-03-06	200	<u>Push Action Taken</u>		PUSH LETTER SENT
2012-03-19	99	<u>Miscellaneous</u>		REC D LTR RE STATUS OF REMEDIATION WORK
2014-06-30	200	<u>Push Action Taken</u>		LTR SENT
2014-07-25	99	<u>Miscellaneous</u>		REC D CALL FROM KEN SERVI (262 695 2900) - WILL FOLLOW UP AND SEND SITE UPDATE
2015-07-10	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period 1/1/2015 - 6/30/2015
2016-01-15	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period 7/1/2015 - 12/31/2015
2016-03-17	200	<u>Push Action Taken</u>		STATUS UPDATE REQUEST LETTER
2016-04-15	99	<u>Miscellaneous</u>		REC D RESPONSE TO MARCH 2016 UPDATE REQUEST LETTER, RP IS WORKING ON FINANCES
2016-07-15	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period 1/1/2016 - 6/30/2016
2017-01-23	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period 7/1/2016 - 12/31/2016
2017-07-06	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period 1/1/2017 - 6/30/2017
2018-01-26	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period 7/1/2017 - 12/31/2017
2018-07-02	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period 1/1/2018 - 6/30/2018
2019-01-25	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period 7/1/2018 - 12/31/2018
2019-06-10	200	<u>Push Action Taken</u>		STATUS UPDATED REQUEST
2019-06-24	99	<u>Miscellaneous</u>		EMAIL FROM PROPERTY OWNER WORKING ON REDEVELOPING PROPERTY PLANS TO HIRE A CONSULTANT
2019-07-03	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period 1/1/2019 - 6/30/2019
2019-08-21	99	<u>Miscellaneous</u>		REQUEST FOR UPDATE ON REDEVELOPMENT PLANS & CONSULTANT HIRING OWNER TO INVESTIGATE CONTAMINATION
2020-03-24	99	<u>Miscellaneous</u>		SITE STATUS UPDATE RP WORKING WITH CITY OF FRANKLIN ON REDEVELOPMENT
2020-08-17	130	<u>DNR Regulatory Reminder Sent</u>		EMERGING CONTAMINANTS REMINDER LETTER
2021-04-06	130	<u>DNR Regulatory Reminder Sent</u>		VAPOR INTRUSION AND TCE REMINDER LETTER

Date	Code	Name	File	Comment
2021-05-13	43	Site Activity Status Update Received		STATUS REPORT RECENT SOIL BORINGS ANALYTICAL AND PROJECT OVERVIEW
2021-07-12	195	Semi-Annual/PECFCA Cost Reporting (NR700) Requirement Met		Period 1/1/2021 - 6/30/2021
2022-01-04	195	Semi-Annual/PECFCA Cost Reporting (NR700) Requirement Met		Period 7/1/2021 - 12/31/2021

Substance	Type	Amt Released	Units
Petroleum Unknown Type	Petroleum		
Polynuclear Aromatic Hydrocarbons	Petroleum		

KEN SERVI 1007 N PINEGROVE CT VILLA 34 HARTLAND WI 53029

[RILEY NEUMANN](mailto:riley.neumann@wisconsin.gov) riley.neumann@wisconsin.gov

BRRTS data comes from various sources, both internal and external to DNR. There may be omissions and errors in the data and delays in updating new information.

548631 | 02-41-548631

EXECUTIVE SUMMARY

Symbiont was retained by Forest Home Investors, LLC to complete a Site Investigation and prepared a Remedial Action Plan for the former Rawson Contractors Yard site located at 11600 West Forest Home Avenue in Franklin, Wisconsin. The purpose of the Site Investigation was to (a) further evaluate the source, magnitude and extent of the polycyclic aromatic hydrocarbon and other contamination at the site identified during a Phase II Environmental Site Assessment conducted by STS Consultants for Mission Creek LLC in 2006 and 2007 and (b) to provide data necessary to evaluate alternatives and prepare a remedial action plan.

The Site Investigation included re-sampling of three previously installed groundwater monitoring wells, excavation of four test pits, and installation of 16 soil borings using hydraulic probe sampling techniques. The Wisconsin Department of Natural Resources was notified of Symbiont's investigation approach as presented in the *Environmental Consultant Notification and Site Investigation Work Plan* dated April 4, 2008 (Symbiont, 2008).

Based on the results of the Site Investigation, the following conclusions and recommendations are made:

CONCLUSIONS

Site Geology and Hydrogeology

- Geology in the vicinity of the Site consists of an upper asphalt and gravel fill unit present at the ground surface and ranging in thickness from 1 to 2 feet, and underlain by a native clay soil layer that extends to at least 12 feet below ground surface.
- Groundwater at the Site appears to flow towards the northeast based on measurements collected on April 11, 2008, which is consistent with historical measurements.

Soil Quality

- A small area in the southwest corner of the Site in the vicinity of an above ground storage tank and soil boring GP-1 is impacted with cadmium at concentrations that exceed the groundwater pathway and non-industrial direct contact standards to a depth of approximately 4 feet below ground surface. The volume of material in this area is estimated to be approximately 150 cubic yards.
- Asphalt and gravel fill materials in an area in the eastern half of the storage yard containing soil borings B-3, GP-4, GP-8, SB-10 and SB-13 contain one or more polycyclic aromatic hydrocarbon compounds at concentrations that exceed the industrial direct contact and/or groundwater pathway residual contaminant levels. The materials are present within 2 feet of the ground surface and the volume of material that exceeds the industrial residual contaminant levels is estimated to be approximately 1,100 cubic yards.
- Other areas of the asphalt and gravel fill materials present within the 0 to 2-foot depth interval have one or more polycyclic aromatic hydrocarbon compounds at concentrations that exceed the site specific non-industrial direct contact risk for one or more polycyclic

aromatic hydrocarbon compounds. The volume of this material is estimated to be approximately 2 975 cubic yards.

- The fill materials with polycyclic aromatic hydrocarbon impacts appear to be gravel containing asphalt shavings which were reported by the owner to have intentionally been placed at the site for use as a roadway and parking surface for construction equipment. The polycyclic aromatic hydrocarbon impacts in these surficial fill materials are not believed to be attributable to “releases of contaminants to the environment” regulated under NR700 Wisconsin Administrative Code but are instead believed to be associated with petroleum constituents present within asphalt used for road/parking lot construction.
- No polycyclic aromatic hydrocarbons were detected by Symbiont within native clay soil that is present underlying the 2-foot surface layer of gravel/asphalt fill materials. Symbiont resampled the soil twice from the two borings where STS Consultants reported elevated concentrations of one or more polycyclic aromatic hydrocarbons at depths below 10 feet, with no polycyclic aromatic hydrocarbons detected in the samples analyzed by Symbiont. It is suspected that the materials sampled by STS Consultants may have been “sluff” transported from the ground surface into the deeper portions of the boreholes by the hollow stem auger drilling method that was reportedly used by STS Consultants.

Groundwater Quality

- Symbiont resampled the groundwater twice from groundwater monitoring wells where STS Consultants reported elevated concentrations of one or more polycyclic aromatic hydrocarbons and one or more dissolved metals. No polycyclic aromatic hydrocarbons or dissolved metals were detected in the groundwater samples collected by Symbiont using low flow sampling methods.
- Previous detections of metals and polycyclic aromatic hydrocarbons reported by STS Consultants in groundwater samples are suspected to be attributable to sampling methods and the possible presence of significant quantities of sediment in the samples collected by STS Consultants in contrast with the samples collected by Symbiont which were relatively sediment free as a result of the use of low flow sampling methods.

RECOMMENDATIONS

It is recommended that the estimated 150 cubic yards of cadmium impacted material present within the vicinity of the above ground storage tank be excavated and landfilled. Fill materials containing asphalt and elevated polycyclic aromatic hydrocarbon concentrations, should be removed from the Site. A low hazard exemption from the Wisconsin Department of Natural Resources will be applied for so that asphalt removed from the site can be reused as roadbed/parking slab materials at an industrial site owned by Forest Home Investors located in Lisbon, Wisconsin.



April 6, 2021

KEN SERVI
1007 N PINEGROVE CT VILLA 34
HARTLAND WI 53029

Subject Vapor Intrusion – Short Term Risks for Trichloroethylene Vapors, Vapor Intrusion Pathway Assessment, and Immediate and Interim Actions
RAWSON CONTRACTORS YARD
11600 W FOREST HOME AVE, FRANKLIN, WI
BRRTS# 02-41-548631 FID# 241438230

Dear Sir or Madam

This letter is being sent to all Responsible Parties (RPs) that currently have an active contamination response site on the Department of Natural Resources (DNR's) Bureau for Remediation and Redevelopment Tracking System (BRRTS). It reiterates and enhances information about vapor intrusion risk that has been previously provided to you by DNR, either in a letter sent by DNR in 2011 regarding assessment of the vapor pathway or in your responsible party letter if your case was opened after 2011. Recent studies indicate that vaporized trichloroethylene (TCE) in indoor air is more toxic than previously understood and the risk posed by TCE vapors requires an immediate response when women of child-bearing years are present.

The purpose of this letter is to communicate three points related to vapor intrusion:

- 1. TCE poses short-term risks to human health that justify accelerated assessment, investigation and mitigation of the vapor intrusion pathway.**
2. Assessment of the vapor intrusion pathway is part of the investigation process and should be assessed as early as possible and routinely re-assessed throughout the life of a project.
3. Immediate and interim actions may be necessary early in the site investigation process to protect human health from contaminated vapors.

We encourage you to discuss this information with your environmental consultant. The DNR believes the health risks of TCE vapors are serious enough that it should be one of *the first things* evaluated as part of a site investigation, especially at sites where contamination may impact sensitive populations. RPs should be diligent about screening for TCE in vapors as early in the site investigation process as possible, to determine if immediate actions are warranted to reduce harmful exposure.

Unfortunately, many RPs and consultants wait until late in the site investigation process, or even at case closure, before taking steps to assess the presence of vapors and any needed mitigation efforts. We are encouraging you to do this as one of the first steps in your site investigation.

Health Risk

All volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), some metals (e.g., mercury) and methane have the potential to create harmful vapors with varying degrees of toxicity. Some compounds produce an odor, such as gasoline, but many do not, making expedited assessment critical to identifying exposure. Preferential pathways such as sewers allow vapors to travel long distances from the source in multiple directions, increasing the possibility of exposure to humans. Additional information on the human health hazards from vapor intrusion can be found by going to dnr.wi.gov, search “Vapor” and go to the “Health” tab.

The VOC, trichloroethylene (TCE), poses a short-term (i.e., acute) health risk in indoor air at certain concentrations that justifies expedited assessment, investigation and mitigation as immediate or interim actions (USEPA, 2014, Makris et al., 2016). As discussed in DNR vapor intrusion guidance (see below), quickly identifying demographics is a key component of the risk assessment. This is supported by the Department of Health Services. TCE also poses a long-term (i.e., chronic) health risk.

TCE is a chlorinated solvent commonly used as a parts washer and degreaser of metal equipment. It is also used for spot cleaning and found in household items such as aerosols. TCE is also a breakdown product of tetrachloroethylene (PCE or “perc”). PCE is a chlorinated solvent used in commercial and industrial businesses such as dry cleaners, metal plating, paper mills, etc. When released to the environment, PCE, TCE (either as a source or a breakdown product) and other contaminants readily migrate through soil, groundwater and subsurface air.

Authority – Assessments and Interim and Immediate Actions

Assessment of the vapor intrusion pathway is a critical part of an environmental investigation. Wisconsin Administrative Code (Wis Admin Code) Chapter NR 716 outlines the requirements for investigation of contamination in the environment. Specifically, Wis Admin Code § NR 716.11(3)(a) requires the field investigation “determine the nature, degree and extent, both areal and vertical, of the hazardous substances or environmental pollution in **all** affected media,” which includes sub-surface and indoor air. In addition, Wis Admin Code § NR 716.11(5) specifies that the field investigation include an evaluation of the “potential pathways for migration of the contamination, including drainage improvements, utility corridors, bedrock and permeable material or soil along which **vapors**, free product or contaminated water may flow.”

A vapor intrusion pathway assessment may demonstrate that an immediate or interim action is required under Wis Admin Code ch. NR 708. Wis Admin Code § NR 708.05(2) states “for hazardous substance discharges that pose an **imminent threat to public health, safety or welfare** or the environment, responsible parties shall conduct all necessary emergency immediate actions.” Under Wis Admin Code § NR 708.11(1), appropriate interim actions must be taken when “necessary to **minimize any threat to public health, safety or welfare** or the environment” and could include “constructing a temporary engineering control, such as low permeability cover, or **installing and operating a vapor mitigation system**” per Wis Admin Code § NR 708.11(2)(d).

Immediate and interim actions, such as installation of a vapor mitigation system, can be taken to interrupt human exposure. **However, interim actions are not acceptable long-term remedies.** Wis Admin Code chs. NR 722, 724 and 726 address required cleanup actions to address the sources of contamination. More specifically, Wis Admin Code § NR 726.05(8)(b)1, states a site is not eligible for closure until “a **remedial action has been conducted and reduced the mass and concentration of volatile compounds to the extent practicable**.”

Guidance and Evolution of Vapor Intrusion Science

The DNR publishes guidance to help RPs and their consultants comply with the requirements in Code *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin*, RR-800 (v January 2018) can be found at <https://dnr.wi.gov/files/PDF/pubs/rr/RR800.pdf> **As noted above, the presence of TCE may present specific concerns related to demographics. Section 3.4.1 of DNR’s guidance discusses the need to quickly identify demographics and prioritize action when TCE is the contaminant of concern. Section 7.1 discusses potentially appropriate immediate actions necessary to limit exposure.**

The science of vapor intrusion continues to rapidly evolve. The mechanics of vapor intrusion and risks to human health are being continually researched and discussed on a national and international level. This constant increase in knowledge requires the vapor intrusion pathway to be routinely reassessed throughout the life of a project until case closure. Therefore, in addition to RR-800, the DNR provides videos, fact sheets and additional guidance on vapor intrusion on its website. Go to dnr.wi.gov and search “Vapor.” Technical resources developed by other government and private sources are included.

The DNR will continue to update its resources to incorporate advances in science on assessment, investigation and mitigation options, to partner with local and state health departments on the risks to human health, and to routinely communicate with environmental consultants on these advances.

If you have questions regarding this letter, please contact the assigned DNR Project Manager or DNR Site contact.

RILEY NEUMANN
(414) 750-7030
riley.neumann@wisconsin.gov

Sincerely,



Christine Haag
Program Director
Remediation & Redevelopment Program

Copy to Consultant(s) on Record



Moraine Environmental, Inc.

Design • Engineer • Construct

#5

May 3, 2021

Project Ref # 6356

Mr. Ken Servi
Forest Home Investors, LLC
PO Box 91
Sussex, Wisconsin 53089

Via Email kservi43@gmail.com

RE: Status Report – Recent Soil Borings, Analytical and Project Overview
Rawson Contractors Yard
11600 W Forest Home Avenue
Franklin, WI 53132
WDNR BRRTS #02 41 548631

Dear Ken,

Moraine Environmental, Inc. (Moraine) has completed the scope of work as described in our March 23, 2021 proposal. Soil probes were completed by our drilling contractor, Horizon Construction & Exploration (Horizon) on March 31, 2021. The goal of this initial scope of work was to define soil contaminant extents from findings of previous investigative efforts completed in 2006 and 2008 on the eastern half of the property. Moraine also intends to provide historic oversight on the activities completed to date, but also provide recommendations moving forward.

The recent work included installation of eight (8) soil probes each to two (2) feet below ground surface (bgs). Soil samples from SP 1 and SP 2, in the vicinity of the former 2,000 gallon diesel fuel UST were analyzed for the metal Cadmium. Soil samples from SP-3 through SP 8 were analyzed for polycyclic aromatic hydrocarbons (PAHs). Figure 1, attached, presents historic information, as well as probe locations completed by Moraine.

Cadmium was identified in GP 1 (2-4) soil above its groundwater pathway residual contaminant level (RCL) in 2006. Analysis of Moraine samples from SP-1 (0 2) and SP 2 (0 2) resulted in no detections of cadmium above its groundwater pathway RCL of 0.75 ug/kg. The extent of shallow cadmium contamination in this small area is now defined.

PAH analysis from samples collected from SP-3 through SP 8 resulted in no PAH detections above WDNR soil standards in samples collected from SP 5 through SP 8. As such, the extent of PAH contamination is defined to the north and east around the PAH soil plume. PAH analytical results for the samples collected at SP 3 and SP 4 resulted in one or more PAH compounds detected at levels above PAH soil direct contact values. Additional soil testing to the south/southeast of SP 3 and to the west/northwest of SP 4 will be required and is recommended to define the extent of PAH contamination.

Moraine created new summary tables for all historic and current soil and groundwater sample results collected since 2006 and updated the summary tables to current standards to complete our review. A total of 55 soil samples from 34 distinct sample locations have been analyzed for one or more of volatile organic compounds (VOCs), PAHs, and the metals lead and cadmium. Sample results collected in 2006 ruled out the presence of VOCs in the yard area, therefore subsequent VOC sampling was not completed, and unless Moraine identifies a problem will not be completed in the future in the former yard area.

Multiple depth sampling for PAHs was completed in 17 of the 34 soil probe locations, as analyzed in 2006 and 2008. The data indicates PAHs are present in the upper 2 feet at levels above soil standards and that deeper sample results are below WDNR standards. The only exception to this trend occurred at B-5 where it appears the deep sample and shallow sample jar (container) labels were likely switched (reversed). Going forward we will consider the shallow sample is the actual contaminated sample and not the deep sample, as evidenced by follow up testing at B-5 in April and June of 2008 suggests.

Overall, there are 13 soil probe locations with one or more PAH compounds detected at levels above direct contact RCLs, each in the shallow (upper 4 feet direct contact zone). Figure 2 represents both the extents of PAH and Cadmium contamination in soil, which encompasses most of the eastern yard area.

The development of the property with residential homes will require direct WDNR involvement to 1) complete the site investigation started in 2006 and 2) develop a soil management plan which ultimately provides for the safety and welfare of the new homeowners. The only way the site can obtain closure is by capping (the soil that is above WDNR standards) which is the most cost effective, or by removal and landfilling at a Bio-remediation site. The best and most cost effective financial option is to cap and/or stockpile in berms and then develop.

Specifically, The direct contact PAH soil contamination can either be removed and hauled to the commercially managed Bio-pile landfill, which will be costly, or it can be bermed and/ or capped with 2 feet of clean fill, with WDNR approval. Considerations in a soil management plan to WDNR will also need to be made for the home excavations such that any of the soil removed for basements will need to remain on-site in pre designated areas. Current grades and final grade plans, if adding 2 feet of clean cover, will need to be documented to the WDNR as this process moves forward.

We have yet to complete additional investigations, as discussed above, to define the extent around SP-3 and SP-4, but also will need to assess the western ½ of the property, as residential homes will also be constructed in this area. Additionally, there are already 100 or more quad axle loads of dirt placed on the eastern end of the property. This soil will need to be tested prior to being used as a portion of the 2 feet of clean fill in that area. Any other soil needed to bring the site up 2 feet will have to be from a certified clean source. Many times this clean fill is free or it can even become a revenue source, whereas site developers will pay a fee for you to take their clean fill. In addition, the existing monitoring wells need to be tested and a determination will need to be made if additional well installations are necessary. Based on the last round of sampling (third of three rounds only) conducted on the groundwater in 2008, it appears that PAHs, lead, and cadmium should be analyzed from each of the three monitoring wells.

Ken, for your development plan to come to fruition, additional effort will need to be made on the environmental side. Although PAHs are not volatile, they do have extremely low direct contact values due to the carcinogenic nature of many of the compounds in the PAH list.

When public health is concerned, the WDNR takes extreme caution in any plans they approve, and they will expect "as-built" documentation when your development is complete. Thus, as discussed above, the WDNR must be informed of and be an active participant in your plans as you move toward approval.

Essentially, Forest Home Investors, LLC and Moraine have several activities to complete, as follows:

- 1) Define the contaminant extent for PAH's around SP 3 and SP-4
- 2) Conduct composite sampling and analysis of the estimated 100 truckloads of soil
- 3) Conduct investigation of western ½ of the property
- 4) Complete a Soil and Groundwater Subsurface Investigation Report.
- 5) Develop a soil management Plan map with accompanying text for submittal and approval by the WDNR
- 6) Prepare and Complete a Request for Case Closure Report - this will follow Project Development

At your request Moraine will provide a work scope and cost estimates to complete the above tasks.

The resultant goals will be twofold:

- A sign-off by the WDNR to allow your residential development project to proceed, which will be protective of public health
- Final Case Closure with Continuing Obligations to properly manage the property during and following the residential subdivision development

Special note: As stated above, although your project will be able to proceed after a soil management plan approval from WDNR, you will not receive case closure status until the development project is completed and as-built drawings are submitted.

If you have any questions, please contact me.

Sincerely,



David M. Lennon, P.E.
Senior Project Manager
Moraine Environmental, Inc.



Thomas C. Sweet
President
Moraine Environmental, Inc.

Attachments

Figure 1

Detailed Site Map

11600 W Forest Home Ave., Franklin, WI



Figure 2

Extent of Soil Contamination 11600 W Forest Home Ave., Franklin, WI

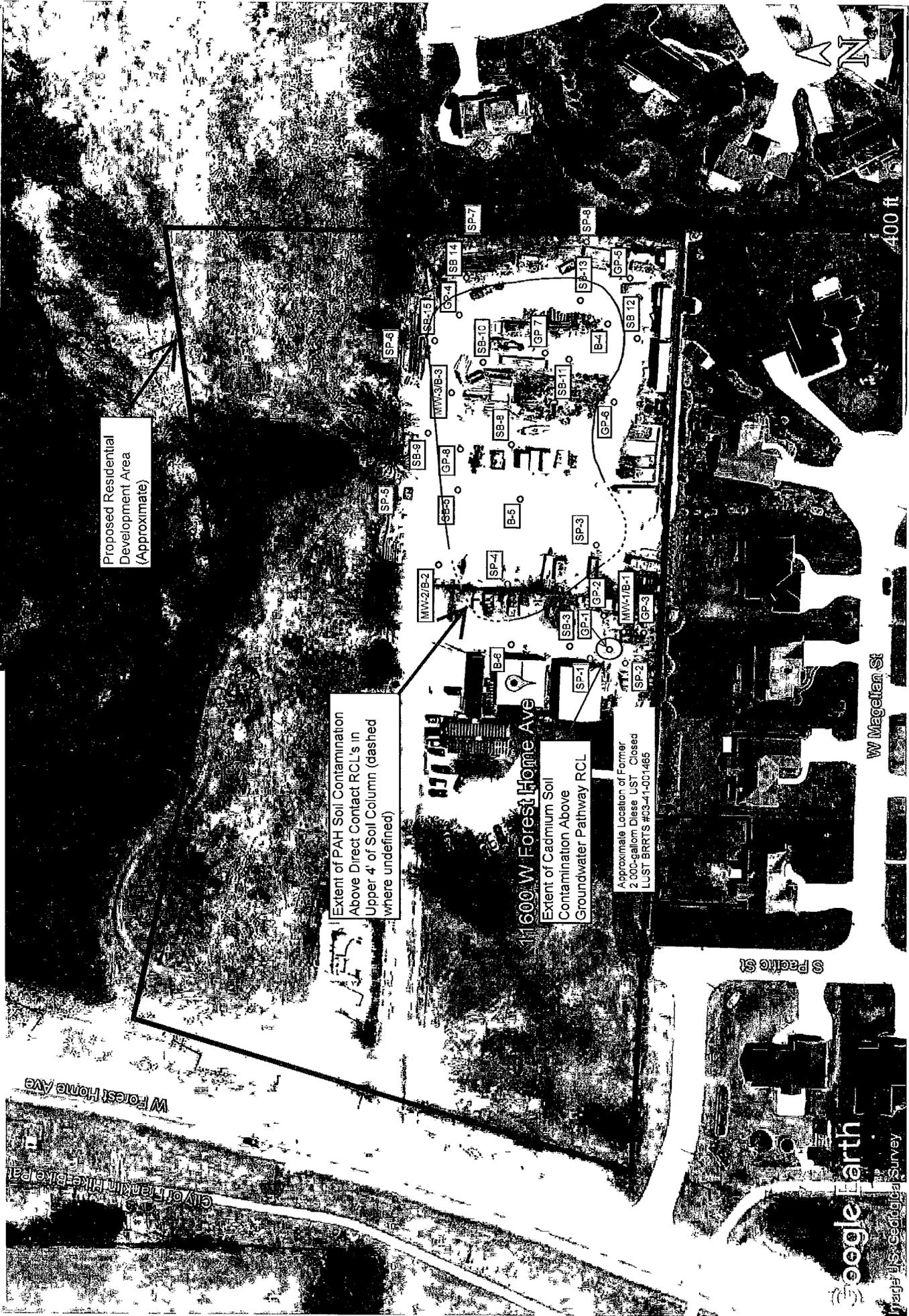
Legend
📍 11600 W Forest Home Ave

Proposed Residential
Development Area
(Approximate)

Extent of PAH Soil Contamination
Above Direct Contact RCL's in
Upper 4' of Soil Column (dashed
where undefined)

Extent of Cadmium Soil
Contamination Above
Groundwater Pathway RCL

Approximate Location of Former
2,000-gallon Diesel UST, Closed
LUST BRTS #03-41-001465



DEPARTMENT OF ADMINISTRATIVE SERVICES

Milwaukee County

#6



October 29, 2021

David Bell
Dept of Administration
Plat Review
101 East Wilson St FL 9
Madison, WI 53703
P O Box 1645
Madison, Wisconsin 53701

**RE: Tess Creek Estates
Preliminary Plat - File C-12-780
State File: 28535**

Dear Mr Bell

A copy of the Preliminary Plat of Tess Creek Estates located in the SE ¼ & NE ¼ of Section 7, Township 5 North, Range 21 East in the City of Franklin has been reviewed by Milwaukee County in accordance with Section 236 12 of the Wisconsin Statutes

We object to the above preliminary plat This objection may be rescinded if certain conditions are met by the developer The special conditions are as follows

- 1 That Outlot 1 shown on the plat be dedicated to the City of Franklin or be owned by the Tess Creek Estates Homeowners Association by means of a fractional ownership

If the homeowners association elects to own Outlot 1, then the following note shall be placed on the final plat and made as a requirement of the City in the plat approval process

Outlot 1 of the plat of Tess Creek Estates is owned and shall be maintained by the Tess Creek Estates Homeowners Association and each individual lot owner shall have an undividable fractional ownership of the outlot and that Milwaukee County and the City of Franklin shall not be liable for any fees or special assessments in the event Milwaukee County or the City of Franklin should become the owner of any lot in the subdivision by reason of delinquency The Homeowners Association shall maintain said outlot in an unobstructed condition so as to maintain their intended purpose Construction of any building, grading, or filling in said outlot is prohibited unless approved by the City of Franklin The Homeowners Association grants to the City the right (but not the responsibility) to enter upon this outlot in order to inspect, repair or restore said outlot to its intended purpose Expenses incurred by the City for said inspection, repair or restoration of said outlot may be placed against the tax roll for said association and collected as a special charge by the City

Any questions regarding item 1 can be directed to Ms Rhonda Jacobson in Real Estate at 414-278-7860

- 2 The following comments are from the Register of Deeds office

- **Comment:** \$150 00 Review Fee Not Paid

David Bell
Tess Creek Estates
Preliminary Plat - File C-12-780

- **Comment:** Plat states current owner is Servi Investments, LLC, however our records reflect Forest Home Investors, LLC as current So, please record a deed prior to recording of plat transferring ownership to Servi Investments, LLC
- **Comment:** The exterior boundary could not be checked for closure due to legal description calling out Certified Survey Map Numbers only
- **Comment:** The Plat calls out South Pacific Street, our records show it is platted as West Pacific Street
- **Comment:** Please comply with State Statute 236 20 for final submission and provide the appropriate certificates pursuant to WI Stat 236 21 and recording rules 236 25 and the local municipalities ordinances for further questions

If you require additional information or clarification on the above comments, please contact Ms Rosita Ross at Milwaukee County Register of Deeds office at 414-278-4047

3 The following comments are from Milwaukee County Parks Department

The subject land is shown as an important location for future trail connectivity in planning documents from Milwaukee County Parks, the Route of the Badger, and SEWRPC Please see attached maps Future trail planning and the existing trail that the City of Franklin has built from Rawson to Swiss indicate that this will be a very useful connection to Whitnall Park and the Oak Leaf Trail overall

Milwaukee County Parks requests that accommodations be made for the future Oak Leaf Trail If the City of Franklin is not willing or able to provide these trail connections, Milwaukee County Parks may be able to do so with a future funding source Due to budget constraints, a City-built trail is preferred over county-generated resources

A dedication to the City of Franklin or trail easement to Milwaukee County Parks should be provided that would permit construction and public access with a minimum width of 20', and out of the 100-year floodplain and wetland buffer to preserve best practices in trail design and maintenance

A dedication to the City of Franklin or trail easement to Milwaukee County Parks should follow the river and connect south to the future ROW dedication for Tess Creek Road

If you require additional information or would like to discuss the above request further, please contact Ms Sarah Toomsen, Milwaukee County Parks, Manager of Planning & Development at 414-257-7389

4 The following comments are from Milwaukee County Department of Transportation (MCDOT)

MCDOT has started the design process for project WH0111012, a Highway Reconditioning Project at W Forest Home Ave (CTH 00) – Hi View Dr to W Speedway Dr and will be impacting S Pacific Street MCDOT would like to discuss future planning for any right of way improvements at the intersection of W Forest Home Ave (CTH 00) & S Pacific Street The schedule let date is 03/15/2023

Please contact Mr Vernon Singleton, MCDOT at 414-257-5947 or via email at vernon.singleton@milwaukeecountywi.gov to discuss the above request further

David Bell
Tess Creek Estates
Preliminary Plat - File C-12-780

Very truly yours,

KARL STAVE
Karl Stave, P E

cc Sarah Toomsen, Parks
Rhonda Jacobson, Real Estate
Rosita Ross, Register of Deeds
Vernon Singleton, MCDOT
Christopher Jackson, Surveyor
Marion Ecks, Associate Planner, City of Franklin

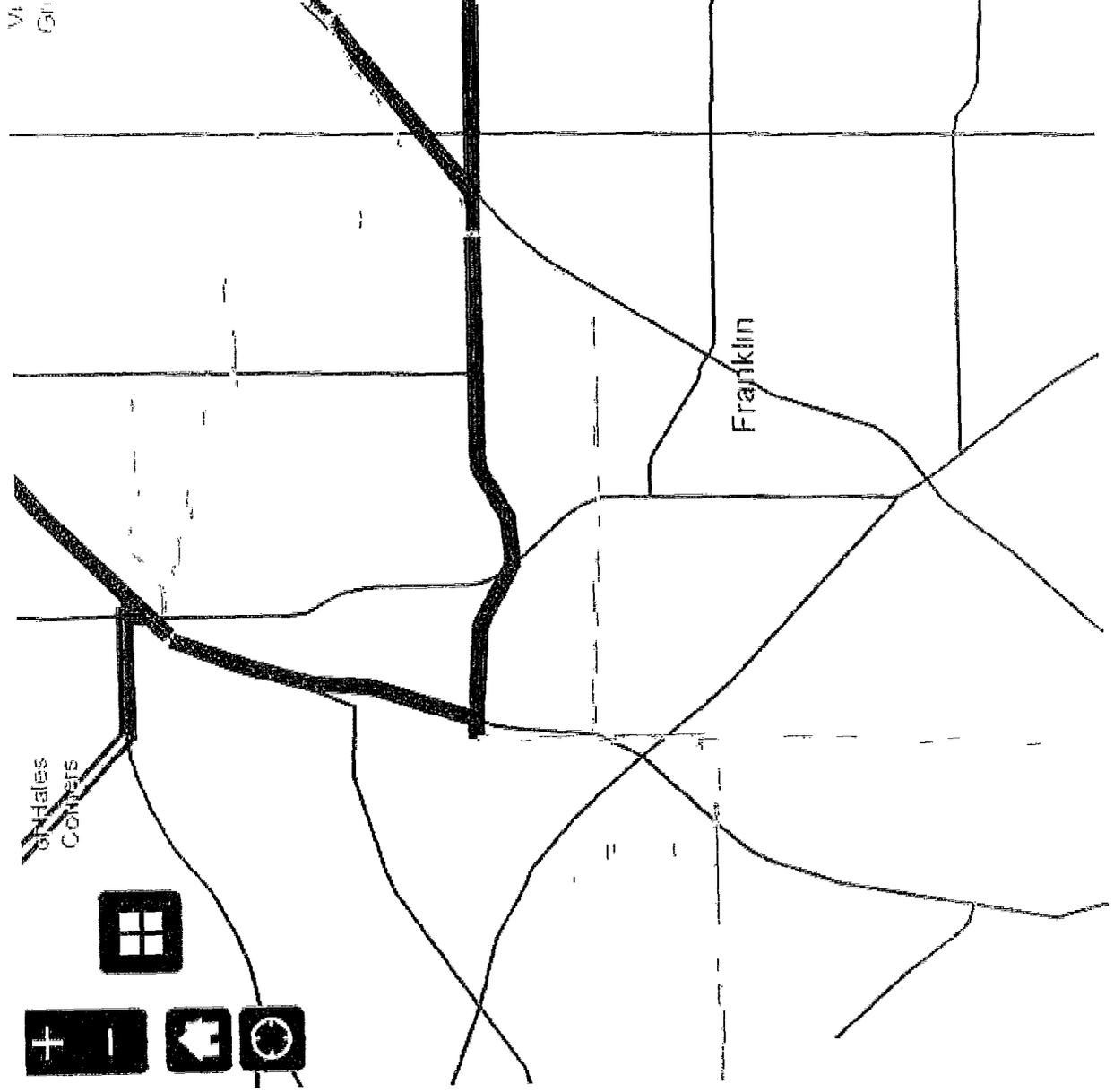
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Off-Street Bicycle Path

Arterial Street or Highway with Bicycle Accommodation (If Feasible)

Nonarterial Connection to Off-Street Bicycle Network

Potential Corridor for Enhanced Bicycle Facility



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



APPLICATION DATE 11/12/21

STAMP DATE city use only

COMMON COUNCIL REVIEW APPLICATION

PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]		APPLICANT IS REPRESENTED BY [CONTACT PERSON]	
NAME Ken Servi		NAME Christopher Jackson, PE, PLS	
COMPANY Servi Investments		COMPANY CJ Engineering, LLC	
MAILING ADDRESS PO Box 91		MAILING ADDRESS 9205 W Center St Suite 214	
CITY/STATE Sussex, WI ZIP 53089		CITY/STATE Milwaukee, WI ZIP 53222	
PHONE 414-791-6367		PHONE 414-443-1312	
EMAIL ADDRESS kservi43@gmail.com		EMAIL ADDRESS chns@cj-engineering.com	

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS 11600 W Forest Home + lands to the north	TAX KEY NUMBER Parcel 1 CSM 6508 7969981001 Lot 1 9289 part of 7519998002 & part of 7519999000
PROPERTY OWNER Ken Servi, Servi Investments	PHONE 414-791-6367
MAILING ADDRESS PO Box 91	EMAIL ADDRESS kservi43@gmail.com
CITY/STATE Sussex, WI ZIP 53089	DATE OF COMPLETION office use only

APPLICATION TYPE

Please check the application type that you are applying for

- Concept Review
 Comprehensive Master Plan Amendment
 Planned Development District
 Rezoning
 Special Use / Special Use Amendment
 Unified Development Ordinance Text Amendment

Most requests require Plan Commission review and Common Council approval
 Applicant is responsible for providing Plan Commission resubmittal materials up to 12 copies pending staff request and comments

SIGNATURES

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)

I, the applicant, certify that I have read the following page detailing the requirements for plan commission and common council approval and submittals and understand that incomplete applications and submittals cannot be reviewed

PROPERTY OWNER SIGNATURE 	APPLICANT SIGNATURE
NAME & TITLE Ken Servi DATE 1-18-2022	NAME & TITLE Ken Servi DATE 1-18-2022
PROPERTY OWNER SIGNATURE	APPLICANT REPRESENTATIVE SIGNATURE
NAME & TITLE DATE	NAME & TITLE DATE

CITY OF FRANKLIN APPLICATION CHECKLIST

If you have questions about the application materials please contact the planning department

CONCEPT REVIEW APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details)
- \$250 Application fee payable to the City of Franklin
- Three (3) complete collated sets of application materials to include
 - Three (3) project narratives
 - Three (3) copies of the Preliminary Site/Development Plan of the subject property(ies) and immediate surroundings on 8 1/2" X 11" or 11" X 17" paper (i.e., a scaled map identifying the subject property and immediate environs, including existing and proposed parcels, existing and proposed structures, existing and proposed land uses, existing and proposed zoning, existing and proposed infrastructure and utilities[approximate locations only], and existing and proposed site conditions/site constraints [i.e. approximate locations of public road access, rights of way, natural resources/green space and drainage issues/concerns, etc.])
 - Three (3) colored copies of building elevations on 11" X 17" paper if applicable
- Email or flash drive with all plans / submittal materials

COMPREHENSIVE MASTER PLAN AMENDMENT APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details)
- \$125 Application fee payable to the City of Franklin
- Word Document legal description of the subject property
- Three (3) complete collated sets of application materials to include
 - Three (3) project narratives
 - Three (3) folded copies of a Site Development Plan / Map, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, identifying the subject property and immediate environs, including parcels, structures, land use, zoning, streets and utilities, and natural resource features, as applicable
- Email or flash drive with all plans / submittal materials
- Additional information as may be required
 - Requires a Class I Public Hearing Notice at least 30 days before the Common Council Meeting

PLANNED DEVELOPMENT DISTRICT (PDD)

- This application form accurately completed with signatures or authorization letters (see reverse side for more details)
- Application fee payable to the City of Franklin [select one of the following]
 - \$6,000 New PDD
 - \$3,500 PDD Major Amendment
 - \$500 PDD Minor Amendment
- Word Document legal description of the subject property
- Three (3) complete collated sets of application materials to include
 - Three (3) project narratives
 - Three (3) folded full size, of the Site Plan Package, drawn to scale copies, on 24 x 36" paper, including Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc. (See Sections 15 7 0101, 15 7 0301, and 15 5 0402 of the UDO for information that must be denoted or included with each respective plan)
- One (1) colored copy of the building elevations on 11" X 17" paper, if applicable
- One (1) copy of the Site Intensity and Capacity Calculations, if applicable (see division 15 3 0500 of the UDO)
- Email or flash drive with all plans / submittal materials
 - PDD and Major PDD Amendment requests require Plan Commission review, a public hearing and Common Council approval
 - Minor PDD Amendment requests require Plan Commission review and Common Council approval

REZONING

- This application form accurately completed with signatures or authorization letters (see reverse side for more details)
- Application fee payable to the City of Franklin [select one of the following]
 - \$1,250
 - \$350 one parcel residential
- Word Document legal description of the subject property
- Three (3) complete collated sets of application materials to include
 - Three (3) project narratives
 - Three (3) folded copies of a Plot Plan or Site Plan, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned
- Email or flash drive with all plans / submittal materials
- Additional information as may be required
 - Additional notice to and approval required for amendments or rezoning in the FW, FC, FFO, and SW Districts
 - Requires a Class II Public Hearing notice at Plan Commission

Project Description

The proposed project will consist of the construction of a 17 lot single family subdivision called Tess Creek Estates

The existing roadway stub from South Pacific Street will be extended north then east to a temporary cul-de-sac. A 60' ROW will be extended all the way to the east lot line for possible future extension and connection to the east to Mission Hills Court. Existing onsite sanitary sewer and existing water main in South Pacific Street will be extended to serve the proposed lots. Storm sewer will be located in the proposed public roadway that will collect and drain storm water to the proposed onsite storm water pond.

The proposed Tess Creek Estates is to be located on the previously developed property addressed 11600 W. Forest Home Ave. along with approximately 5 acres of undeveloped land to the north up to the centerline of Tess Corners Creek to create an approximate 10 acre proposed single family subdivision. The additional 5 acres of undeveloped land is requested to be rezoned from R-3 to R-8 (single family) to match the existing zoning of the 11600 property.

The proposed R-8 zoning requested will utilize the single family component of the R-8 zoning and is consistent with the Comprehensive Master Plan future land use as Residential.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">03/15/22</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT (A PORTION OF THE PROPERTY LOCATED AT 11595 WEST FOREST HOME AVENUE) (APPROXIMATELY 3.15 ACRES) (P. KENNETH SERVI, SERVI INVESTMENTS, LLC, APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.2.</p>

At its February 17, 2022, regular meeting, the Plan Commission carried a motion to recommend approval of this Ordinance to amend the Unified Development Ordinance (zoning map) to rezone a certain parcel of land from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District (a portion of the property located at 11595 West Forest Home Avenue) (approximately 3.15 acres). The vote was (6-0-0), six ‘ayes’, no ‘noes’ and no absents.

Four items of this meeting’s agenda are regarding the subject Tess Creek subdivision: a comprehensive master plan amendment, a rezoning, a special use and a preliminary plat. The staff report about these items is included with the comprehensive master plan amendment item.

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance 2022-_____, an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone a certain parcel of land from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District (a portion of the property located at 11595 West Forest Home Avenue) (approximately 3.15 acres) (P. Kenneth Servi, Servi Investments, LLC, applicant)

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 1-31-22]

ORDINANCE NO. 2022-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
(ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM R-3
SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO
R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT
(A PORTION OF THE PROPERTY LOCATED AT
11595 WEST FOREST HOME AVENUE)
(APPROXIMATELY 3.15 ACRES)
(P. KENNETH SERVI, SERVI INVESTMENTS, LLC, APPLICANT)

WHEREAS, P. Kenneth Servi, Servi Investments, LLC having petitioned for the rezoning of approximately 3.15 acres of land, from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District, such land located on a portion of the property located at 11595 West Forest Home Avenue; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 17th day of February, 2022, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

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

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

SECTION 1: §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for land located on a portion of the property located at 11595 West Forest Home Avenue, described below, be changed from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District:

BEING A PART OF LOT 1, CSM 9289 LOCATED IN THE
NORTHEAST 1/4 OF SEC. 7, T5N, R21E, IN THE CITY OF
FRANKLIN, MILWAUKEE COUNTY, WISCONSIN: COMMENCING
AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF

SECTION 7; THENCE N 88°37'15" W ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 7, 1762.29 FEET TO THE NORTHWEST CORNER OF LOT 7 BLOCK 5 OF MISSION HILLS WEST ADDN. NO. 3, THE NORTHEAST CORNER OF PARCEL 1, CSM 6508, AND THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE, CONTINUING ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 7, N 88°37'15" W 810.33 FEET TO THE EASTERLY RIGHT OF WAY LINE OF WEST FOREST HOME AVE.; THENCE NORTHEASTERLY 290.20 FEET ALONG THE EASTERLY RIGHT OF WAY LINE OF WEST FOREST HOME AVENUE AND ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 2864.79 FEET, AND WHOSE CHORD BEARS N 12°04'11" E 290.08 FEET; THENCE S 58°47'24" E 14.39 FEET; THENCE S 17°42'46" W 34.23 FEET; THENCE S 64°59'51" E 14.94 FEET; THENCE N 79°51'39" E 19.62 FEET; THENCE S 66°24'42" E 18.81 FEET; THENCE N 65°02'19" E 6.45 FEET; THENCE S 73°22'18" E 9.49 FEET; THENCE S 85°17'44" E 22.67 FEET; THENCE S 79°05'48" E 22.47 FEET; THENCE S 88°55'32" E 23.61 FEET; THENCE S 64°29'04" E 23.52 FEET; THENCE S 25°43'03" E 19.96 FEET; THENCE S 21°44'13" E 14.94 FEET; THENCE S 59°05'14" E 24.91 FEET; THENCE S 68°36'13" E 32.76 FEET; THENCE S 48°41'52" E 27.71 FEET; THENCE S 58°46'47" E 26.71 FEET; THENCE S 75°38'44" E 31.70 FEET; THENCE S 55°24'07" E 7.89 FEET; THENCE S 83°55'55" E 17.70 FEET; THENCE N 83°17'42" E 12.82 FEET; THENCE S 68°18'00" E 16 87 FEET; THENCE S 87°23'58" E 11.35 FEET; THENCE S 79°34'12" E 14.94 FEET; THENCE S 76°52'31" E 23.82 FEET; THENCE N 75°13'19" E 33.32 FEET; THENCE N 88°14'47" E 21.07 FEET; THENCE S 84°33'49" E 32.79 FEET; THENCE N 89°29'36" E 29.27 FEET; THENCE N 53°05'51" E 56.04 FEET; THENCE N 61°24'27" E 9.74 FEET; THENCE N 75°17'38" E 23.08 FEET; THENCE S 75°03'43" E 5.94 FEET; THENCE N 66°43'57" E 45.30 FEET; THENCE N 58°49'30" E 42.82 FEET; THENCE N 64°05'09" E 18 45 FEET; THENCE N 61°38'29" E 36.05 FEET; THENCE N 62°07'21" E 29 53 FEET; THENCE S 00°22'09" E 247.71 FEET TO THE NORTHWEST CORNER OF LOT 7 BLOCK 5 OF MISSION HILLS WEST ADDN. NO. 3, THE NORTHEAST CORNER OF PARCEL 1, CSM 6508 AND THE POINT OF BEGINNING. SAID LANDS CONTAINING 137,271 SQ. FT. (3.151 ACRES) MORE OR LESS.

Tax Key No.: 751-9001-000.

SECTION 2

The terms and provisions of this ordinance are severable. Should any

term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this ____ day of _____, 2022, by Alderman _____.

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

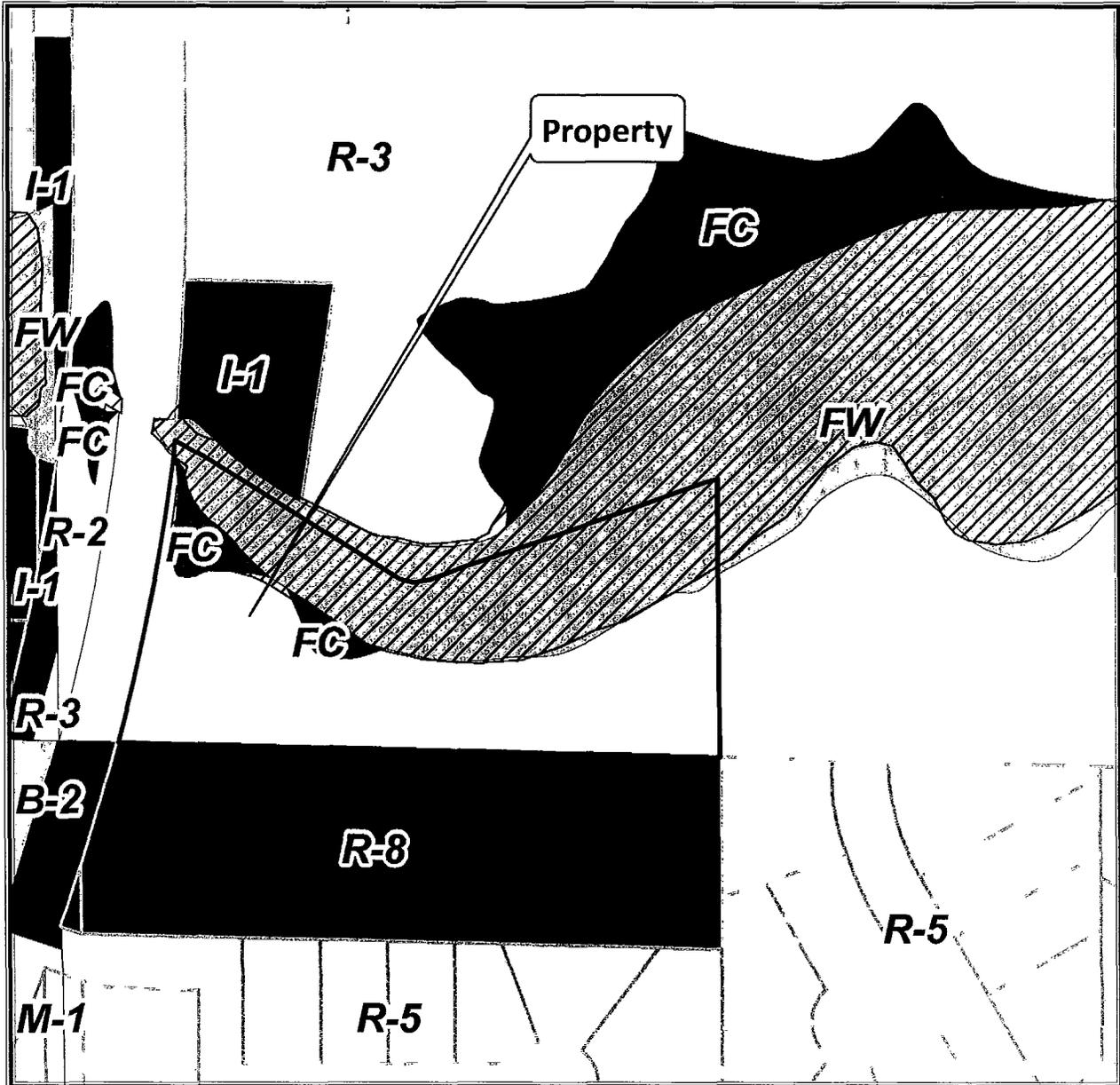
ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Franklin

Address: 11595 W. Forest Home Ave.
TKN: 751 9001 000



Planning Department
(414) 425-4024

0 130 260 520 Feet



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

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



APPLICATION DATE 11/12/21

COMMON COUNCIL REVIEW APPLICATION

PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]		APPLICANT IS REPRESENTED BY [CONTACT PERSON]	
NAME Ken Servi		NAME Christopher Jackson, PE, PLS	
COMPANY Servi Investments		COMPANY CJ Engineering, LLC	
MAILING ADDRESS PO Box 91		MAILING ADDRESS 9205 W. Center St Suite 214	
CITY/STATE Sussex, WI ZIP 53089		CITY/STATE Milwaukee, WI ZIP 53222	
PHONE 414-791-6367		PHONE 414-443-1312	
EMAIL ADDRESS kservi43@gmail.com		EMAIL ADDRESS chris@cj-engineering.com	

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS 11600 W Forest Home + lands to the north	TAX KEY NUMBER Parcel 1 CSM 6508 7969981001 Lot 1 9289 part of 7519998002 & part of 7519999000
PROPERTY OWNER Ken Servi, Servi Investments	PHONE 414-791-6367
MAILING ADDRESS PO Box 91	EMAIL ADDRESS kservi43@gmail.com
CITY/STATE Sussex, WI ZIP 53089	DATE OF COMPLETION

APPLICATION TYPE

Please check the application type that you are applying for

- Concept Review
 Comprehensive Master Plan Amendment
 Planned Development District
 Rezoning
 Special Use / Special Use Amendment
 Unified Development Ordinance Text Amendment

Most requests require Plan Commission review and Common Council approval
 Applicant is responsible for providing Plan Commission resubmittal materials up to 12 copies pending staff request and comments

SIGNATURES

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.)

I, the applicant, certify that I have read the following page detailing the requirements for plan commission and common council approval and submittals and understand that incomplete applications and submittals cannot be reviewed.

PROPERTY OWNER SIGNATURE <i>Ken Servi</i>	APPLICANT SIGNATURE <i>Ken Servi</i>
NAME & TITLE <i>Ken Servi</i>	NAME & TITLE <i>Ken Servi</i>
DATE <i>11 Oct 2021</i>	DATE <i>11 Oct 2021</i>
PROPERTY OWNER SIGNATURE	APPLICANT REPRESENTATIVE SIGNATURE
NAME & TITLE	NAME & TITLE
DATE	DATE

Project Description

The proposed project will consist of the construction of a 17 lot single family subdivision called Tess Creek Estates .

The existing roadway stub from South Pacific Street will be extended north then east to a temporary cul-de-sac. A 60' ROW will be extended all the way to the east lot line for possible future extension and connection to the east to Mission Hills Court. Existing onsite sanitary sewer and existing water main in South Pacific Street will be extended to serve the proposed lots. Storm sewer will be located in the proposed public roadway that will collect and drain storm water to the proposed onsite storm water pond.

The proposed Tess Creek Estates is to be located on the previously developed property addressed 11600 W. Forest Home Ave. along with approximately 5 acres of undeveloped land to the north up to the centerline of Tess Corners Creek to create an approximate 10 acre proposed single family subdivision. The additional 5 acres of undeveloped land is requested to be rezoned from R-3 to R-8 (single family) to match the existing zoning of the 11600 property.

The proposed R-8 zoning requested will utilize the single family component of the R-8 zoning and is consistent with the Comprehensive Master Plan future land use as Residential.

<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE 03/15/22</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE TO ALLOW FOR A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT USE IN AN R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT UPON PROPERTY LOCATED AT 11595 AND 11600 WEST FOREST HOME AVENUE (P. KENNETH SERVI, SERVI INVESTMENTS, LLC, APPLICANT)</p>	<p>ITEM NUMBER G.3.</p>
<p>At its February 17, 2022, regular meeting, the Plan Commission carried a motion to recommend approval of this Resolution imposing conditions and restrictions for the approval of a Special Use to allow for a single-family residential development use in an R-8 Multiple-Family Residence District upon property located at 11595 and 11600 West Forest Home Avenue. The vote was (6-0-0), six ‘ayes’, no ‘noes’ and no absents.</p> <p>Four items of this meeting’s agenda are regarding the subject Tess Creek subdivision: a comprehensive master plan amendment, a rezoning, a special use and a preliminary plat. The staff report about these items is included with the comprehensive master plan amendment item.</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to adopt Resolution 2022-_____, imposing conditions and restrictions for the approval of a special use to allow for a single-family residential development use in an R-8 Multiple-Family Residence District upon property located at 11595 and 11600 West Forest Home Avenue (P. Kenneth Servi, Servi Investments, LLC, applicant).</p>		

RESOLUTION NO. 2022-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR
THE APPROVAL OF A SPECIAL USE TO ALLOW FOR A SINGLE-FAMILY
RESIDENTIAL DEVELOPMENT USE IN AN R-8 MULTIPLE-FAMILY
RESIDENCE DISTRICT UPON PROPERTY LOCATED AT 11595 AND
11600 WEST FOREST HOME AVENUE
(P. KENNETH SERVI, SERVI INVESTMENTS, LLC, APPLICANT)

WHEREAS, P. Kenneth Servi, Servi Investments, LLC having petitioned the City of Franklin for the approval of a Special Use to allow for a single-family residential development use in an R-8 Multiple-Family Residence District (Tess Creek Estates subdivision with 17 single-family lots), properties located at 11595 and 11600 West Forest Home Avenue, bearing Tax Key Nos. 751-9001-000 and 796-9987-001, more particularly described as follows:

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6508 AND LOT 1 OF CERTIFIED SURVEY MAP NO 9289, LOCATED IN THE SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN. SAID LANDS CONTAINING 440,001 SQ. FT. (10.101 ACRES) MORE OR LESS; 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 17th day of February, 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 P. Kenneth Servi, Servi Investments, LLC, for the approval of a Special Use for the properties 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 properties by P. Kenneth Servi, Servi Investments, LLC, successors and assigns, as a single-family residential subdivision development use, which shall be developed in substantial compliance with, and operated and maintained by P. Kenneth Servi, Servi Investments, LLC, pursuant to those plans City file-stamped February 7, 2022 and annexed hereto and incorporated herein as Exhibit A.
2. P. Kenneth Servi, Servi Investments, 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 P. Kenneth Servi, Servi Investments, LLC single-family residential subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon P. Kenneth Servi, Servi Investments, LLC, and the single-family residential subdivision development use, for the properties located at 11595 and 11600 West Forest Home Avenue: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. The applicant must obtain the Final Case Closure of the Rawson Contractors Yard, Remediation and Redevelopment site, and adhere to any Continuing Obligations prior to the approval of the Final Plat or any land disturbance activity.

BE IT FURTHER RESOLVED, that in the event P. Kenneth Servi, Servi Investments, LLC, successors or assigns, or any owner of the subject properties, 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

P. KENNETH SERVI, SERVI INVESTMENTS, LLC – SPECIAL USE
RESOLUTION NO. 2022-_____

Page 3

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 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 _____

Date of Application: _____

SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION

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

Applicant (Full Legal Name[s]) Name <u>Ken Servi</u> Company: <u>Servi Investments LLC</u> Mailing Address: <u>PO Box 91</u> City / State <u>Sussex, WI</u> Zip: <u>53089</u> Phone <u>414-791-6367</u> Email Address: <u>kservi43@gmail.com</u>	Applicant is Represented by: (contact person)(Full Legal Name[s]) Name: <u>Christopher Jackson, PE, PLS</u> Company <u>CJ Engineering, LLC</u> Mailing Address <u>9205 W. Center Street Suite 214</u> City / State: <u>Milwaukee WI</u> Zip <u>53222</u> Phone <u>414-443-1312</u> Email Address <u>chris@cj-engineerng.com</u>
Project Property Information: Property Address: <u>11595 & 11600 and W Forest Home Avenue</u> Property Owner(s) <u>Ken Servi, Servi Investments LLC</u> Mailing Address <u>See above</u> City / State: _____ Zip _____ Email Address _____	Tax Key Nos <u>Parcel 1 CSM 6508-7969981001</u> <u>and part of 7519998002 and part of 7519999000</u> Existing Zoning <u>R8 and R3 (to be rezoned to R8-single family)</u> Existing Use: <u>developed-unused and undeveloped</u> Proposed Use: <u>20 lot single family subdivision</u> Future Land Use Identification: <u>residential</u>

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

Special Use/Special Use 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.
 - \$1500, New Special Use over 4,000 square feet
 - \$1000 Special Use Amendment
 - \$750, New Special Use under 4,000 square feet
- Legal Description for the subject property (WORD.doc or compatible format).
- One copy of a response to the General Standards, Special Standards (if applicable), and Considerations found in Section 15-3 0701(A), (B), and (C) of the Unified Development Ordinance available at www.franklinwi.gov
- Seven (7) complete collated sets of Application materials to include
 - One (1) original and six (6) copies of a written Project Summary, including description of any new building construction and site work, interior/exterior building modifications or additions to be made to property, site improvement costs, estimate of project value and any other information that is available.)
 - Three (3) folded full size, drawn to scale copies (at least 24" x 36") of the Site Plan/Site Plan Amendment package (The submittal should include only those plans/items as set forth in Section 17 7 0101, 15-7 0301 and 15-5.0402 of the Unified Development Ordinance that are impacted by the development. (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, etc.)
 - Four (4) folded reduced size (11"x17") copies of the Site Plan/Site Plan Amendment package
- One colored copy (11"x17") of the building elevations, if applicable
- Three copies of the Natural Resource Protection Plan and report, if applicable (see Section 15-4.0102 & 15-7.0201 of the UDO)
- Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable)

- *Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- *Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval

The applicant and property owner(s) hereby certify that. (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge, (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7 00 a m and 7.00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis Stat. §943 13

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

Signature Ken Servi
 Name & Title (PRINT) Ken Servi
 Date 15 Nov 2021
 Signature Owner
 Name & Title (PRINT) _____
 Date _____

Applicant Same as Property Owner
 Signature Applicant Ken Servi
 Name & Title (PRINT) _____
 Date 15 Nov 2021
 Signature - Applicant's Representative Ken Servi
 Name & Title (PRINT) _____
 Date _____

MEMORANDUM

Date: January 6, 2022

To: Christopher Jackson. CJ Engineering, LLC.

From: Régulo Martínez-Montilva, Principal Planner
City of Franklin, Department of City Development

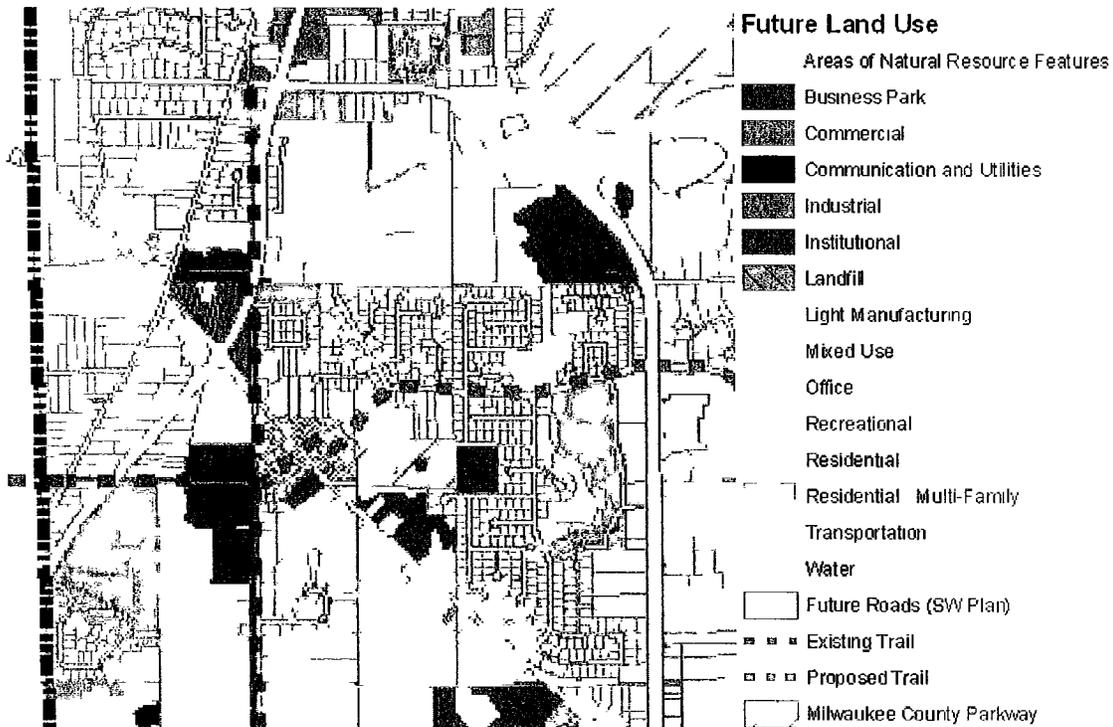
RE: Review comments for rezoning, special use and preliminary plat applications regarding the proposed Tess Creek Estates Subdivision. 11595 & 11600 W Forest Home Avenue.

Below are review comments and recommendations for the above-referenced applications submitted by Servi Investments, LLC and deemed complete for review on November 30, 2021.

REZONING

Department of City Development comments

1. The property to be rezoned (Tax Key Number 751 9001 000) is designated as “Residential” in the future land use map of the City of Franklin 2025 Comprehensive Master Plan. Pursuant to Wis. Stats. § 66.1001(3), a rezoning ordinance needs to be consistent with the local comprehensive plan. Even though this proposal is for a single-family residential subdivision, you need to apply for a comprehensive master plan amendment to change the land use designation to “Residential-Multifamily” because the proposed R-8 zoning allows for multi-family development. Application form is attached.



City of Franklin 2025 Future Land Use Map

Response: Comprehensive Master Plan Amendment application and fee has been submitted.

2. Note: in order to meet the 90-day review time frame, the preliminary plat is tentatively scheduled for the February 3, Plan Commission meeting and February 15 Common Council. Given the requirement of a public hearing with public notice at least 30 days prior to the hearing for the not yet submitted comprehensive master plan amendment, it would be difficult to meet this public hearing notice requirement for the February 15, Common Council meeting. It is suggested that the applicant extends the review time frame for at least 45 days from the submittal of the comprehensive master plan amendment application.

Response: Applicant has requested the review time extension.

Engineering Department comments

3. No comments.

Inspection Services Department comments

4. Inspection Services has no comments on the proposal at this time.

Police Department comments

5. The PD has no comment regarding this request.

SPECIAL USE

Department of City Development comments

1. With regards to the special use standard #1, “Ordinance and Comprehensive Master Plan Purposes and Intent”, an amendment to the future land use map is required as previously noted in comment #1.

Response: Comprehensive Master Plan Amendment application and fee has been submitted.

2. In the response to special use standard #5 “No traffic congestion”, it states that this proposal is for 20 single family lot but the plat is for 17 lots, please revise.

Response: 15-3.0700 Special Use Standards reply #5 revised down to 17 lots

3. Note, the proposed special use is for single-family residential but the R-8 zoning district may allow two-family residential use. A new special use permit will be required for any two-family residential home in the future Tess Creek Estates subdivision. Alternatively, you may amend your Special Use application to request single-family and two-family residential use as long as the proposal meets the maximum permitted density.

Response: The developer is proposing a single family subdivision.

Inspection Services Department comments

4. Inspection Services has no comments on the proposal at this time.

Police Department comments

5. The PD has no comment regarding this request

PRELIMINARY PLAT

Department of City Development comments

- 1 Pursuant to the Unified Development Ordinance (UDO) Section 15-7.0501 Preliminary Plat, General, the following information must be included on the face of the plat

H. "Use Statement. A statement of the proposed use of the lots stating the use type of buildings and/or uses proposed to occupy the lots, number of proposed lots, and number of dwelling units per lot, and proposed density". It is recommended that the use statement also includes the proposed open space surface ratio, gross density and net density. See definitions below:

- Open Space Ratio (OSR). "The number derived by dividing the open space of the site by the base site area. When applied to natural resource protection, the open space ratio shall include the natural resource feature(s) to be protected". City Development staff acknowledges that the minimum OSR is 0.00 for single-family subdivisions in the R-8 district but the proposed OSR should be noted.
- Gross Density. "The quotient of the total number of dwelling units on a site divided by the base site area of a site"
- Net Density. "The quotient of the total number of dwelling units divided by the net buildable site area of a site".

Note: the maximum density yields are included in the Natural Resource Protection Plan but it is missing the proposed densities.

Response: Use Statement added to the Plat

2. Pursuant to the Unified Development Ordinance (UDO) Section 15-7.0502 Preliminary Plat, Plat Data, please add the following information to the preliminary plat:

C. Proposed contours at vertical intervals of not more than two feet. Please confirm that no grading activities will take place within the 30-foot wetland buffer.

Response. Statement added to the Plat. Proposed Grading Plan shown on added sheet 2.

3. **Lot 1** is considered a corner lot, so the required corner side yard setback (south) should be 15 feet per UDO Table 15-3.0209A.

Response: Setback revised

4. **Vision triangle.** Please depict the corner vision triangle in the northwest corner of the intersection of Pacific Street and the proposed Tess Creek street. UDO Section 15-5.0201.A specifies the restrictions and dimensions for vision triangles: "No Obstructions Permitted. No visual obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of 2.5 feet and 10 feet above the plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines, located a minimum of 30 feet from their intersection".

The plat should include a note to indicate the vision triangle restrictions.

Response: Vision corner and note added to Plat.

- Lots 16 & 17.** Even though these lots meet the minimum width (60 feet) and depth (110 feet), the available building footprints are irregular and limited due to the pipeline easement and the wetland setback. In order to avoid hardships for future lot owners, please demonstrate that a single-family home could fit into these lots without the need of variances to reduce the required building and wetland setbacks. Alternatively, City Development staff suggests to combine lots 16 & 17.

Response: Sheet 2 of the Preliminary Plat, the site grading plan, indicates proposed home on lots 13 and 14 (formerly lots 16 & 17) and 15. (Please note that the minimum total living area per dwelling unit for R-8 Single Family Zoning is 1250 s.f.)

Current Lot # (Old Lot #)	Total Buildable Area within setbacks	Bldg. Footprint Area Shown on grading plan
Lot 13 (Lot 17)	3580 s f	2500 s f
Lot 14 (Lot 16)	2317 s.f.	2015 s f.
Lot 15	4600 s.f.	2240 s f.

- Lot 13** does not meet the minimum required street frontage of 60 feet set forth in UDO Section 15-5.0106.C “Access” which states as follows: “Every lot shall front or abut for a distance of at least 60 feet on a public street as measured at the right-of-way line and, in the case of a cul-de-sac, as measured at the arc”. City Development staff acknowledges that the R-8 district standards of Table 15-3.0209A states that the minimum lot width should be measured at the setback line. However, the most restrictive standard shall apply. The Engineering Department also has a comment about this matter.

Response: Lot 17 (formerly lot 13) has been revised to 60’ wide at the ROW.

- Please revise project summary (1st paragraph), it refers to the VR Village Residential as the base zoning district and it should be the R-8 Multiple-Family Residence District.

Response: Market Analysis revised as indicated.

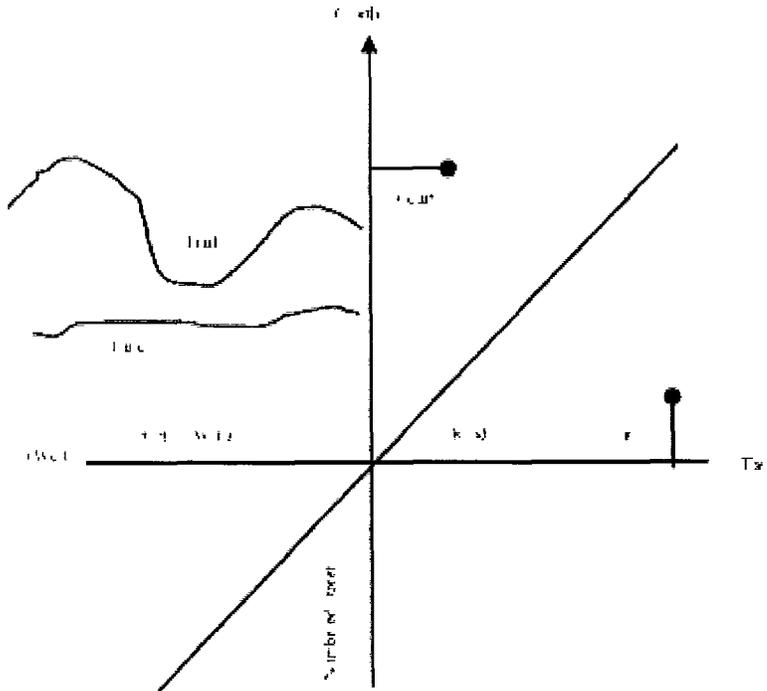
- Please add a note indicating that the 17 lots will be served by public water and sewer.

Response: Note has been added to the plat

- Street name.** Per the city’s street naming system shown below, the name “road” is intended for thoroughfares. Therefore, it is recommended to use “Tess Creek Street”.

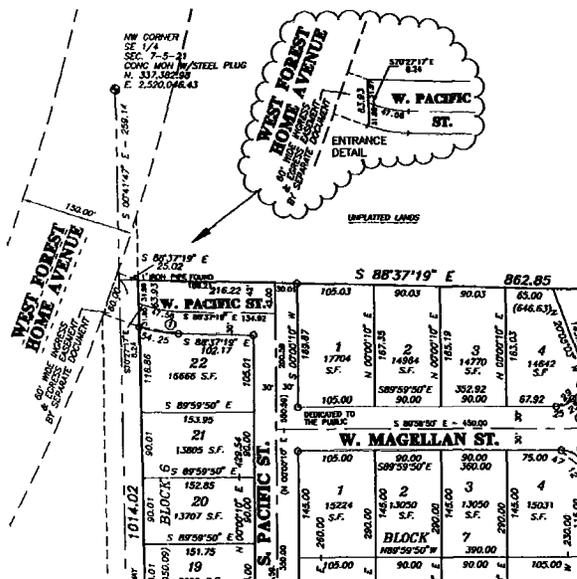
Response Street name changed

Figure 15-5.0101
STREET NAMING SYSTEM



10. Please revise the direction of Pacific Street, the street segment running west-east should be labeled as West Pacific Street, see below Mission Hills West Addition No. 4 plat for reference.

Response: Pacific Street renamed.



11. Site Intensity and Capacity Calculations. Please apply the following corrections:

- Replace “Multiplier” with “Natural Resource Protection Standard”, you may eliminate the agricultural and non-residential columns as this is a residential project

- Please add a column to indicate the proposed impact to natural resources in square feet and acres. The presented project would not impact natural resources, with the exception of young woodlands (Lot 15) Please also shade this area to be impacted in the Natural Resource Protection Plan.

Response: Site Calculations revised as indicated

12. **Conservation Easement.** All present natural resource features identified in the Natural Resource Protection Plan (NRPP) shall be protected by a conservation easement. Please shade in the NRPP all the natural resource areas to be protected and use a different color/pattern for the the young woodland areas to be impacted. Attached is city’s conservation easement template, if the Preliminary Plat and Final Plat are approved, this easement must be recorded concurrently with the Final Plat per UDO Sec. 15-7.0603B.

Response: NRPP revised as indicated.

13. **Landscape Plan.** For clarity, please shade the proposed landscape bufferyard easement area. Avoid overlapping of this landscape easement with existing natural resources (wetlands, wetland buffers, shore buffers and/or floodplain), existing utility and fuel line easements. Attached is the city’s landscape bufferyard easement template, if the Preliminary Plat and Final Plat are approved, this easement must be recorded concurrently with the Final Plat

Response: Landscape bufferyard easement hatched on Preliminary Plat. Landscape plan shaded as well.

14. Note: The landscape standards of UDO Table 15-5.0302 indicated on the Landscape Plan (quantity of landscape features per dwelling unit) are not required for single-family developments. These standards are only applicable for multi-family projects.

Response: No minimum requirement for plantings for single-family developments noted

15. **Fuel line easement.** With regards to lots 13 thru 17, please confirm that driveways and utilities to serve these lots are permitted improvements within the fuel line easement area

Response: We submitted preliminary plans to West Shore Pipeline and came to a consensus regarding an expanded pipeline easement and proposed setback of lots 13 to 17. An email has been forwarded to the City of Franklin from Jana Olthoff, West Shore Pipeline council, where she expressed that she is “very favorable to the idea” of the current layout and that they will review future plans forwarded to them regarding the profiles of the utilities West Shore has also provided us guidelines for utility crossings that the developer will be required to adhere to.

16. Note that in letter from Milwaukee County Department of Administrative Services dated October 29, 2021, Milwaukee County Parks Department recommends dedication to the City of Franklin or easement for a recreational trail, at least 20-foot wide and outside the 100-year floodplain Please revise plat accordingly.

Response: A 20’ Recreational Trail Easement has been provided on Outlot 1 north of lot 12 (formerly lot 3) from the ROW of existing W. Forest Home to the ROW of Proposed Tess Creek Street that is located along the existing driveway access to Parcel 1 CSM 6508

17. Please note that stormwater management, utilities, grading and erosion control must be submitted separately to the Engineering Department For more information, please call 414-425-7510.

Response: Civil Plans will be forwarded over to the Engineering Dept electronically.

Engineering Department comments

18. The proposed lots 17 & 16 may be too small for a house. Please, show the proposed building pad with the setbacks.

Response: Sheet 2 of the Preliminary Plat, the site grading plan, indicates proposed home on lots 13 and 14 (formerly lots 16 & 17) and 15. (Please note that the minimum total living area per dwelling unit for R-8 Single Family Zoning is 1250 s.f.)

Current Lot # (Old Lot #)	Total Buildable Area within setbacks	Bldg. Footprint Area Shown on grading plan
Lot 13 (Lot 17)	3580 s.f.	2500 s.f.
Lot 14 (Lot 16)	2317 s.f.	2015 s.f.
Lot 15	4600 s.f.	2240 s.f.

19. The proposed lot 13 does not meet the 60-ft minimum frontage.

Response: Lot 17 (formerly lot 13) has been revised to 60' wide at the ROW.

20. May need to check lot 5 for compliance with the lot dimensional requirements.

Response. To our knowledge, this lots meets R-8 Zoning

21. The outside of the proposed turnaround easement must have a 10-ft minimum clearance from the east property line for temporary snow storage.

Response: Temporary cul de sac has been moved 2.2' west of the east property line for a 10' clearance from the edge of the cul de sac to the property line

Inspection Services Department comments

22. Inspection Services has no comments on the proposal at this time

Police Department comments

23. The PD has no comment regarding this request

Project Summary – 11600 W Forest Home Ave - Tess Creek Estates, Franklin Wisconsin

Parcel numbers 7969987001 and 7519001000 That land will be herein referred to as Tess Creek Estates The proposed development will be composed of 17 single family lots on 10 101 acres Located to the south and southeast, Mission Hills West Addition number 3 and 4 is zoned R5 Outlot 1 and 2 encompass the northern section of the development The storm water wet pond is in the northwest section of Outlot 1 Outlot 2 contains wetlands protected by the Wisconsin DNR and a 100-year flood plain along the southern shore of the Tess Corners Creek No section of any of the lots will be within the flood plain We are proposing to connect Tess Creek Road from Northeast corner of South Pacific Street Tess Creek Road will proceed north and east to a future type of connection the master plan for Franklin would call for Five of the lots will have fully exposed basements facing North with the conservatory and Tess Creek in their back yard view, three of the lots in the Southwest portion of the development will have partially exposed basements facing East and West. The remaining nine lots will have non-exposed basements and reasonably flat yards The average size of the seventeen (17) lots is 295 acres with the minimum lot size being 207 acres The largest lot will encompass 449 acres All frontages of lots at the setback are greater than 70 feet Minimum lot size for R 8 Multiple Family Residence District zoning is 20 acres with 60 foot setback width and 75 feet of frontage on corner lots The Covenants and Restrictions written for this development will be appropriate to the size and style of home these lots will allow It will take 90-120 days and to be completed all in one phase The master grading plan is balanced as much as possible, allowing the excavation spoil to be distributed on the individual lots Underground storm sewer and wastewater exist in the property and Tess Creek Estates will be installing the remaining water and sewer lateral system, as well as asphalt roadways and concrete curb and gutter per City of Franklin's construction specifications We will install sidewalks on the south side of the street General landscaping for the proposed development will be performed on the two out lots containing the storm water wet pond, and the landscape plan would be seeding for grass and installing trees along the west perimeter

2) Tess Creek Estates does not intend for the construction process to be disturbing to any of the surrounding neighbors and will have an open communication ensuring all neighbors are aware of the project status The result of the development will be a quant, high-value community added to the City of Franklin Financial Plan for Project Implementation – Subdivision is a 10 101-acre development that will have 17 single family homes Construction timeline for the development to be able to start selling the lots is roughly 90 120 days Cost of construction for this subdivision is about \$1,600,000 with sidewalks We believe that the City of Franklin is a very sought-after community to live in, therefore, we believe that we can have all lots sold within the first year We estimate that each home value will range from \$500,000 to \$650,000 making the total value of the homes in the subdivision over \$10,000,000 The City of Franklin's net assessment value is about 023 so that equivalates to roughly \$230,000 in property taxes per year from these residences The Declaration of Covenants and Restrictions will state high quality building materials with reasonable square footage requirements All homes must pass an architectural review approval by Tess Creek Estates to ensure that the quality and value of the community

3) Market Analysis – The demand for reasonably priced lots in the City of Franklin is high, and the current inventory of these lots is very low There is a strong market, and we have a very high confidence that there will be few issues selling these lots We believe that Tess Creek Estates will be the ideal spot to start the path toward home ownership or at the other end of the spectrum downsizing to a well-designed ranch backing to a nature view This will be a wonderful addition to the City of Franklin

DIVISION 15-3.0700 SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701 GENERAL STANDARDS FOR SPECIAL USES

A. ***General Standards.*** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

Response: The proposed Special Use Permit request is for a single-family development within an R-8 zoning district which conforms with the Comprehensive Master Plan and the Future Land Use Map 2025 for this land.

2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

Response: The Special Use request for single family conforms to the Comprehensive Master Plan and will be adjacent to an existing single family development.

3. **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

Response: The Special Use request for R-8 zoning single family conforms to the Comprehensive Master Plan and is located adjacent to a single family subdivision.

4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

Response: A proposed public roadway is to be extended to serve the proposed single family subdivision and will be served by public sanitary sewer and water main.

5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Response: It is not anticipated that an additional 17 single family lots will negatively affect current traffic counts.

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Response: Site Intensity and Capacity Calculations have been performed as well as the creation of a Natural Resource Protection Plan. The proposed single family subdivision conforms to both analyses.

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

Response: The Special Use for single family residential is permitted under R-8 zoning per City of Franklin UDO.

- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

Response: Does not apply. Section 15-3.0702 does not refer to a R-8 zoning district and Section 15-3.0703 refers to nonresidential districts.

- C. **Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Response: The public benefit is the additional single family housing and additional tax base for the City of Franklin

2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

Response: The site was chosen as the developer, Ken Servi, is currently and has been the owner of Parcel 1 CSM 6508 and therefore, no other sites were explored.

3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

Response: Site Intensity and Capacity Calculations have been performed as well as the creation of a Natural Resource Protection Plan. The proposed single family subdivision conforms to both analyses. Furthermore, a 30' landscape bufferyard easement and landscaping will be provided per Division 15-7.0300.

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

Response: The proposed Special Use Permit request is for a single-family development within an R-8 zoning district which conforms with the Comprehensive Master Plan and the Future Land Use Map 2025 for this land.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">03/15/22</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">A RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR TESS CREEK ESTATES SUBDIVISION (AT 11595 AND 11600 WEST FOREST HOME AVENUE) (P. KENNETH SERVI, SERVI INVESTMENTS, LLC, APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.4.</p>
<p>At its February 17, 2022, regular meeting, the Plan Commission carried a motion to recommend approval of this Resolution conditionally approving a Preliminary Plat for Tess Creek Estates subdivision (at 11595 and 11600 West Forest Home Avenue). The vote was (6-0-0), six ‘ayes’, no ‘noes’ and no absents.</p> <p>Four items of this meeting’s agenda are regarding the subject Tess Creek subdivision: a comprehensive master plan amendment, a rezoning, a special use and a preliminary plat. The staff report about these items is included with the comprehensive master plan amendment item.</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to adopt Resolution 2022-_____, conditionally approving a preliminary plat for Tess Creek Estates subdivision (at 11595 and 11600 West Forest Home Avenue) (P. Kenneth Servi, Servi Investments, LLC, applicant)</p>		

RESOLUTION NO. 2022-_____

A RESOLUTION CONDITIONALLY APPROVING A
PRELIMINARY PLAT FOR TESS CREEK ESTATES SUBDIVISION
(AT 11595 AND 11600 WEST FOREST HOME AVENUE)
(P. KENNETH SERVI, SERVI INVESTMENTS, LLC, APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a preliminary plat for Tess Creek Estates subdivision, such plat being Parcel 1 of Certified Survey Map No. 6508 and Lot 1 of Certified Survey Map No. 9289 located in the Southeast 1/4 and Northeast 1/4 of Section 7, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, said lands containing 440,001 square feet or 10.101 acres, more specifically, of the properties located at 11595 and 11600 West Forest Home Avenue, bearing Tax Key Nos. 751-9001-000 and 796-9987-001, P. Kenneth Servi, Servi Investments, LLC, applicant; said preliminary plat having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof at its meeting on February 17, 2022, pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Preliminary Plat of Tess Creek Estates subdivision, as submitted by P. Kenneth Servi, Servi Investments, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9 of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Forest Home Investors, LLC, successors and assigns and any developer of the Tess Creek Estates 17 lot and 1 outlot subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees

P. KENNETH SERVI, SERVI INVESTMENTS, LLC – PRELIMINARY PLAT
RESOLUTION NO. 2022-_____

Page 2

incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Tess Creek Estates 17 lot and 1 outlot subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

4. The approval granted hereunder is conditional upon P. Kenneth Servi, Servi Investments, LLC and the Tess Creek Estates 17 lot and 1 outlot subdivision development project for the properties located at 11595 and 11600 West Forest Home Avenue: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
5. The Tess Creek Estates 17 lot and 1 outlot subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
6. The applicant must obtain the Final Case Closure of the Rawson Contractors Yard, Remediation and Redevelopment site, and adhere to any Continuing Obligations prior to the approval of the Final Plat or any land disturbance activity.
7. The applicant is responsible for coordination with the West Shore Pipeline operator for utility crossings.
8. The applicant must revise the Preliminary Plat, sheet 1, to exclude the 30-foot wetland buffer from the proposed landscape bufferyard easement.
9. The applicant must revise the Open Space Ratio calculations of the Preliminary Plat, sheet 1, the open space ratio is derived by dividing the open space of the site by the base site.
10. The applicant must revise the proposed grading of the Preliminary Plat, sheet 2, to indicate the 30-foot wetland buffer and the limits of disturbance line.
11. Written conservation easements and landscape bufferyard easements shall be submitted as part of the Final Plat Application for Common Council review and approval, and recording with the Milwaukee County Register of Deeds Office at the time of recording the Final Plat.
12. All protected natural resources to remain (as depicted on the Natural Resource Protection Plan) shall be shown on the face of the plat, and included within a

P. KENNETH SERVI, SERVI INVESTMENTS, LLC – PRELIMINARY PLAT
RESOLUTION NO. 2022-_____

Page 3

Conservation Easement, as part of the Final Plat application. A “Conservation Easement Restrictions” note shall also be depicted on the face of the plat as part of the Final Plat application.

- 13. A draft of the declaration of deed restrictions, protective covenants, and the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners association) whereby the subdivider intends to regulate land uses in the proposed subdivision and otherwise protect the proposed development shall be submitted to the City as part of the Final Plat for review and approval solely as to form and as such may pertain to existing city rules and regulations.
- 14. Any proposed subdivision monument sign(s) shall be subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.
- 15. The Final Plat shall be in full compliance with all pertinent City of Franklin Design Standards and Construction Specifications.

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 _____

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



APPLICATION DATE: 11/12/21

LAND DIVISION REVIEW APPLICATION

PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]		APPLICANT IS REPRESENTED BY [CONTACT PERSON]	
NAME	Ken Servi	NAME	Christopher Jackson, PE, PLS
COMPANY	Servi Investments	COMPANY	CJ Enbineeeng, LLC
MAILING ADDRESS	PO Box 91	MAILING ADDRESS	9205 W Center St Suite 214
CITY/STATE	Sussex, WI	ZIP	53089
CITY/STATE		ZIP	53222
PHONE	414-791-6367	PHONE	414-443-1312
EMAIL ADDRESS	kservi43@gmail.com	EMAIL ADDRESS	chris@cj-engineering.com

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS	11600 W. Forest Home + lands to the north	TAX KEY NUMBER	Parcel 1 CSM 6508 7969981001 Lot 1 9289 part of 7519998002 & part of 7519999000
PROPERTY OWNER	Ken Servi, Servi Investments	PHONE	414-791-6367
MAILING ADDRESS	PO Box 91	EMAIL ADDRESS	kservi43@gmail.com
CITY/STATE	Sussex, WI	ZIP	53089
		DATE OF COMPLETION	

APPLICATION TYPE

Please check the application type that you are applying for

- Affidavit of Correction (Plat)
 Certified Survey Map
 Condominium Plat
 Land Combination
 Right of Way Vacation
 Final Subdivision Plat
 Preliminary Subdivision Plat

Most requests require Plan Commission review and Common Council approval
 Applicant is responsible for providing Plan Commission resubmittal materials up to 12 copies pending staff request and comments

SIGNATURES

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).

I, the applicant, certify that I have read the following page detailing the requirements for land division approvals and submittals and understand that incomplete applications and submittals cannot be reviewed

PROPERTY OWNER SIGNATURE	APPLICANT SIGNATURE
 NAME & TITLE: Ken Servi DATE: 11 Oct 2021	 NAME & TITLE: Christopher Jackson DATE: 11 Oct 2021
PROPERTY OWNER SIGNATURE	APPLICANT REPRESENTATIVE SIGNATURE
NAME & TITLE	NAME & TITLE
DATE	DATE



PROJECT
TESS CREEK
ESTATES

W Forest Home Ave
 at S Pacific Street
 Franklin Wisconsin

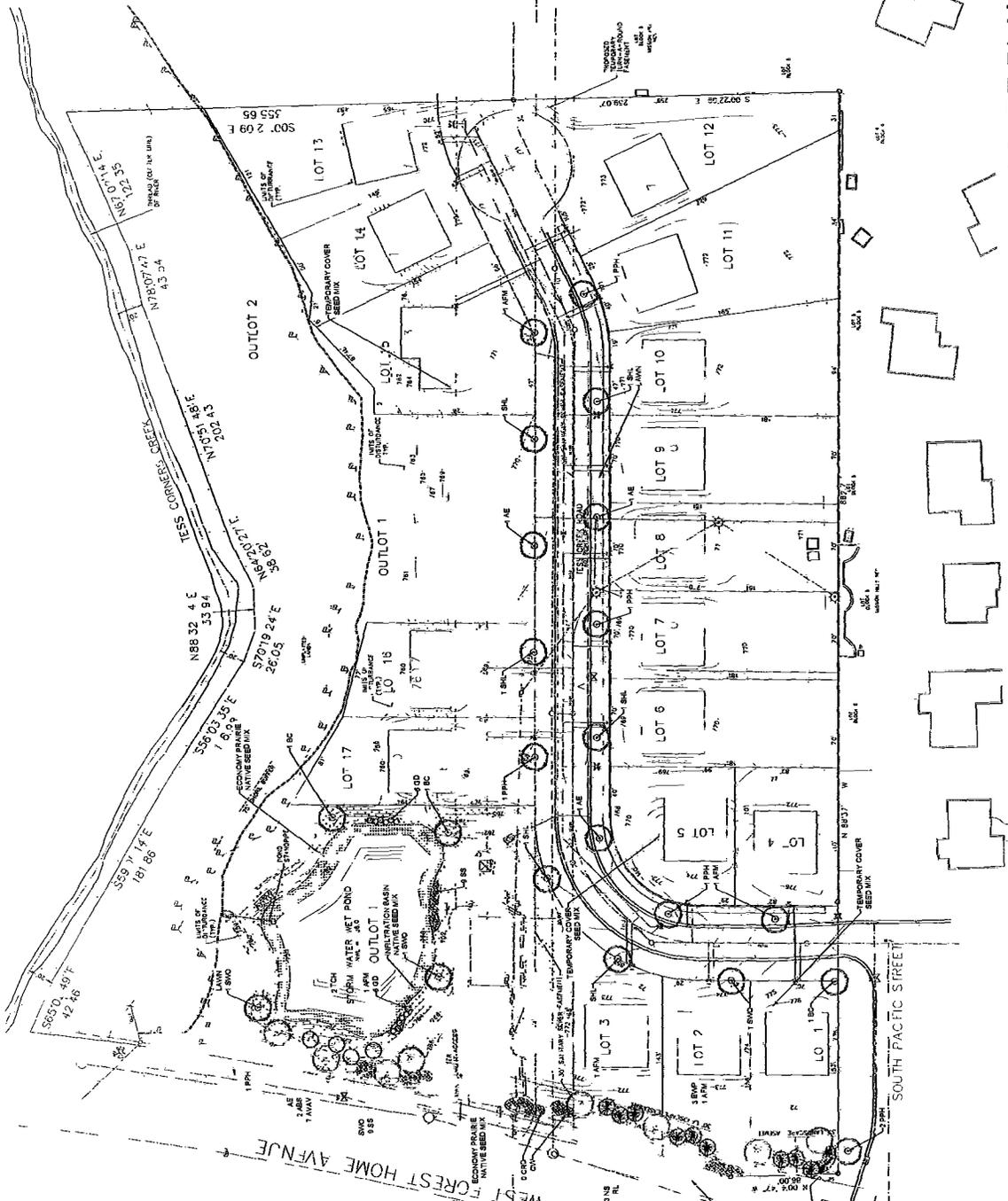
ISSUANCE AND REVISIONS

DATE	DESCRIPTION
10.21.21	FIRST ISSUE
03.22.21	REVISIONS PER CLIENT

SHEET TITLE
OVERALL
LANDSCAPE
PLAN

PROJECT MANAGER	VSH
PROJECT NUMBER	21-076
DATE	10.22.21
SHEET NUMBER	

L 1.0



OVERALL LANDSCAPE PLAN
 Scale 1" = 40'
 N 43° 31' 11" W

Zoning Classification: R-8 Residential
 Proposed Dwelling Units: 17 Lots

Street Tree Requirements:
 One (1) tree for every 85 LF of Street Frontage
 Total Proposed Street Frontage: 1075 LF
 Required Trees: 174 Trees

15' Clearance from utility poles
 3' Clearance from sidewalks

Minimum Landscape Standards:
 Shade Trees: 25.5 Shade Trees
 Ornamental Trees: 17 Ornamental Trees
 Evergreen Trees: 17 Evergreen Trees
 Shrubs: 51 Shrubs

Minimum Plant Installation Size
 Street Tree: 1.75-2.0" caliper
 Shade Tree: 2.5" caliper
 Ornamental Tree: 1.5" caliper
 Evergreen Tree: 6" height
 Shrubs: 36" height

CODE REQUIREMENTS

SHADE TREES (DECIDUOUS)
 ARW Autumn Fantasy Ash
 PHF Pacific Madagascary
 SHL Spilane Honeylocust
 SWD Swamp White Oak
 RL Redmond Redwood
 AE Accolade Elm

ORNAMENTAL TREES (DECIDUOUS)
 BLS Blume's Lilac
 TCH Thornless Cuckoo
 HAU Hawthorn

EVERGREEN TREES
 NS Norway Spruce
 EWP Eastern White Pine

DECIDUOUS SHRUBS
 GD Gray Dogwood
 CRD Cornus Red Dogwood
 CWH Common Witchhazel
 SS Striped Spirea
 AIAA Autumn Blaze Arborescent Vitex
 SWW Silver Wreath Weigela

ORNAMENTAL GRASSES
 REG Red Fescue Grass

HERBACEOUS PERENNIALS
 TCA TROPICAL CLOVER
 PLANT ABBREVIATIONS

DIGGERS HOTLINE
 800-368-3688
 214 W. Lincoln Ave., Suite 100
 Chicago, IL 60606
 Call for a free quote
 or visit our website
 www.diggers.com

PROJECT NAME	Tess Creek Estates
PROJECT NUMBER	CE1931 NRPP
DATE	2/2/2022
ZONING	R 8

	SF	ACRES	Area to Meander Line
TOTAL	440000	10.1010	
DEDICATED LAND	0	0.0000	
RESERVED OPEN SPACE	0	0.0000	
NON-RESIDENTIAL USE	0	0.0000	
BASE SITE AREA	440000	10.1010	

Natural Resource Protection Standard				Proposed Impact (s f)
NATURAL RESOURCE FEATURE	RES	GROSS AREA	GROSS AREA (ACRES)	VALUE
STEEP SLOPES				
10-19	0.6	0	0	0
20-30	0.75	0	0	0
30+	0.85	0	0	0
WOODLANDS & FORESTS				
MATURE	0.70	0	0	0
YOUNG	0.50	38831	0.8914	0.446
YOUNG WOODLANDS OUTSIDE OF BUFFER	0.50	1550	0.0356	0.018
LAKES AND PONDS	1.00	0	0	0.000
STREAMS	1.00	0	0	0.000
SHORE BUFFER	1.00	54434	1.2496	1.250
FLOODPLAINS	1.00	81423	1.8692	1.869
WETLAND BUFFERS	1.00	106000	2.4334	2.433
WETLANDS	1.00	79274	1.8199	1.820
SUM				2.451

Note Shore Buffer floodplain and all but 1,550 s f of young woodland areas located within the wetland buffer area. Therefore the sum represents the wetland buffer area with a 1.0 resource protection standard and 1,550 s f of young woodlands with a 0.50 resource protection standard

TABLE 15-3 0504 ACRES	
BASE SITE AREA	10.1010
OPEN SPACE RATIO (OSR)	0
min onsite open space	0
NET BUILDABLE SITE AREA	7.6498
MAX NET DENSITY YIELD	38.25
MAX GROSS DENSITY YIELD	38.25
MAX PERMITTED D U S	38.25

Regulo Martinez-Montilva

From: Randy Bruckner <randy@cj-engineering.com>
Sent: Tuesday, March 1, 2022 4:59 PM
To: Regulo Martinez-Montilva
Cc: Heath Eddy, 'Ken Servi'
Subject: RE: Tess Creek Follow-up

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Regulo,
Our responses are below in Red. If you need these responses in a formal letter, please let me know.

Please email or call with any questions or concerns.

Thanks,

Randall S. Bruckner, PE

CJ Engineering
9205 W. Center Street, Suite 214
Milwaukee, WI 53222
Ph (414) 443-1312 x223
randy@cj-engineering.com

From: Regulo Martinez-Montilva [<mailto:RMartinez-Montilva@franklinwi.gov>]
Sent: Thursday, February 24, 2022 12:03 PM
To: Randy Bruckner
Cc: Heath Eddy
Subject: Tess Creek Follow-up

Randy,

I am following up on the comments made by Alderwoman Wilhelm during the Plan Commission public hearing. Since the Tess Creek subdivision is scheduled for the March 15, 2022, for decision, it would be helpful if you can send me a letter addressing her comments no later than March 9. Per my notes, please clarify on the following:

- Who will be responsible for maintenance of the stormwater areas, the trail easement area and the fuel line easement area?

The developer will maintain all areas until a Tess Creek Estates Home Owners Association (HOA) is established. The HOA will be established when 75% of the lots have been sold.

- What is the plan to mitigate the vapor intrusion risk?

From Ken Servi's Environmental Consultant, Kate Juno, PG of LF Green Development, LLC. There is little to no risk of vapor intrusion at this site based on past investigation findings, however, a leaking diesel tank was removed from the property in 1991. The WDNR closure letter from 1992 indicates that diesel contaminated soil was excavated and landfill disposed. Samples collected from the excavation indicated that a small amount of contamination (Total Petroleum Hydrocarbons) remained along the south wall of the excavation. Based on these findings, WDNR closed the leaking tank case with no requirements for further investigation or remediation.

Subsequent investigation of the property in 2006 showed no detectable volatile organic compounds (VOCs) in any of the soil or groundwater samples collected, including those collected from a boring and monitoring well installed just east to southeast of the former tank. Given the 1992 remediation results that show little remaining contamination and the 2006

site investigation findings that showed no detectable VOCs, there is little to no potential for remaining VOC contamination from the former tank that could cause a vapor intrusion risk. WDNR has requested that the three monitoring wells remaining on the property be resampled for all potential contaminants of concern, including volatile organic compounds. Ken will also consider conducting some test pits and sampling in the area of the former diesel UST, and if contamination remains, it could be excavated and disposed at a landfill. If no VOCs are found in any of these samples, we can conclude that there is no vapor intrusion risk to proposed homes.

- Any grading activities within the 30-foot wetland buffer?

In several areas, grading activities will occur up to the 30' wetland buffer, but no grading will occur within the 30' wetland buffer.

Thank you,

Régulo Martínez-Montilva, AICP

Principal Planner - Department of City Development

City of Franklin

9229 W Loomis Road

Franklin, WI 53132

Phone (414) 425-4024 / 427-7564

RMartinez-Montilva@franklinwi.gov



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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">3/15/2022</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Approve First Amendment to Tax Incremental District No. 7 Development Agreement Between the City of Franklin and Velo Village Apartments LLC (Developer), Velo Village - Franklin, Wisconsin (Project)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.5.</p>

At their meeting of January 18, 2022, the Common Council approved a motion to authorize staff to execute an amendment to Tax Incremental District No. 7, a Development Agreement between the City of Franklin and Velo Village Apartments LLC, accepting a revised contingent payment clause in which the City/TID #7 would receive a \$4 million payment, and directing staff to work with its outside legal counsel to: (1) draft an appropriate amendment to ensure that the funds are available for City use only for eligible project costs and to protect the taxpayers in the case any applicable TIDs are distressed, and (2) establish a plan for the use of the funds to be approved by the Common Council.

Attached is the amendment to the agreement which will be executed upon Council approval.

The second follow-up, establishing a plan for the use of the funds, is not time sensitive and will be brought to the Council at a future date.

Staff recommends approval of the amendment.

COUNCIL ACTION REQUESTED

Motion to approve the attached First Amendment to Tax Incremental District No. 7 Development Agreement Between the City of Franklin and Velo Village Apartments LLC (Developer), Velo Village – Franklin, Wisconsin (Project).

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

This First Amendment to Development Agreement (the “**Amendment**”) is made and entered into this ____ day of _____, 2022, by and between the City of Franklin, Wisconsin, a municipal corporation (“**City**”) and Velo Village Apartments LLC, a Wisconsin limited liability company (“**Developer**”).

RECITALS

WHEREAS, the City and Developer are parties to that certain Tax Incremental District No. 7 Development Agreement dated October 17, 2019 (the “**Development Agreement**”), pursuant to which Developer agreed to construct the Project, and the City agreed to provide financial assistance to Developer in the form of a City Loan and an MRO, all in accordance with the terms of the Development Agreement;

WHEREAS, Project Completion was achieved by the Developer, and on February 2, 2022, Developer made a payment to the City in the amount of One Million One Hundred Fifty-Two Thousand Two Hundred Sixty-Three and No/100 U.S. Dollars (\$1,152,263.00) (the “**Net Savings Payment**”), and

WHEREAS, Developer desires to sell the Project, pay off the City Loan and make payments to the City in satisfaction of its obligation under the Development Agreement as is more fully provided for below.

AGREEMENT

In consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer hereby agree as follows:

1. Recitals. The terms and provisions of the above recitals are hereby incorporated by reference. All capitalized terms used but not defined in this Amendment shall have the meanings ascribed to such terms in the Development Agreement.
2. Net Savings Payment. City hereby acknowledges and agrees that the Net Savings Payment represents the full and timely satisfaction of all of Developer’s obligations pursuant to Article II(C) of the Development Agreement.
3. Project Sale. In the event the Developer sells the Project on or before August 1, 2022 (the “**Closing**”), Developer and City agree that, at the Closing:
 - a. Developer shall pay to the City the outstanding principal balance of the City Loan, equal to Four Million Five Hundred Thousand and No/100 U.S. Dollars (\$4,500,000), plus all accrued interest through the Closing Date, less the Net Savings Payment (the “**Pay-off Amount**”).

- b. Developer shall pay the City Four Million and No/100 U.S. Dollars (\$4,000,000) in satisfaction of its Contingent Payment obligation under Article II(M) of the Development Agreement (the “**Negotiated Contingent Payment**” and together with the Pay-off Amount and the Net Savings Payment, the “**Payments**”). Both the Developer and City acknowledge that the Developer’s IRR will generate an Excess Return, and the parties have negotiated the amount of the Negotiated Contingent Payment after taking into consideration, but not in strict compliance with, the Contingent Payment Example.

Upon receipt of the Payments, the City Loan shall be deemed paid in full, the City shall endorse the Note as paid, the City shall release the City Mortgage, Article II(M) of the Development Agreement shall be deemed fully satisfied and Article II(M) shall thereafter be of no further force or effect. At the Closing, the parties shall record an amendment to their Memorandum of Development Agreement noting the satisfaction of Section 5 thereof. Upon receipt of the Payments, the first sentence of Article VIII(J) of the Development Agreement is hereby deleted and, pursuant to the last sentence of Article VIII(J), the Developer shall be released from its obligations arising or related to acts or omission under the Development Agreement from and after the Closing.

4. Use of Funds. Notwithstanding anything contained in the Development Agreement to the Contrary, the parties acknowledge and agree that the City may, at the City’s election, reserve the Payments and hold them in escrow to be used by the City, its discretion, for any one or more of the following purposes (or any combination thereof).

- a. to pay the GO Bonds, either prior to their maturity or in accordance with their regularly scheduled installments of principal and interest (including any refinancing thereof);
- b. to pay any and all obligations of District #7;
- c. to pay for duly adopted, expanded or increased eligible costs or project scope within District #7 or within a ½ mile thereof;
- d. to pay for obligations incurred by the City in connection with other eligible Tax Increment Financing Districts outside of District #7 pursuant to a duly adopted allocation amendment in accordance with Wis. Stat. §66.1105(6)(f);
- e. for any other legal purpose; and
- f. at the end of District #7, to make payments to any of the taxing jurisdictions associated with District #7.

Notwithstanding anything contained herein or in the Development Agreement to the contrary, the City shall not, in any way, be obligated to use the Payments to satisfy amounts due now or in the future under the MRO (but the Payments may be used in such manner at future date in the sole and absolute discretion of the City).

5. Notice. E-mail. Address of the City under Article IV is amended to: PSteen0@franklinwi.gov.

6. Failure to Timely Closing. In the event the Closing fails to take place on or before August 1, 2022, then this Amendment shall be void and of no further force or effect.

7. Miscellaneous.

- a To the knowledge of both the Developer and the City, no fact, event or condition exists which either (i) constitutes a Default under the Development Agreement, or (ii) if continued without cure after the applicable time period prescribed in the Development Agreement, would constitute a Default under the Development Agreement.
- b This Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument. Counterparts may be executed either in original, pdf, or faxed form and the parties adopt any signatures received by electronic delivery or a receiving fax machine as original signatures of the parties.
- c In the event of a conflict between the terms and conditions of the Development Agreement and the terms and conditions of this Amendment, the terms and conditions of this Amendment shall control.
- d Except as specifically modified or amended herein, all other terms and conditions of the Development Agreement shall remain in full force and effect.
- e The parties represent that the execution of this Amendment has been properly authorized and that the persons signing this Amendment have been properly authorized to sign this Amendment on behalf of the parties.
- f Nothing contained in this Amendment shall create or effect any partnership, venture or relationship between the City and Developer, its successors and/or assigns and/or owners of the Property, or any contractor or subcontractor employed by Developer, its successors and/or assigns and/or owners of the Property, in the construction of the Project.

[Signature Page Follows]

In Witness Whereof, the parties have executed this Amendment as of the date first written above.

CITY OF FRANKLIN, WISCONSIN,
a municipal corporation

By: _____

Name: _____

Title: _____

Attest: _____

Name: _____

Title: _____

STATE OF _____ §

§

COUNTY OF _____ §

This instrument was acknowledged before me on _____, 2022 by _____ (name), as _____ (title), and _____ (name), as _____ (title) of the City of Franklin, Wisconsin, a municipal corporation, on behalf of said municipal corporation.

Notary Public for the State of _____

Printed Name of Notary

My Commission Expires: _____

In Witness Whereof, the parties have executed this Amendment as of the date first written above.

DEVELOPER:

VELO VILLAGE APARTMENTS LLC

By: Mandel/Velo Village Apartments LLC
Its: Manager

By: BR Mandel LLC
Its: Manager

By: _____
Barry R. Mandel, Manager

STATE OF WISCONSIN)
 ss
MILWAUKEE COUNTY)

Personally appeared before me this ____ day of _____, 2022, the above-named Barry R. Mandel, the Manager of BR Mandel LLC, the Manager of Mandel/Velo Village Apartments LLC, the Manager of Velo Village Apartments LLC, to me known to be the person who executed the foregoing agreement on behalf of the City and by its authority

[Notarial Seal]

Name: _____
Notary Public, State of Wisconsin
My Commission: _____

<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>03/15/22</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>A RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR CAPE CROSSING SUBDIVISION (AT 12200 WEST RYAN ROAD) (NEUMANN DEVELOPMENTS, INC., APPLICANT)</p>	<p>ITEM NUMBER</p> <p>G.6.</p>

At its February 17, 2022, regular meeting, the Plan Commission carried a motion to recommend approval of this resolution conditionally approving a preliminary plat for Cape Crossing subdivision (at 12200 West Ryan Road). The vote was (4-1-1), four 'ayes', one 'nay' and one absent.

In addition to the materials presented in the Plan Commission meeting packet. This item includes the preliminary stormwater management plan (excluding appendices) and Geotechnical Exploration and Site Feasibility report. Note that the Unified Development Ordinance requires soil boring test for areas not served by municipal sewer and to a depth of six feet. The Cape Crossing development is planned to be served by city sewer and the boring were performed to depths between 10 and 25 feet.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution 2022-_____, conditionally approving a preliminary plat for Cape Crossing subdivision (at 12200 West Ryan Road) (Neumann Developments, Inc., applicant)

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 2-24-22]

RESOLUTION NO. 2022-_____

A RESOLUTION CONDITIONALLY APPROVING A
PRELIMINARY PLAT FOR CAPE CROSSING SUBDIVISION
(AT 12200 WEST RYAN ROAD)
(NEUMANN DEVELOPMENTS, INC., APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a preliminary plat for Cape Crossing subdivision, such plat being a part of the Southwest 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 19, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows: Beginning at the southwest corner of the Southwest 1/4 of said Section 19; thence North 01°22'14" West along the west line of said Southwest 1/4, 2658.45 feet to the northwest corner of said Southwest 1/4; thence South 89°33'48" East along the north line of said Southwest 1/4, 1413.03 feet to the east line of the west 1/2 of said Southwest 1/4 as described by the Original Section Survey; thence South 00°36'57" East along said east line, 2174.70 feet to the northwesterly line of The Milwaukee Electric Railway and Light Company (now Wisconsin Electric Power Company) as recorded in the Register of Deeds office for Milwaukee County, in Volume 1395, Page 367 and a point on a curve; thence southwesterly 599.21 feet along the arc of said curve to the right, whose radius is 7777.60 feet and whose chord bears South 36°38'24" West, 599.06 feet to the south line of said Southwest 1/4; thence North 89°31'45" West along said south line, 1015.31 feet to the Point of Beginning. ALSO that part of the Southwest 1/4 of the Southwest 1/4 of Section 19, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows: Commencing at the southwest corner of the Southwest 1/4 of said Section 19; thence South 89°31'45" East along the south line of said Southwest 1/4, 1142.36 feet to the southeasterly line of The Milwaukee Electric Railway and Light Company (now Wisconsin Electric Power Company) as recorded in the Register of Deeds office for Milwaukee County, in Volume 1395, Page 367, a point on a curve and the Point of Beginning 2; Thence northeasterly 387.26 feet along the arc of said curve to the left, whose radius is 7877.60 feet and whose chord bears North 36°51'54" East, 387.22 feet to the east line of the west 1/2 of said Southwest 1/4 as described by the Original Section Survey; thence South 00°36'57" East along said east line, 311.75 feet to the south line of said Southwest 1/4; thence North 89°31'45" West along said south line, 235.67 feet to the Point of Beginning 2. CONTAINING 3,659,363 square feet (84.0074 acres) of land, more specifically, of the property located at 12200 West Ryan Road, bearing Tax Key Nos. 890-9991-001 and 890-9991-002, Neumann Developments, Inc., applicant; said preliminary plat having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof at its meeting on March 3, 2022, pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan

NEUMANN DEVELOPMENTS, INC. – PRELIMINARY PLAT
RESOLUTION NO. 2022-_____

Page 2

Commission recommendation and the Common Council having determined that such proposed preliminary plat is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Preliminary Plat of Cape Crossing subdivision, as submitted by Neumann Developments, Inc., as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9 of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Franklin DC Land, LLC, successors and assigns and any developer of the Cape Crossing 130 lot, 6 outlot and 6,579 linear feet of right-of-way subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Cape Crossing 130 lot, 6 outlot and 6,579 linear feet of right-of-way subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
4. The approval granted hereunder is conditional upon Neumann Developments, Inc. and the Cape Crossing 130 lot, 6 outlot and 6,579 linear feet of right-of-way subdivision development project for the property located at 12200 West Ryan Road: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
5. The Cape Crossing 130 lot, 6 outlot and 6,579 linear feet of right-of-way subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.

6. This Preliminary Plat approval is contingent upon the applicant obtaining a Natural Resource Special Exception for impacts to protected natural resources, including but not limited to grading within the wetland buffer, prior to recording the Final Plat. In case of impacts attributable to the pedestrian path on the north side of Ryan Road, a practicable alternatives analysis pursuant to City of Franklin Ordinance No. 2016-2224 may be appropriate.
7. This Preliminary Plat resolution is not approving the placement of any monument sign within the proposed right-of-way areas. The proposed subdivision monument sign shall be relocated outside existing or proposed right-of-way areas, and vision triangles. Signage shall be subject to issuance of a Sign Permit from the City Development Department.
8. The applicant shall submit a Lighting Plan, as defined in the Unified Development Ordinance as part of the Final Plat application.
9. Pursuant to the Unified Development Ordinance §15-7.0301, the Final Plat application should include a Landscape Plan with location, extent, type (common name and scientific name in the case of plant materials), and sizes of proposed landscaping and landscape plantings in all areas of the proposed development, designated as a "Landscape Bufferyard Easement".
10. Written conservation easements and landscape bufferyard easements shall be submitted as part of the Final Plat application for Common Council review and approval, and recording with the Milwaukee County Register of Deeds Office at the time of recording the Final Plat.
11. All protected natural resources to remain (as depicted on the Natural Resource Protection Plan) shall be shown on the face of the plat, and included within a Conservation Easement, as part of the Final Plat application. A "Conservation Easement Restrictions" note shall also be depicted on the face of the plat as part of the Final Plat application.
12. A draft of the declaration of deed restrictions, protective covenants, and the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners association) whereby the subdivider intends to regulate land uses in the proposed subdivision and otherwise protect the proposed development shall be submitted to the City as part of the Final Plat for review and approval solely as to form and as such may pertain to existing city rules and regulations.
13. The Final Plat shall be in full compliance with all pertinent City of Franklin Design Standards and Construction Specifications

NEUMANN DEVELOPMENTS, INC. – PRELIMINARY PLAT
RESOLUTION NO. 2022-_____

Page 4

14. Site improvement cost information, itemized in the categories listed in the city’s Subdivision Development Agreement, shall be included in the Final Plat application.
15. The applicant shall be responsible for filing a Subdivision Development Agreement consistent with all regulations of the Unified Development Ordinance and Municipal Code, as may be amended, for the Final Plat. Said Subdivision Development Agreement shall be approved by the Common Council.
16. Grading, stormwater management, erosion control and utility plans shall be subject to review by the Engineering Department.
17. The final path design on the north side of Ryan Road, including but not limited to the crossing of S. Cape Boulevard and curb ramps, shall be subject to review and approval by the Engineering Department.
18. Separate site plan approval shall be required for amenity areas, such as clubhouse and fire pit.

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 _____



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Item D.1.

Meeting of March 3, 2022

Preliminary Plat – Cape Crossing

RECOMMENDATION: City Development staff does not recommend approval of the Preliminary Plat as presented by the applicant. However, should the Plan Commission wish to consider approval of this Preliminary Plat, City Development staff recommends such approval subject to the conditions set forth in the attached draft resolution.

Table with 2 columns: Field Name and Value. Fields include Project Name, Project Address, Applicant, Agent, Property Owner, Current Zoning, 2025 Comprehensive Plan, Use of Surrounding Properties, Applicant's Action Requested, and Planner.

Introduction:

Preliminary Plat for the new Cape Crossing subdivision to be located on the north side of Ryan Road, next to Franklin-Muskego city limits. This proposal is for 130 single-family home sites on an 84-acre site.

The Cape Crossing Planned Development District (PDD) was conditionally approved by the Common Council on January 18, 2022, Ordinance 2022-2492 (appendix #1), which establishes the development standards for this subdivision. The former zoning was is R-3 – Suburban/Estate Single-Family Residence District.

A Concept Review for the Planned Development District was presented before the Common Council on August 3, 2021, the first concept version had 180 lots, then it was reduced to 142 lots and finally to the current design with 130 lots.

Project description and analysis:

The proposed 130-lot single-family residential subdivision consists of the new South Cape Crossing Boulevard connecting to Ryan Road, and two new public internal streets: Oxbow Lane and Winding Way. The total new linear right-of-way to be dedicated to the city is 6,507 feet: 250 feet for the 80-foot wide South Cape Crossing Boulevard, and the rest for Oxbow Lane and Winding Way designed to the typical 60-foot minor street section.

Per the recommendations of the Traffic Impact Analysis prepared by TADI dated November 16, 2021, acceleration and deceleration lanes are proposed at the intersection of Ryan Road and the new S. Cape Crossing Boulevard as depicted in Sheet C-2 Details.

Site Intensity and Capacity calculations have been prepared (UDO §15-3.0500) and reviewed as part of the Cape Crossing Planned Development District. The total gross site area is 84.01 acres, the gross density is 1.70 dwelling units per acre and the net density is 2.60 dwelling units per acre. The net buildable site area is 53.59 acres, excluding land dedicated for right-of-way purposes, protected natural resources and open space.

It is unlikely that the Cape Crossing subdivision would connect to future development to the west, north or east, due to the presence of a gas pipeline, overhead high tension wires to the east, wetland and floodplain to the east and north, as well as wetlands, woodlands and city limits to the west. Future road connections to this development other than access to Ryan Road is not anticipated.

The Cape Crossing Planned Development District (PDD) has two areas with different developments standards: The Villas and The Estates. The Villas is the south half of the subdivision and allows for smaller lots with a minimum lot size of 9,000 feet, 76 lots are located in The Villas area. The Estates is the north half with 54 larger lots, 12,000 square feet minimum. All lots comply with the development standards set forth in the PDD for The Villas and The Estates.

Lots 2, 3 and 4 did not comply with the minimum 60-foot street frontage of UDO Section 15-5.0101.B.1. The applicant has revised these lots accordingly following staff review comments (comment #18).

In addition to the 130 single-family residential lots and right-of-way areas, this plat has 6 outlots. Outlot 1 is the largest (25.33 acres) and it is intended for natural resources, stormwater areas, landscape buffering (including public path), gas line and overhead high tension wires. Outlot 2 is for the proposed 12-foot wide emergency access; Outlot 3 is for landscape buffering (including public path) and natural resources; Outlot 4 is for the clubhouse, open space and stormwater area; Outlot 5 is for a fire pit, open space and private path; and Outlot 6 is for a potential trail head.

No residential lot would have direct access to Ryan Road because it is prevented by Outlots 1 and 3, as well as landscape buffer easements along Ryan Road.

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

City Development staff requested information about the estimated site improvements cost for this subdivision (comment #8). The applicant has not provided this information and stated that “the site improvement cost breakdown will be provided once the plan are prepared and initial bids are received”. Note that per Section 15-7.0502 Plat Data, subsection Z, all site improvement cost shall be submitted as part of the Preliminary Plat. The attached resolution includes a condition requiring site improvement cost information as part of the Final Plat application (condition #14).

Pedestrian amenities

All new streets in this development, S. Cape Crossing Boulevard, S. Winding Way and W. Oxbow Lane, would have sidewalks on both sides, 5-foot wide and 1 foot off the right-of-way line, in accordance with the typical street sections for urban collector streets and urban minor streets.

Following staff review comments based on the Comprehensive Master Plan (comments #1-2), the applicant added sidewalks to S. Cape Crossing Boulevard, as well as a 10-foot wide public pedestrian path on the north side of Ryan Road. The west section of this path (west of the WE Energies right-of-way) would be located within Outlots 3 and 4 as part of the landscape bufferyard easement, and the east section on the Ryan Road right-of-way, south of the existing overhead power lines.

Note that the proposed path layout would impact wetland (W-4) on the north side of Ryan Road, this wetland impact would be subject to the pertinent wetland permitting or exemption by the Wisconsin DNR and US Army Corp of Engineers. If this wetland is not exempt from state and federal wetland regulations, a Natural Resource Special Exception or practicable alternatives analysis by the City of Franklin would also be required.

The subject path would end near the Franklin-Muskego city limits. It is worth noting that “Currently, there is no plan or design to put a path along the north side of Ryan Drive from North Cape Road to the City of Muskego limits” as stated by the Muskego Public Works and Development Director, Scott Kroeger (appendix #2).

The final path design, including but not limited to the crossing of S. Cape Boulevard and curb ramps, shall be subject to review and approval by the Engineering Department.

Stormwater Management and other Engineering approvals and required improvements

Stormwater areas are being proposed on Outlots 1 & 4. The applicant must submit a Stormwater Management Plan and calculations to the Engineering Department for review, and will require final Engineering Department approval as part of the review of the Final Plat Application. Section 15-8.0100 of the UDO sets forth the required improvements for all land divisions. The master grading is also subject to review by the Engineering Department. At the time of building permit review for each lot, lot grading shall be consistent with the master grading plan.

Natural Resource Protection Plan (NRPP)

A Natural Resource Protection Plan (NRPP) has been prepared by Stantec Consulting Services Inc, dated August 14, 2022 (appendix 3). The following natural resources have been identified on the subject site: 6 wetlands areas with associated wetland buffers and setbacks, mature woodlands and floodplain. The mature woodlands, located on the northwest corner, and the floodplain area, located on the northeast corner would not be impacted by this subdivision.

The preliminary grading plan (sheet C-3) indicates impact to wetland W-4, as well as buffers and setbacks of wetlands W-2 and W-3. The impact to wetland W-4 and associated buffers and setback is for the purpose of a public pedestrian path as discussed previously in the “Pedestrian amenities” section. The proposed impacts to the wetland buffers of wetland W-3 is for grading of stormwater areas; and for grading of Lot 33 within the buffer of wetland W-2. Grading activities within the 30-foot wetland buffer are not permitted per the UDO, unless a Natural Resource Special Exception is granted, the attached resolution is not approving any impact to wetlands or wetland buffers (condition #6). Grading within the 50-foot wetland setback is permitted, as long as a permanent vegetative cover is established after grading.

Signage:

The plat depicts the monument sign in the median of the future S. Cape Crossing Boulevard. It is recommended to place this subdivision monument outside future right-of-way areas and corner vision triangles (condition #7).

A subdivision monument sign or other similar signage would require separate City review and approval.

Other required documents

§15-7.0603 requires submittal of any Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowners' Association prior to approval of the Final Plat.

Improvements including streets and utilities must be installed prior to recording of the Final Plat (§15-2.0303.A). If complete construction is not practicable, the applicant may enter into a Subdivider's (“Developer's”) agreement with the City of Franklin, and provide a letter of credit for improvements (§15-2.0303.B). Should the final plat be recorded in two phases, the applicant would need to provide the financial guaranty in the amount required for each phase of the final plat prior to the recording of that phase.

Recommendation

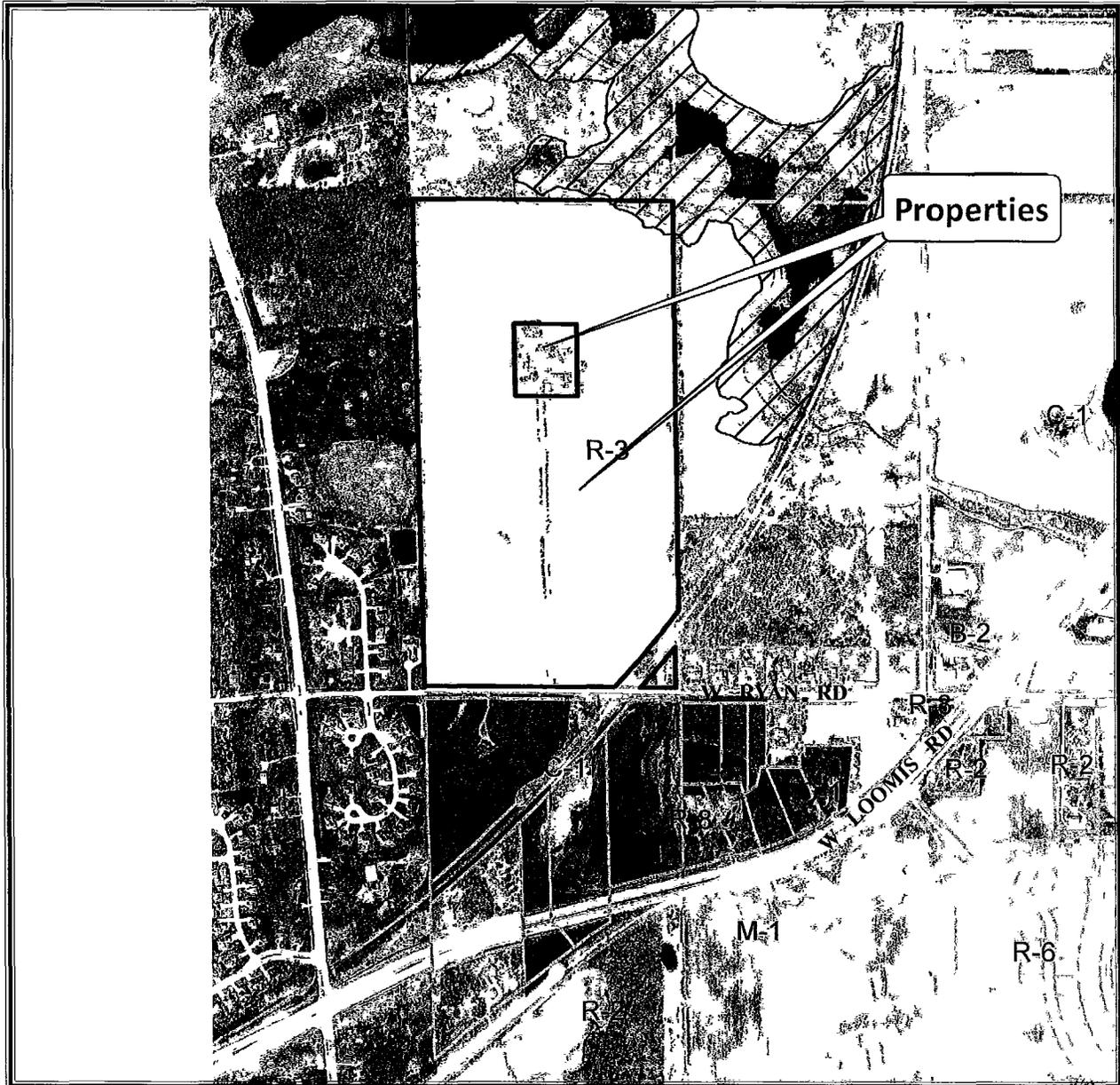
City Development staff does not recommend approval of the Preliminary Plat as presented by the applicant, because the proposed grading within the wetland buffer is not permitted unless a Natural Resource Special Exception is granted.

However, should the Plan Commission wish to consider approval of this Preliminary Plat, City Development staff recommends such approval subject to the conditions set forth in the attached draft resolution.

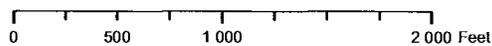
Appendices

1. Cape Crossing Planned Development District (PDD), Ordinance 2022-2492. January 18, 2022.
2. E-mail from City of Muskego Planning Manager Adam Trzebiatowski, dated February 23, 2022.
3. Natural Resource Protection Plan (NRPP) prepared by Stantec Consulting Services Inc, dated August 14, 2022, excluding appendix B-C.

Address: 12200 W. Ryan Road
TKNs: 890-9991-001 and 890-9991-002

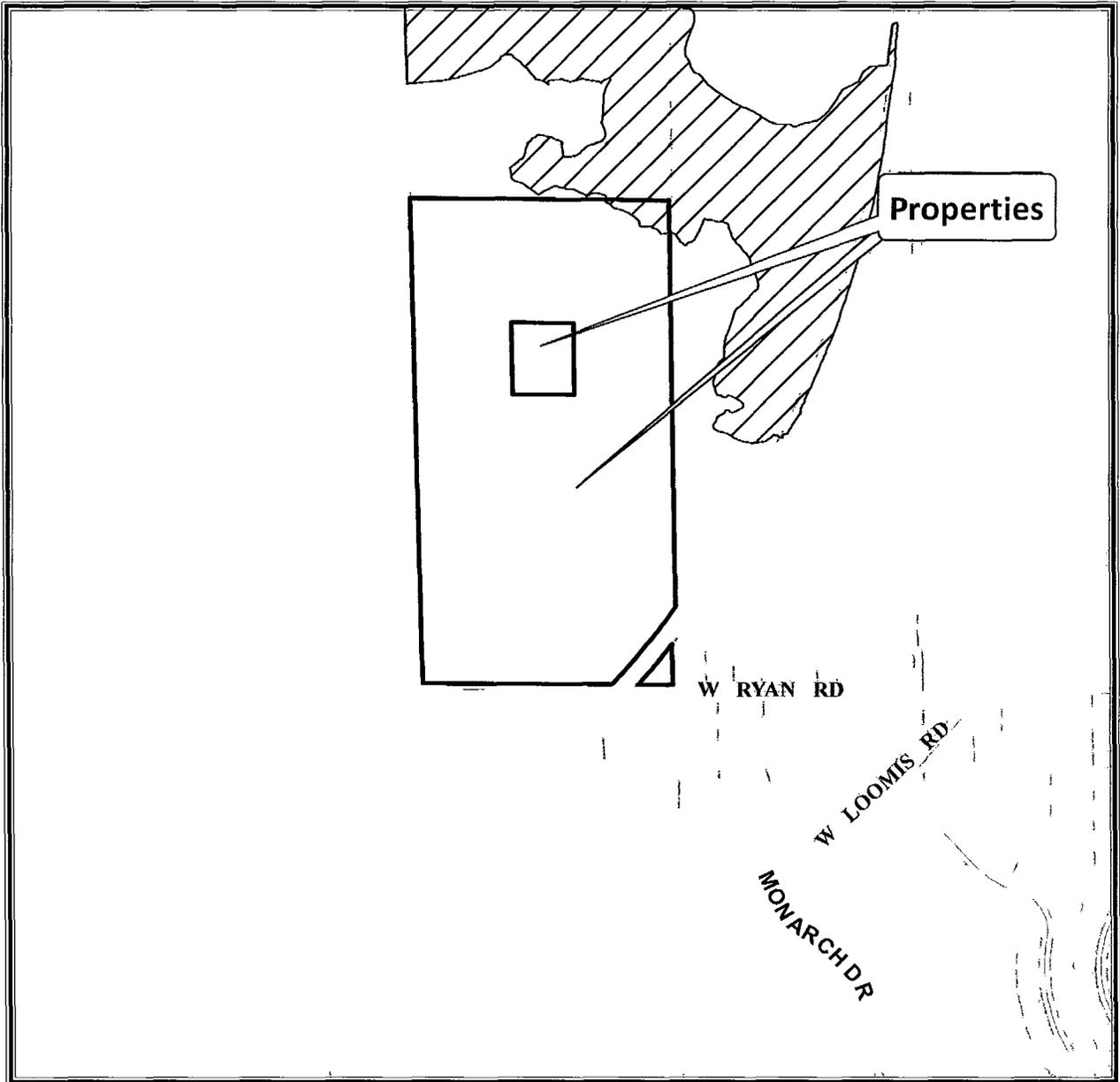


Planning Department
(414) 425-4024

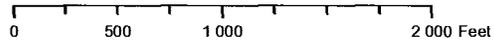


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal engineering or surveying purposes.

Address: 12200 W. Ryan Road
TKNs: 890-9991-001 and 890-9991-002



Planning Department
(414) 425-4024



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

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2022-2492

AN ORDINANCE TO CREATE SECTION 15-3.0445 OF THE FRANKLIN UNIFIED DEVELOPMENT ORDINANCE ESTABLISHING PLANNED DEVELOPMENT DISTRICT NO. 40 (CAPE CROSSING) AND TO REZONE PROPERTY FROM R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT AND C-1 CONSERVANCY DISTRICT TO PLANNED DEVELOPMENT DISTRICT NO. 40 (12200 WEST RYAN ROAD)

WHEREAS, a petition for zoning change having been filed to change the zoning on a tract of land from R-3 Suburban/Estate Single-Family Residence District and C-1 Conservancy District to a Planned Development District, which tract of land is located at 12200 West Ryan Road, bearing Tax Key Nos. 890-9991-001 and 890-9991-002, and which is more particularly described below;

WHEREAS, the Plan Commission having determined that the proposed Planned Development District No. 40 (Cape Crossing) is in conformance with the City of Franklin Comprehensive Master Plan and contains more than 3 acres;

WHEREAS, a Public Hearing was held before the Plan Commission on the 9th day of December, 2021, and the Plan Commission having reviewed the Planned Development District No. 40 petition and having found that the proposed Planned Development District conforms to the standards for adoption of a Planned Development District, and having recommended to the Common Council that the creation of Planned Development District No. 40 be approved; and

WHEREAS, the Common Council having reviewed the petition and recommendation following the Public Hearing and having determined that the adoption of an ordinance to create Planned Development District No. 40 will promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the property described below be changed from R-3 Suburban/Estate Single-Family Residence District and C-1 Conservancy District to Planned Development District No. 40 (Cape Crossing) as is created under SECTION 2 of this ordinance:

LEGAL DESCRIPTION: Being a part of the Southwest 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 19, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows: Beginning at the southwest corner of the Southwest 1/4 of said Section 19; thence North 01°22'14" West along the west line of said

ORDINANCE NO. 2022-2492
ESTABLISHING PLANNED DEVELOPMENT
DISTRICT NO. 40 (*CAPE CROSSING*)
Page 2

Southwest 1/4, 2658.45 feet to the northwest corner of said Southwest 1/4; thence South 89°33'48" East along the north line of said Southwest 1/4, 1413.03 feet to the east line of the west 1/2 of said Southwest 1/4 as described by the Original Section Survey; thence South 00°36'57" East along said east line, 2174.70 feet to the northwesterly line of The Milwaukee Electric Railway and Light Company (now Wisconsin Electric Power Company) as recorded in the Register of Deeds office for Milwaukee County, in Volume 1395, Page 367 and a point on a curve; thence southwesterly 599.21 feet along the arc of said curve to the right, whose radius is 7777.60 feet and whose chord bears South 36°38'24" West, 599.06 feet to the south line of said Southwest 1/4; thence North 89°31'45" West along said south line, 1015.31 feet to the Point of Beginning.

ALSO

That part of the Southwest 1/4 of the Southwest 1/4 of Section 19, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows: Commencing at the southwest corner of the Southwest 1/4 of said Section 19; thence South 89°31'45" East along the south line of said Southwest 1/4, 1142.36 feet to the southeasterly line of The Milwaukee Electric Railway and Light Company (now Wisconsin Electric Power Company) as recorded in the Register of Deeds office for Milwaukee County, in Volume 1395, Page 367, a point on a curve and the Point of Beginning 2; Thence northeasterly 387.26 feet along the arc of said curve to the left, whose radius is 7877.60 feet and whose chord bears North 36°51'54" East, 387.22 feet to the east line of the west 1/2 of said Southwest 1/4 as described by the Original Section Survey; thence South 00°36'57" East along said east line, 311.75 feet to the south line of said Southwest 1/4; thence North 89°31'45" West along said south line, 235.67 feet to the Point of Beginning 2.

SECTION 2 §15-3.0445 of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby created to read as follows:

Section 15-3 0445 PLANNED DEVELOPMENT DISTRICT NO. 40 (*CAPE CROSSING*)

A. Exhibits.

This Planned Development District shall be constructed, operated and maintained in conformance with the following listed Exhibits, all containing matters approved hereunder or by the separate approval of the Common Council as set forth below, and all applicable terms and provisions of the Municipal Code and the Unified Development Ordinance not

enumerated herein and not contrary to the terms or provisions of this ordinance, including, but not limited to such permits as are required under Division 15-8.0200 Construction, Division 15-8.0300 Construction Site Erosion Control and Division 15-8.0600, as well as the Development Agreement required as a condition of approval of Exhibit A, below. The plans contained in the following listed Exhibits may be adjusted in minor detail and so noted prior to construction upon the written approval of the City Engineer or City Planning manager in order to comply with all of the conditions of this Ordinance.

1. **Exhibit A:** Concept Plan entitled “Cape Crossing” prepared by Anthony Zanon, Pinnacle Engineering Group, dated November 23, 2021.
2. **Exhibit B:** Natural Resource Protection Plan prepared by Eric C. Parker, Stantec Consulting Services, Inc. dated August 2017.
3. **Developer:** The applicant, Neumann Developments, Inc.

B. **District Intent.** It is the intent of the Planned Development District No. 40 (Cape Crossing) to allow for single-family residential development with reduced lot size and increased lot coverage. The Planned Development District No. 40 consists of two (2) areas with different development standards: The Estates Area and The Villas Area.

C. **General Requirements.**

1. The site shall be developed in substantial compliance with the district standards and specific development standards for The Estates Area and The Villas Area set forth in this Ordinance.

D. **District Standards.** Planned Development District No. 40 is further intended to have the following development standards:

- | | |
|-------------------------------|---|
| (a) Permitted uses: | Single-family residential, clubhouse and amenity areas depicted in Exhibit A. |
| (b) Total lots: | 130 lots, maximum |
| (c) Maximum gross density: | 1.70 dwelling units/acre |
| (d) Maximum net density: | 2.61 dwelling units/acre |
| (e) Minimum open space ratio: | 0.42 |

E. **The Estates Area.**

1. **Development Standards.** The Estates Area is further intended to have the following development standards:

- (a) Lots: 54 lots, maximum
- (b) Minimum lot size: 12,000 square feet
- (c) Minimum lot width, 85 feet, measured at setback line
- (d) Minimum front setback: 25 feet
- (e) Minimum corner setback: 25 feet
- (f) Minimum side setback: 10 feet
- (g) Minimum rear setback: 25 feet
- (h) Maximum lot coverage: 0.25
- (i) Maximum building height,
 - Principal structure: 2.5 stories / 30 feet, whichever is greater
 - Accessory structure: 1 story / 15 feet, whichever is greater

F **The Villas Area.**

1. **Development Standards.** The Villas Area is further intended to have the following development standards:

- (a) Lots: 76 lots, maximum
- (b) Minimum lot size: 9,000 square feet
- (c) Minimum lot width, 70 feet/ 90 feet for corner lots, measured at setback line
- (d) Minimum front setback: 25 feet
- (e) Minimum corner setback: 25 feet
- (f) Minimum side setback: 7.5 feet
- (g) Minimum rear setback: 25 feet
- (h) Maximum lot coverage: 0.30
- (i) Maximum building height,
 - Principal structure: 2.5 stories / 30 feet, whichever is greater
 - Accessory structure: 1 story / 15 feet, whichever is greater

G. **Plat Review.**

- 1. The applicant shall be responsible for filing a Preliminary Plat of Subdivision consistent with all requirements of the Unified Development Ordinance.

2. The applicant shall submit a Landscape Plan and Lighting Plan, as defined in the Unified Development Ordinance as part of the Preliminary Plat submittal
3. The applicant shall be responsible for filing a Final Plat of Subdivision consistent with all requirements of the Unified Development Ordinance.
4. The applicant shall be responsible for filing a Subdivision Development Agreement consistent with all regulations of the Unified Development Ordinance and Municipal Code, as may be amended, for the Final Plat. Said Subdivision Development Agreement shall be approved by the Common Council.
5. A Homeowner Association document shall accompany the Final Plat including deed restrictions specifying the maintenance of common areas. Said document shall be recorded after approval by the City of Franklin Attorney.
6. Grading, stormwater management, erosion control and utility plans shall be subject to review by the Engineering Department.
7. All protected natural resources indicated in the Natural Resource Protection Plan, including wetlands, wetland buffers, wetland setbacks and mature woodlands shall be protected by a conservation easement in accordance with the Unified Development Ordinance.

H. **Conditions of Approval.**

The development of PDD No. 40 upon the adoption of 15-3.0445 shall occur and be in compliance with the Exhibit A Concept Plan (including the conditions of approval below, which are to be completed prior to the approval of the Final Plat).

1. The drainage easement along the west property line (or city limits) should include landscaping screening between lots 6-15 as long as it is acceptable to the Engineering Department. The applicant should submit a landscape plan for this area with the Preliminary Plat.
2. The applicant should submit written approval from the holder of the 15-foot West Shore pipe line easement (Doc. 3875551) as a requirement for the grading plans associated with the Final Plat.

SECTION 3: 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 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

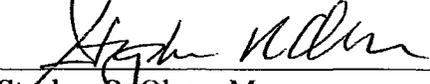
ORDINANCE NO. 2022-2492
ESTABLISHING PLANNED DEVELOPMENT
DISTRICT NO. 40 (CAPE CROSSING)
Page 6

SECTION 5: **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 18th day of January, 2022, by Alderman Hanneman.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 18th day of January, 2022.

APPROVED:



Stephen R. Olson, Mayor

ATTEST.



Sandra L. Wesolowski, City Clerk

AYES 4 NOES 3 ABSENT 0
(Mayor Olson broke the tie)

Regulo Martinez-Montilva

From: Adam Trzebiatowski <ATrzebiatowski@cityofmuskego.org>
Sent: Wednesday, February 23, 2022 11:34 AM
To: Regulo Martinez-Montilva
Cc: Heath Eddy, Glen Morrow, Scott Kroeger
Subject: RE: North Cape Crossing
Attachments: doc04271320220223110402.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Regulo,

Thanks for the update on those plans and that development. I passed your question onto Scott Kroeger, our Public Works & Development Director and here are his comments:

“Currently, there is no plan or design to put a path along the north side of Ryan Drive from North Cape Road to the City of Muskego limits. I have attached a map showing the planned Franklin trail plan. The City of Muskego was going to use DPW forces and recycled asphalt millings to finish the last portion of this trail (highlighted area). However, it sounds like WDNR will not approve this route.”

Please let me know if you have any further questions.

Thanks,



Adam Trzebiatowski, AICP
Planning Manager
City of Muskego
Department of Public Works & Development
Planning Services Division
W182 S8200 Racine Avenue
Phone: (262) 679-5598
Fax: (262) 679-5614
Email: adamt@cityofmuskego.org
Web: www.cityofmuskego.org

This message originates from Adam Trzebiatowski. It contains information that may be confidential or privileged and is intended only for the individual named above. It is prohibited for anyone to disclose, copy, distribute or use the contents of this message without permission, except as allowed by Wisconsin Public Records Laws. If this message is sent to a quorum of a governmental body, my intent is the same as though it were sent by regular mail and further distribution is prohibited. All personal messages express views solely of the sender, which are not attributed to the municipality I represent, and may not be copied or distributed without this disclaimer.

**Natural Resource Protection
Plan**

Franklin DC Land, LLC
City of Franklin, Milwaukee
County, Wisconsin
Stantec Project # 193705469
Lead Investigator. Eric C Parker



Prepared for
Mr Patrick Dempsey
Franklin DC Land, LLC
142 East Capitol Drive, Suite 200
Hartland, WI 53029

Prepared by
Stantec Consulting Services Inc
12075 Corporate Parkway,
Suite 200
Mequon, Wisconsin 53092
Phone (414) 218-4450
Fax (262) 241-4901

August 14, 2017

NATURAL RESOURCE PROTECTION PLAN

Franklin DC Land LLC
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August 14, 2017

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NATURAL RESOURCE PROTECTION PLAN

Franklin DC Land LLC
INTRODUCTION
August 14, 2017

1.0 INTRODUCTION

Stantec Consulting Services Inc. (Stantec) performed an investigation of natural resources per the City of Franklin's Unified Development Ordinance (UDO) on the Franklin DC Land, LLC property (the "Property") on behalf of Franklin DC Land, LLC. The Property is approximately 81.57 acres and is in the southwest quarter of Section 19, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin. Specifically, the Property is located at 12200 West Ryan Road, approximately 600 feet east of County Trunk Highway (CTH) OO (North Cape Road) (Figure A).

The purpose and objective of the investigation was to: 1) determine the type, location, and extent of natural resources within the Property, and 2) for the natural resource types present, to delineate their boundaries. Field work was completed by Eric C. Parker of Stantec on June 26th and 27th, 2017. Six wetlands, including one shoreland wetland, one mature woodland, and floodplain were identified within the Property. Additionally, the approximate locations of nearby off-site wetlands and waterways (both contiguous and non-contiguous) were sketched on adjacent parcels to the Property.

The wetlands identified in this report may be subject to federal regulation under the jurisdiction of the U.S. Army Corps of Engineers (USACE), state regulation under the jurisdiction of the Wisconsin Department of Natural Resources (WDNR), and local jurisdiction under the City of Franklin. The remaining natural resources are subject to the City of Franklin's UDO. Stantec recommends Stantec's wetland delineation report (provided as a separate report) be submitted to City planning staff, the WDNR, and USACE for final jurisdictional review and concurrence.

NATURAL RESOURCE PROTECTION PLAN

Franklin DC Land LLC
METHODS
August 14, 2017

2.0 METHODS

2.1 FEATURE DETERMINATIONS

The following natural resources features were investigated for presence on the Property per Section 15-4.0102 of the UDO: Steep Slopes, Woodlands and Forests, Lakes and Ponds, Streams, Shore Buffers, Floodplain/Floodway, Wetlands and Shoreland Wetlands, Wetland Buffers, and Wetland Setbacks

2.2 STEEP SLOPES

Steep slopes as defined in the UDO are greater than or equal to 10 percent. The protection standard varies for slopes steeper than 20 percent, and additionally for slopes steeper than 30 percent.

Contours available through the United States Digital Service / Natural Resource Conservation Service (USDS/NRCS) National Elevation Data 30 meter (NED) for Milwaukee County were obtained and slopes were identified using GIS, calculated from the NED.

2.3 WOODLANDS AND FORESTS

The UDO defines woodlands and forests as either "Mature" or "Young"

Mature An area or stand of trees whose total combined canopy covers an area of one (1) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least ten (10) inches, or any grove consisting of eight (8) or more individual trees having a DBH of at least twelve (12) inches whose combined canopies cover at least fifty (50) percent of the area encompassed by the grove. However, no trees planted and grown for commercial purposes should be considered a mature woodland.

Young An area or stand of trees whose total combined canopy covers an area of one-half (0.50) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three (3) inches. However, no trees planted and grown for commercial purposes shall be considered a young woodland.

Once determined as either young or mature based on the above definitions, the edges of the woodland are defined by the vertical plane of the outer drip-line of the exterior trees.

2.4 LAKES AND PONDS

Determinations of navigability and jurisdiction of waterbodies such as lakes or ponds, was beyond the scope of the investigation. However, if observed, waterbodies and/or other connections to off-site wetland or aquatic features that may be under federal or state authority were identified.

NATURAL RESOURCE PROTECTION PLAN

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2.5 STREAMS

Determinations of navigability and jurisdiction of waterways such as rivers, streams, and ditches, was beyond the scope of the investigation. However, if observed, waterways and/or other connections to off-site wetland or aquatic features that may be under federal or state authority were identified.

2.6 SHORE BUFFERS

The UDO defines shore buffers as All of that land area located within seventy-five (75) feet landward of the ordinary high water mark of all ponds, streams, lakes, and navigable waters (as determined by the Wisconsin Department of Natural Resources) and parallel to that ordinary high water mark, which is to remain undisturbed as a Natural Resource Feature (including undisturbed natural vegetation). Shore buffers do not include any area of land adjacent to any stream enclosed within a drainage structure, such as a pipe or culvert. The area of shore buffers (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan." A shore buffer is also a setback.

2.7 FLOODPLAIN/FLOODWAY

Floodplain boundaries were identified and delineated based on the Federal Emergency Management Agency (FEMA) Flood Hazard Zone Mapping per the Flood Insurance Rate Map for the City of Franklin, obtained from FEMA.

2.8 WETLANDS AND SHORELAND WETLANDS

Wetland determinations and delineations on the Property were based on the methods described in Stantec's "Wetland Delineation Report" (dated August 2017). Of the six wetlands identified and delineated on the Property, only Wetlands W-2 and W-3 may be considered Shoreland Wetland because they are within 1,000 feet of the water bodies along Ryan Creek east of the Property.

The uppermost wetland boundaries were surveyed with a Global Positioning System (GPS) capable of sub-meter accuracy and mapped using Geographical Information Systems (GIS) software.

2.9 WETLAND BUFFERS

The UDO defines the buffer for wetlands and shoreland wetlands as 30 feet out from the wetland boundary.

2.10 WETLAND SETBACKS

The UDO defines the setbacks for wetlands and shoreland wetlands as 50 feet out from the wetland boundary. This is also defined as 20 feet out from the wetland buffer.

NATURAL RESOURCE PROTECTION PLAN

Franklin DC Land LLC
RESULTS
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3.0 RESULTS

3.1 SITE DESCRIPTION

The Property is a total of 81.56 acres in size and is comprised of active agricultural fields, a few grassy swales, a residential yard with patches of trees at the end of the driveway, and six wetlands. An electric transmission line easement is present along the east edge of the Property which is subjected to periodic management of woody vegetation. The Property is somewhat hilly, sloping to the northeast from topographic highs of approximately 814 feet mean sea level (msl) in the southwestern part of the site to topographic lows in wetlands in the northeast corner of the Property that are approximately 786 feet msl. Residential development bounds the Property to the northwest, portions of the west, the southwest, and the southeast, Valley Green Golf Course bounds the property on a portion of the west, and woodlands bound the property on portions of the west and east, along the north and south of Ryan Road.

3.2 STEEP SLOPES

No areas on the Property were identified through GIS as having slopes greater than 10 percent. Contours for the Property are depicted on Figure B in Appendix A.

3.3 WOODLANDS AND FORESTS

One mature woodland was identified in the northwest corner of the Property and was named WD-1 (Figure B, Appendix A). The canopy trees in this woodland were all greater than 12 inches' diameter at breast height (DBH). The portion of WD-1 that is on the Property is 0.79-acre and is dominated by bur oak (*Quercus macrocarpa*, FAC). Other woody species observed in this woodland included red oak (*Quercus rubra*, FACU), shagbark hickory (*Carya ovata*, FACU), slippery elm (*Ulmus rubra*, FAC), and common buckthorn (*Rhamnus cathartica*, FAC). The edges of WD-1 are depicted in the photographs in Appendix B.

3.4 LAKES AND PONDS

There are no lakes or ponds located on the Property. Three ponds are near the west side and off the southwest corner of the Property. These ponds are depicted on Figure B.

3.5 STREAMS

There are no streams on the Property. The nearest stream is Ryan Creek which is on the properties to the north and east and approximately depicted on Figure B.

3.6 SHORE BUFFERS

There are no shore buffers on the Property.

NATURAL RESOURCE PROTECTION PLAN

Franklin DC Land LLC
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3.7 FLOODPLAIN/FLOODWAY

Per the Federal Emergency Management Agency (FEMA), there are 0.69-acres of mapped floodplain in the northwest corner of the Property all within wetland W-2.

3.8 WETLANDS AND SHORELAND WETLANDS

Six wetland areas were identified and delineated within the Project Area. Details on each wetland and how they were delineated may be viewed in Stantec's wetland delineation report. However, based on the proximity of ponds within Ryan Creek on the properties to the east and north of the Property, two of these wetlands (W-2 and W-3) may be considered "shoreland wetlands." The wetlands delineated by Stantec are summarized in Table 2 below.

Table 1 Summary of Wetlands Identified within the Project Area

Wetland	Wetland Classification (WWI Type)	Adjacent Surface Waters	Acreage (in Property)
Wetland 1 (W-1)	Farmed Wetland (Point Symbol)	Potentially isolated, drain tiles to W-2	0.20 acre
Wetland 2 (W-2)	Wet Meadow/ Shallow Marsh (E2H) & Shrub Carr	Drains northeasterly to Ryan Creek	2.33 acre
Wetland 3 (W-3)	Farmed Wetland (None Depicted)	Potentially isolated, drain tiles east to Ryan Creek	0.67 acre
Wetland 4 (W-4)	Shallow Marsh / Wet Meadow (None Depicted)	None – Potentially isolated	0.04 acre
Wetland 5 (W-5)	Farmed Wetland (None Depicted)	None – Potentially isolated	0.10 acres
Wetland 6 (W-6)	Hardwood Swamp (T3K)	None – Potentially isolated	0.06 acres
		Total Acres	3.40

3.9 WETLAND BUFFERS

Wetland buffers are depicted on Figure B, which are 30 feet out from the edges of all delineated wetlands. Wetlands that are near the Property are also depicted, as well as their buffers that extend onto the Property.

3.10 WETLAND SETBACKS

Wetland setbacks are also depicted on Figure B, which are 20 feet further out from the edges of all delineated wetlands than the wetland buffers. Again, wetlands that are near the Property are depicted, as well as their setbacks that extend onto the Property.

NATURAL RESOURCE PROTECTION PLAN

Franklin DC Land LLC
CONCLUSION
August 14, 2017

4.0 CONCLUSION

Stantec identified and delineated natural resources that must be protected and mitigated per the City of Franklin's UDO on the Property on behalf of Franklin DC Land, LLC. This work was completed based on the field work completed by Eric Parker on June 26th and 27th, 2017.

The Property is comprised of active agricultural land planted to soybeans, upland grass swales, and a residential area with corresponding access drive to Ryan Road. The Property is approximately 81.56 acres and is in the southwest quarter of Section 19, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin. Specifically, the Property is located at 12200 West Ryan Road, approximately 600 feet east of CTH OO (North Cape Road) (Figure A, Appendix A). The purpose and objective of the natural resources investigation was to identify the extent and spatial arrangement of natural resources as defined by the City of Franklin's UDO within the Property. The following natural resources were identified and delineated on the Property: two steep slopes, one mature woodland, one floodplain area, six wetland areas (two of which are considered shoreland wetlands), and their associated wetland buffers and setbacks.

Prior to beginning work on the Property or disturbing or altering identified natural resources in any way, Stantec recommends that the owner obtain the necessary permits or other agency regulatory review and concurrence regarding the proposed work to comply with applicable regulations. Stantec can assist with identification and/or assessment of additional regulated resources at your request, to the extent that the work is within our range of expertise.

NATURAL RESOURCE PROTECTION PLAN

Franklin DC Land LLC
Appendix A– Figures
August 14, 2017

5.0 REFERENCES

Federal Emergency Management Agency (FEMA). Flood Insurance Rate Mapping (FIRM) floodplain mapping City of Franklin, Milwaukee County, WI

USDS/NRCS – National Cartography & Geospatial Center National Elevation Data 30 meter (NED), Milwaukee County, WI.

United States Geological Survey (USGS) *Wisconsin 7 5 Minute Series (Topographic) Maps* 1:24,000 Reston, VA United States Department of the Interior, USGS

WDNR, Division of Water (2010) [24k hydrography geospatial data layer] Available online. ftp://dnrftp01.wi.gov/geodata/hydro_24k/

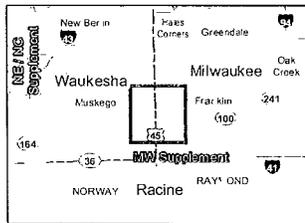
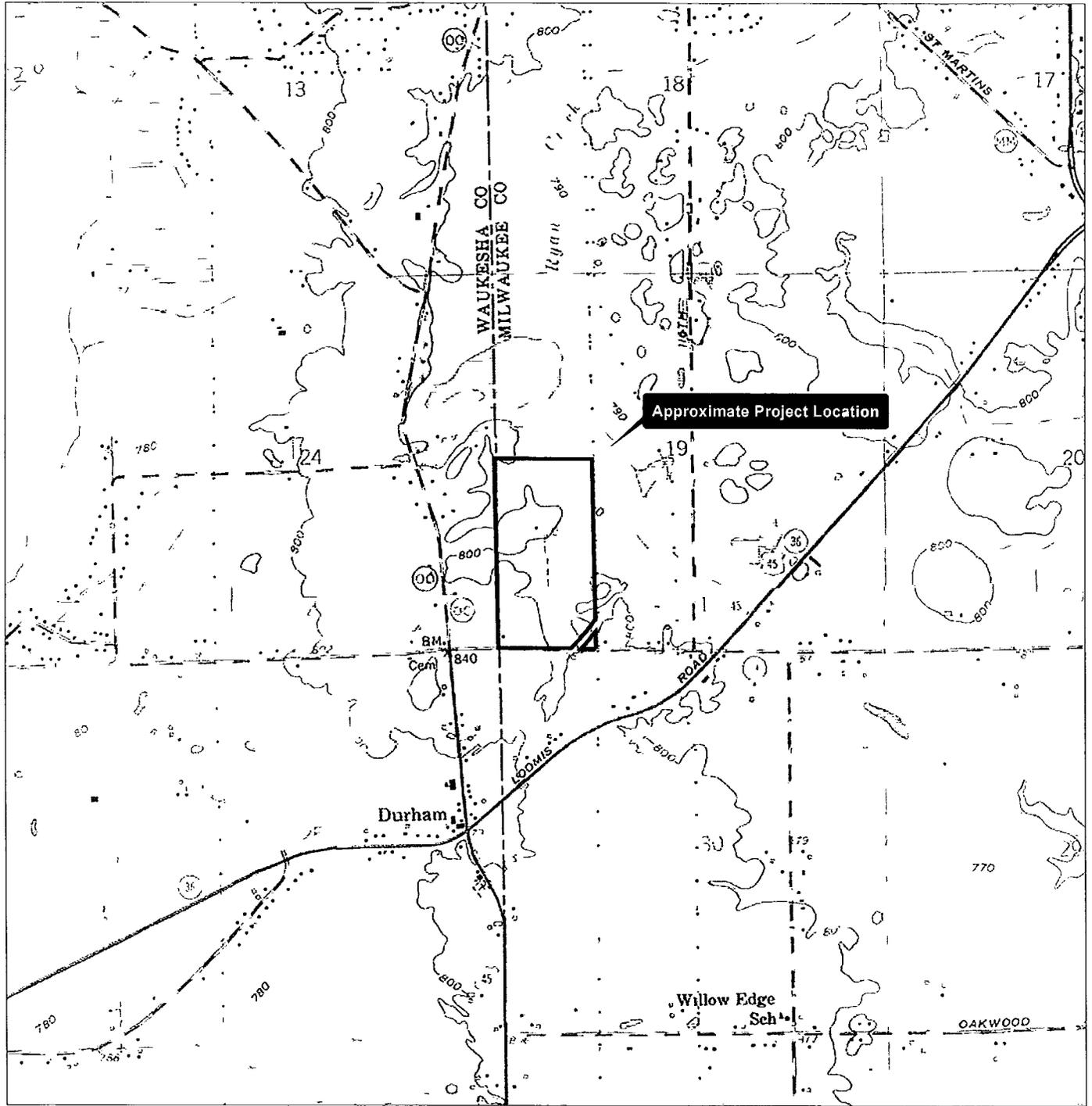
NATURAL RESOURCE PROTECTION PLAN

Franklin DC Land LLC
Appendix A- Figures
August 14, 2017

Appendix A – Figures

Figure A. Project Location and Topography

Figure B. Natural Resource Protection Plan



Legend
 Approximate Project Boundary

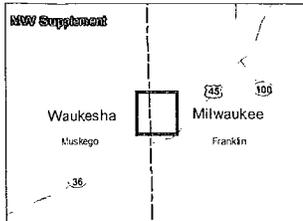
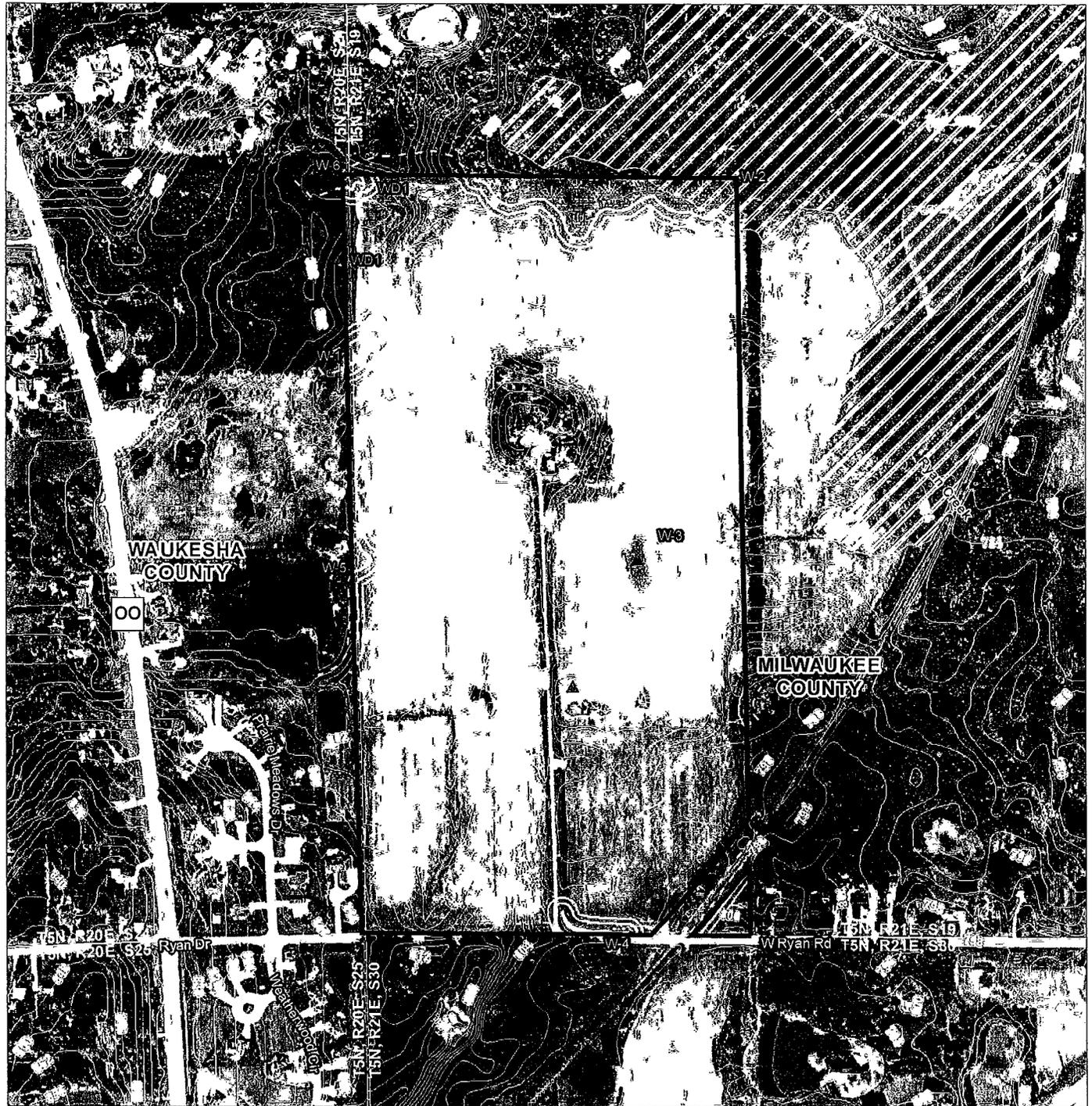
Figure No. **A**
 Title **Project Location and Topography**
 Client/Project **Franklin DC Land LLC**
 Project Location **193705469**
 ISN: R21E, S19 **Prepared by JM on 2017-06-12**
 C. of Franklin, **Technical Review by SF on 2017-06-13**
 Milwaukee Co. WI **Independent Review by EP on 2017-08-09**

0 1,000 2,000
 Feet
 1:24,000 (at original document size of 8.5x11)

Notes
 1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources Include: Stantec, WDOT, WDNR
 3. Background: USGS 7.5 Topographic Quadrangles

Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.





- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources Include: Stantec, WDOT, WDNR
 3. Orthophotography: NADP 2015

Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.

Legend

- Approximate Project Boundary
- 2ft Elevation Contour
- Tile Inlet
- Tile Blowout
- Field Delineated Wetland Area*
- 30 Foot Wetland Setback
- 50 Foot Wetland Setback
- Offsite Pond
- Slopes >10%**
- FEMA Flood Hazard Area
- 100-year Floodzone
- Field Mapped Woodland
- Mature Woodland
- DNR 24k Hydrography
- Perennial Stream
- Intermittent Stream
- Waterbody

*Dashed Where Inferred Offsite
 ** Not Visible With n Dataframe

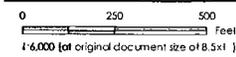
Figure No
B

Title
Natural Resource Protection Plan

Client/Project
 Franklin DC Land LLC

Project Location
 15N, R21E, S19
 C of Franklin, Milwaukee Co., WI

Prepared by: 193705469
 Prepared by: AJS on 2017-08-11
 Technical Review by: MP on 2017-08-01
 Independent Review by: EP on 2017-08-09



Sign-off Sheet

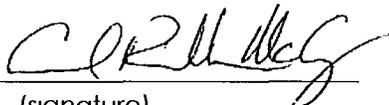
This document entitled Natural Resource Protection Plan was prepared by Stantec Consulting Services Inc ("Stantec") for the account of Franklin DC Land, LLC (the "Client") Any reliance on this document by any third party is strictly prohibited The material in it reflects Stantec's professional judgment considering the scope, schedule and other limitations stated in the document and in the contract between Stantec and the Client The opinions in the document are based on conditions and information existing at the time the document was published and do not consider any subsequent changes In preparing the document, Stantec did not verify information supplied to it by others Any use which a third party makes of this document is the responsibility of such third party Such third party agrees that Stantec shall not be responsible for costs or damages of any kind, if any, suffered by it or any other third party because of decisions made or actions taken based on this document

Prepared by 
(signature)

Eric C. Parker, PWS, Senior Scientist

Reviewed by 
(signature)

Brian S. Lennie, Senior Scientist

Independent Review by 
(signature)

Carol R. McCoy, Project Manager

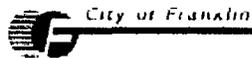
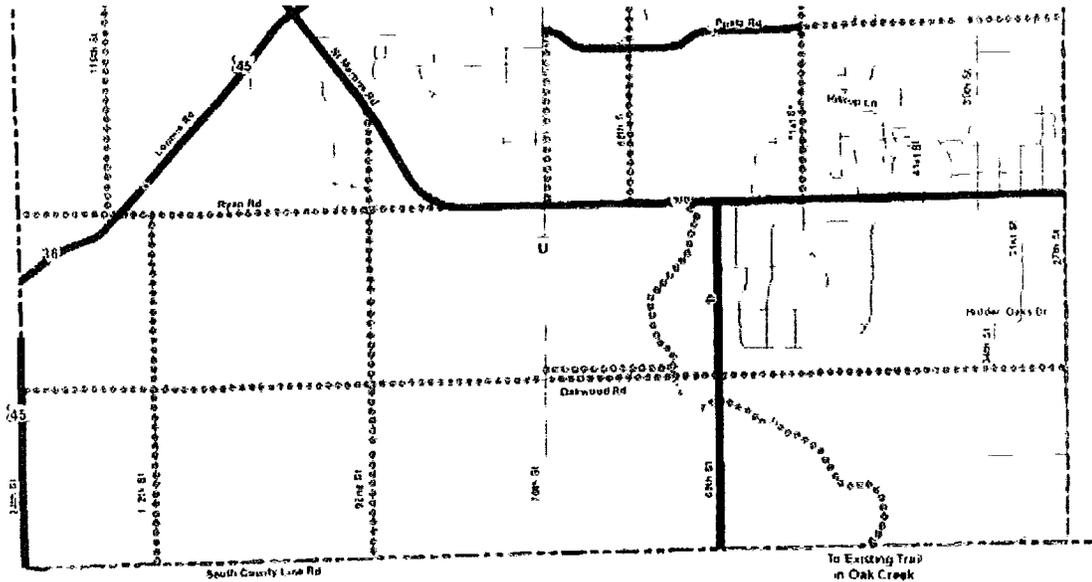
MEMORANDUM

Date: February 11, 2022
To: Bryan Lindgren, Neumann Developments, Inc.
From: Department of City Development
Régulo Martínez-Montilva, AICP, Principal Planner
RE: Review comments - Cape Crossing Preliminary Plat, 12200 W Ryan Rd.

Please be advised that city staff has reviewed this Preliminary Plat application originally submitted on December 13, 2021, and resubmitted with revisions on January 26, 2022. Department comments are as follows:

City Development Department comments

1. **Bicycle/Pedestrian Facility along Ryan Road.** Based on the Comprehensive Master Plan, Map 7.4 Bicycle and Pedestrian Circulation Facilities. City Development staff recommends the installation of a sidewalk per City of Franklin specifications on the north side of Ryan Road. A 10 wide asphalt path along Ryan Road will be installed within the 30' landscape and buffer easement on Outlot 3. The path will be in the easement to avoid conflict with the utilities within Ryan Road.



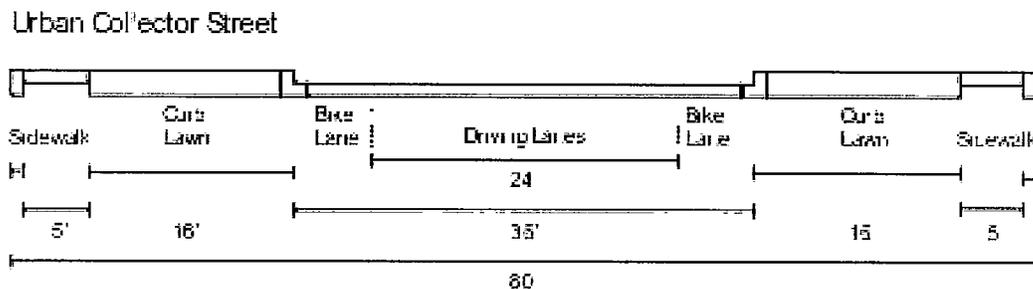
R A Smith National

Bicycle and Pedestrian Circulation Facilities

- Existing Bicycle/Pedestrian Facility
- ON STREET
- OFF STREET
- Future Bicycle/Pedestrian Facility
- ON STREET
- OFF STREET

Comprehensive Master Plan, Map 7.4 Bicycle and Pedestrian Circulation Facilities

2. **Sidewalks for Road “A”.** The Road “A” right-of-way is 80 feet in width, therefore it is considered a collector street. Per the Comprehensive Master Plan, Table 7.8 Cross-Sections for Arterial and Collector Streets, City Developments staff recommends sidewalks per City of Franklin specifications on both sides of Road “A”, to connect to the Road “B” sidewalks and the sidewalks recommended for Ryan Road in the previous comment. Added sidewalk to the entrance road 5' sidewalk 1' off the right-of-way. The boulevard island in this entrance road remained as proposed as the island essentially creates two access roads in the case of a blockage on one side or the other as discussed at previous Plan Commission and Council meetings.



Comprehensive Master Plan, Table 7.8 Cross-Sections for Arterial and Collector Streets

3. **Acceleration and deceleration lanes.** Per the recommendations of the Traffic Impact Analysis prepared by TADI dated November 16, 2021, acceleration and deceleration lanes are recommended at the intersection of Ryan Road and Road “A”, please provide detail of this intersection. These were shown on the preliminary civil plans. A detail was now added to the preliminary plat on sheet 2.

Unified Development Ordinance (UDO) §15-7.0502 Plat Data

- 4 **Existing and proposed contours.** Pursuant to subsection C, please depict the proposed contours at vertical intervals of not more than two feet, within the exterior boundaries of the Preliminary Plat and extending to the centerline of adjacent public streets. For clarity, you can add a second sheet to the Preliminary Plat. The existing and proposed contours are now shown on sheet 3.

City Development staff recommends to depict the 30-foot wetland buffer and the limit of disturbance line with the proposed contours to attest that the wetland buffers would not be disturbed. The natural resources are shaded on sheet 3 of the plat. Proposed conservation easements are also shown on sheet 3. See note 13 below for additional information

- 5 **Street grades.** Please add the proposed street grades to attest compliance with the maximum street grades set forth in UDO §15-5.0103.D: 6% for collector and minor streets (Roads “A” & “B”), and 8% for pedestrian ways within outlots. Proposed street and pedestrian grades are labeled on sheet 3.

6. **Existing Street Pavements.** Per subsection G, please add the following information for Ryan Road: “Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevation, all to mean sea level (National Geodetic Vertical Datum of 1929)” This information is shown on sheet 3.
7. **Street names.** Per subsection K, please add the proposed names for “A” and “B”, please use “street” rather than “road” Roads are intended to be thoroughfares according the city’s street naming system. Proposed street names have been added to the plat.
8. **Project Summary.** According to subsection Z, the project summary should include all site improvement costs. Please add estimated site improvement costs for each phase. It is recommended to breakdown the cost in the categories listed in the Subdivision Development Agreement template, exhibit D (attached). Attached is an updated project summary. The improvement cost breakdown will be provided once the plans are prepared and initial bids are received.
9. **Zoning.** Please revise sheet 1, note 8, the zoning is now Planned Development District No. 40 Cape Crossing. Revised preliminary plat accordingly.

Planned Development District (PDD) conditions of approval, Ordinance 2022-2492

10. **Lighting Plan.** Per Section 2.G.2 of PDD Ordinance 2022-2492 (attached), a lighting plan is required to attest compliance with the requirements of UDO §15-8.0115 Street Lights. A lighting plan will be prepared and submitted with the construction drawings. This work will be coordinated with WE Energies and the City.
11. **Landscape screening.** The Preliminary Plat depicts a 25-foot buffer for landscaping along the west boundary, approximately in the section west of lots 5-12 and 20-23, as required in condition of approval #1, section 2.H of the PDD Ordinance. However, the landscape plan does not depict any existing or proposed trees in this area. Existing trees may be used to meet this condition as long as a tree survey is prepared and submitted as part of the plat. Pursuant to UDO §15-7.0301, the Landscape Plan must include:

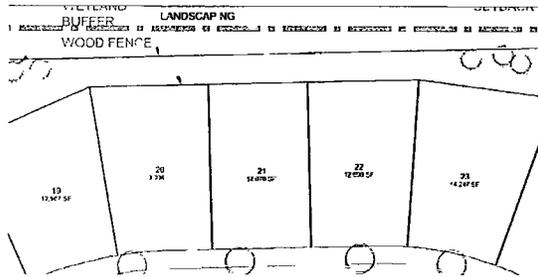
“Location, Extent, Type, and Sizes of Landscape Materials and Plantings Location, extent, type (common name and scientific name in the case of plant materials), and sizes of proposed landscaping and landscape plantings in all areas of the proposed development, Subdivision, Certified Survey Map, or Condominium which are designated as a "Landscape Bufferyard Easement" or for areas which are to serve as landscaped entrances or other special landscaped features of the development, Subdivision, Certified Survey Map, or Condominium”

Proposed landscaping is now being shown in the easement areas. Prior to final landscape plan preparation and final approval, a tree inventory will be conducted to determine existing vegetation in these areas, and final proposed plantings will be adjusted to reflect existing plan material

The city's template for landscape bufferyard easements is attached for your reference. If the Preliminary Plat and Final Plat are approved, this easement must be recorded concurrently with the Final Plat. The easement will be prepared using the City template and will be submitted at the time of final plat submittal.

Pursuant to UDO §15-5.0102.A, the following note must be added to the plat: "Landscape Bufferyard Easement: This strip is reserved for the planting of trees and shrubs; the building of structures hereon is prohibited." This note was added to sheet 1.

Note: the landscape buffer label is incomplete, Landscape Plan, sheet L-3.



Additional City Development staff comments

- 12. Improvements for land divisions.** Section 15-8.0100 of the UDO sets forth the required improvements for all land divisions. Closely review and incorporate that information onto the Preliminary Plat, or associated plans, as appropriate. Additional information about these requirements, and any questions about them, can be directed to the Engineering Department.

Note that improvements including streets and utilities must be installed prior to recording of the Final Plat (§15-2.0303.A). Alternatively, the applicant may enter into a Subdivider's ("Developer's") agreement with the City of Franklin, and provide a letter of credit for improvements (§15-2.0303.B). Comment only. All requirements and the process will be followed as described.

- 13. Conservation Easement.** All present natural resource features identified in the Natural Resource Protection Plan (NRPP) shall be protected by a conservation easement. For clarity, please shade all the natural resource areas to be protected or include separate sheet in the plat for this information. Attached is the city's conservation easement template, if the Preliminary Plat and Final Plat are approved, this easement must be recorded concurrently with the Final Plat per UDO Sec. 15-7.0603B. The natural resources are identified on sheet 3 of the plat. The resources will be covered by a conservation easement as shown. Wetlands and wetland buffers will be impacted to install the pedestrian path along Ryan Road and to install watermain into the site from the City watermain in Ryan Road. Wetland buffer will be impacted to grade the storm water facilities in the center of the site and for lot grading on the north end of the site. These areas will be restored with native grass. The areas are noted on sheet 3.

- 14. Deed restrictions.** Note that §15-7.0603 requires submittal of any Declaration of Deed Restrictions, Protective Covenants, and Homeowners' Association prior to approval of the Final

Plat. These documents are subject to review by the City Attorney. Comment only, no change Will be submitted with the final plat.

15. **Signage.** If a subdivision monument sign is proposed in the future, it requires a separate application through the City Development Department. Comment only, no change There will be a subdivision monument sign and a separate application will be submitted once the sign is designed.
16. Please note that stormwater management, utilities, grading and erosion control must be submitted separately to the Engineering Department. For more information, please call 414-425-7510. The final design is being worked on. Plans will be submitted to the engineering department for review and approval.
17. Separate site plan approval required for amenity areas, such as clubhouse and fire pit. Comment only, no change. Separate site plans will be submitted for each of these items once they are designed.

Engineering Department comments

- 18 Lots 4 & 5 should meet the 60-ft minimum frontage. Revised lots 2, 3 and 4 accordingly. Lot 5 met and still meets this requirement.
19. Must show the NAD83 & NAVD 88 is being utilized on this proposal. Coordinated with Ronnie Asuncion in Engineering to use NAD27 and NGVD29 as this project was originally surveyed in 2016 with those systems. It is understood all new projects in Franklin moving forward are to be on the datums.
- 20 Must show all the public utility easements (water main, sanitary, and stormwater) and a separate easement document for review and approval, including the proposed monument sign at the median and the proposed twelve (12) feet wide emergency access easement. All easements will be designed during the design phase and will be coordinated with the City and utility companies and shown on the final plat Associated easement documents will then be prepared when the final plat is prepared.
21. Must show that the vision triangle on the intersection at west Ryan Road meets the required sixty (60) feet space clearance. The vision corner at Ryan Road has been revised to be 60'x60' and is shown on the plat.
22. Must show that the proposed monument/column is outside of the easement. Proposed columns were shifted to be at least 12 from the right-of-way line Will coordinate the exact location with the utility companies during the design phase to insure no conflicts with easements.
23. Must show all utility easements (min.12-feet wide)such as; WE-Energies, AT&T, etc. Utility easements will be shown on the final plat after coordination with the utility companies during the design phase A note stating such was added to the preliminary plat

24. Must refer to the Unified Development Ordinance Division-15 for plat submittal Comment only
25. Must meet the minimum access of sixty (60) feet on the public street measured at the right of way line or in the cul-de-sac measured at the arc. See lots 2, 3 & 4. Revised lots 2, 3 and 4 accordingly
26. Must show street naming with South & West prefix direction. Comment taken into account when proposing road names.
27. Note: Per Police Department recommendation, do not use names that sound similar like Bridge View; Ridgeview; sometimes, in the height of anxiety, people don't enunciate their words clearly. Also, avoid using the suffix direction like Cordgrass Circle North and Cordgrass Circle South. Comment taken into account when proposing road names.
28. Must submit a final plat for a full review. Will submit after the preliminary plat and construction plan review and approval.

Fire Department comments

Franklin Fire Department Construction and Alteration Requirements (2021-2022)

29. Follow all relevant WI DSPS and IBC code requirements for fire protection systems for given occupancy, use, and construction types. Comment only, no change.
30. Pre-existing fire alarm and fire sprinkler systems shall be maintained in compliance with relevant code. Not applicable, no existing systems.
31. Fire Extinguisher placement as per NFPA 10. Comment only, no change.
32. Fire Department Connection (FDC) and hydrant placement must be acceptable to AHJ (applies to new construction). The proposed onsite watermain including hydrant locations are being designed A full set of engineering drawings will be submitted to the City for review once the design is complete.
33. At no time may any Hazardous, Combustible, or Flammable Materials exceed allowable quantities. Comment only, no change.
34. Master Key set required for placement in Knox Box (if required). Comment only, no change.
35. Location/Density of Fire Hydrants shall be approved by the fire department. The proposed onsite watermain including hydrant locations are being designed A full set of engineering drawings will be submitted to the City for review once the design is complete.
36. Permitting and submittal instructions for fire protection system review and inspection can be found at: <https://www.franklinwi.gov/Departments/Fire.htm> Comment only, no change.
37. Further comments forthcoming upon site plan review. Comment only, no change

Police Department comments

38. The PD has no comment regarding this request. Comment only, no change.

Inspection Services Department comments

39. Inspection Services has no comments on the proposal at this time. Comment only, no change



CAPE CROSSING

Neumann Developments is requesting Preliminary Plat approval for Cape Crossing, located on the North side of Ryan Road at 12200 W Ryan Road. Neumann Developments has been creating single-family residential subdivisions in South-Eastern and South-Central Wisconsin since the year 2000. Neumann Developments, Inc. has had the proud distinction to have their communities selected for the Metropolitan Builders Association Parade of Homes in seven of the past nine years!

Project Summary for Cape Crossing:

- Total Number of Lots = 130
- Roadway = 6,579 LF
- Gross Density = 1.70
- Net Density = 2.61
- Open Space Ratio = .42

- The Villas – South Half of property
 - Total lots = 76
 - Min. Lot Size = 9,000SF
 - Min Lot Width at setback = 70' / 90' corner lots
 - Min Front Setback = 25'
 - Min Side Setback = 7.5' / 25' street corners
 - Min Rear Setback = 25'
 - Average Lot Size = 9,947 SF
 - Max Lot Coverage = .30

- The Estates – North Half of property
 - Total lots = 54
 - Min. Lot Size = 12,000SF
 - Min Lot Width at setback = 85'
 - Min Front Setback = 25'
 - Min Side Setback = 10'
 - Min Rear Setback = 25'
 - Average Lot Size = 13,292 SF
 - Max Lot Coverage = .25
 -

- Current Zoning is Planned Development District

The proposed development utilizes an access point at West Ryan Road.



All lots and storm water management facilities are located in upland. The preliminary plat submitted is substantially similar to the site plan and approved plans included in the Planned Development District zoning.

A trail system will be built to connect residents to amenities and through internal outlots. Additionally, public sidewalks will allow for walkability and a 12' paved emergency access pedestrian path will serve as connection to the future interurban trail and trail head on Ryan Road.

Cape Crossing will be a deed restricted community with an incorporated homeowner's association. The responsibilities of the homeowner's association include management of the storm water management facilities and commonly owned land. The deed restrictions will reflect the minimum home size, construction materials, and other pertinent details regarding the community standards. The minimum home size floor areas in the Villas are anticipated to be 1,500 square feet for a ranch/one story home and 1,700 square feet for two-story homes and in the Estates 1,800 square feet for a ranch/one story home and 2,000 square feet for a two-story home.

Market Analysis

Projected Value Analysis

76 Villas Single Family Homes x \$450,000 = \$34,200,000

54 Estates Single Family Homes x \$550,000 = \$29,700,000

Total = \$63,900,000

Projected Absorption Rate = 35 Units per year

We anticipate the absorption rate of the development to generate 2.92 units to sell per month or approximately 35 units per year.

Projected School Impact = Less than 0.6 * 130 units = 78 (78) students

There are several factors present in most parts of the country that tend to reduce education expenses per housing unit. The first is the average number of school-aged children present in the units. According to the American Housing Survey, there is, on average, only a little over one school-aged child for every two households in the U.S. The number is about 0.6 per household for single-family and under 0.4 per household for multifamily. So education costs per housing unit are lower than costs per pupil, simply because there is less than one pupil per household.

Projected Tax Revenue = \$63,900,000/1000 (63,900*19.21)/130 = \$9,442 per unit

Projected Population Impact = 3.13 residents per home (130 * 3.13) = 407 residents *2015 American Community Survey, 1 Year Estimates, US Census Bureau



Financial Plan for Project Implementation

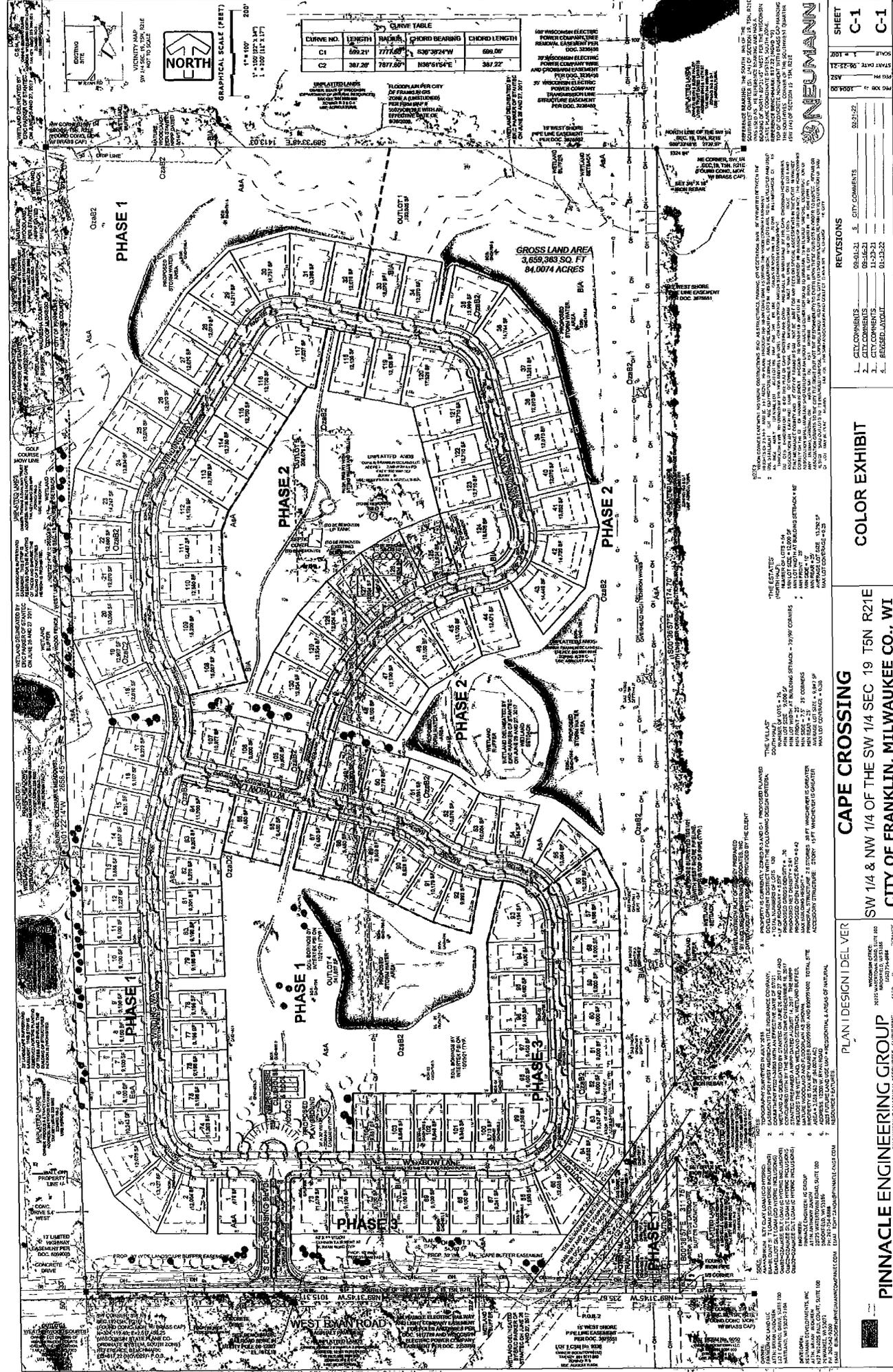
Neumann Developments will make and install the public improvements reasonably necessary and will provide security to ensure that we will make those improvements within a reasonable time. Neumann Developments will post a Letter of Credit, at the commencement of the project in an amount not to exceed 120 percent of the estimated total cost to complete the required public improvements. This Letter of Credit will provide security for no more than 14 months after the date of public improvements for which the security is provided are substantially completed and upon substantial completion of the public improvements (binder coat installation on roads).

Building Schedule

It is anticipated that grading of the project will be begun in spring 2022 with building permit availability in fall 2022.

Market Conditions

The market statistics for new residential homes has been and remains incredibly strong. In Franklin, inventory of homes available for sale in September was a mere 1.65 months, prices were up 11.78% year over year, with 80% of homes selling in under 30 days. We take a long-range vision in land development planning and the great location, schools, businesses, and community that attract people to Franklin will continue to keep demand for new homes in the community strong. By the time this proposed development is ready to bring homes to market in late 2022 and 2023 we are confident that the demand will be there as well.



REVISIONS

NO.	DATE	DESCRIPTION
1	08-01-12	CITY COMMENTS
2	08-13-12	CITY COMMENTS
3	08-13-12	CITY COMMENTS
4	01-13-12	REQUEST ADJUST

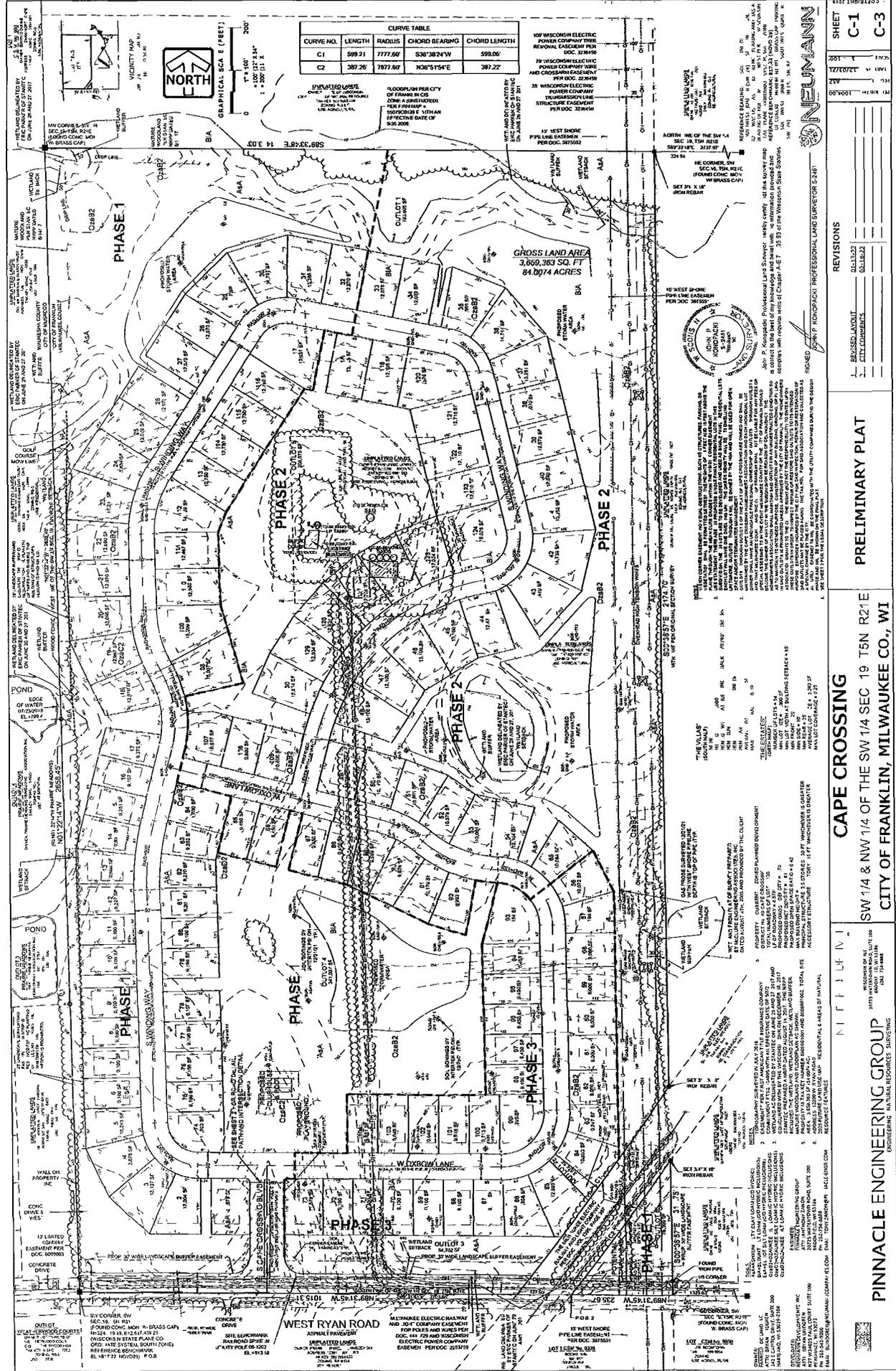
CAPE CROSSING
SW 1/4 & NW 1/4 OF THE SW 1/4 SEC 19 T5N R21E
CITY OF FRANKLIN, MILWAUKEE CO., WI

PLAN | DESIGN | DELIVER

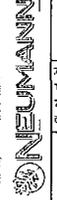
PINNACLE ENGINEERING GROUP
ENGINEERS | PLANNERS | ARCHITECTS | SURVEYORS

17 LIMITED LIABILITY CORPORATION
200 WEST WISCONSIN AVENUE
MILWAUKEE, WI 53233
TEL: 414.224.8800
WWW.PINNACLE-ENR.COM

DATE: 08-01-12
DRAWN: J. ZIMMERMAN
CHECKED: J. ZIMMERMAN
APPROVED: J. ZIMMERMAN



CURVE NO.	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	599.21	7777.50	S56°38'24"W	599.06
C2	387.26	7877.62	N36°5'15"E	387.27



REVISIONS

1.	REVISED SURVEY	02-18-23
2.	REVISIONS	02-18-23

PRELIMINARY PLAT

SW 1/4 & NW 1/4 OF THE SW 1/4 SEC 19 T5N R21E
CITY OF FRANKLIN, MILWAUKEE CO., WI

CAPE CROSSING

PINNACLE ENGINEERING GROUP
ENGINEERING NATURAL RESOURCES SURVEYING

PRELIMINARY PLAT

SW 1/4 & NW 1/4 OF THE SW 1/4 SEC 19 T5N R21E
CITY OF FRANKLIN, MILWAUKEE CO., WI

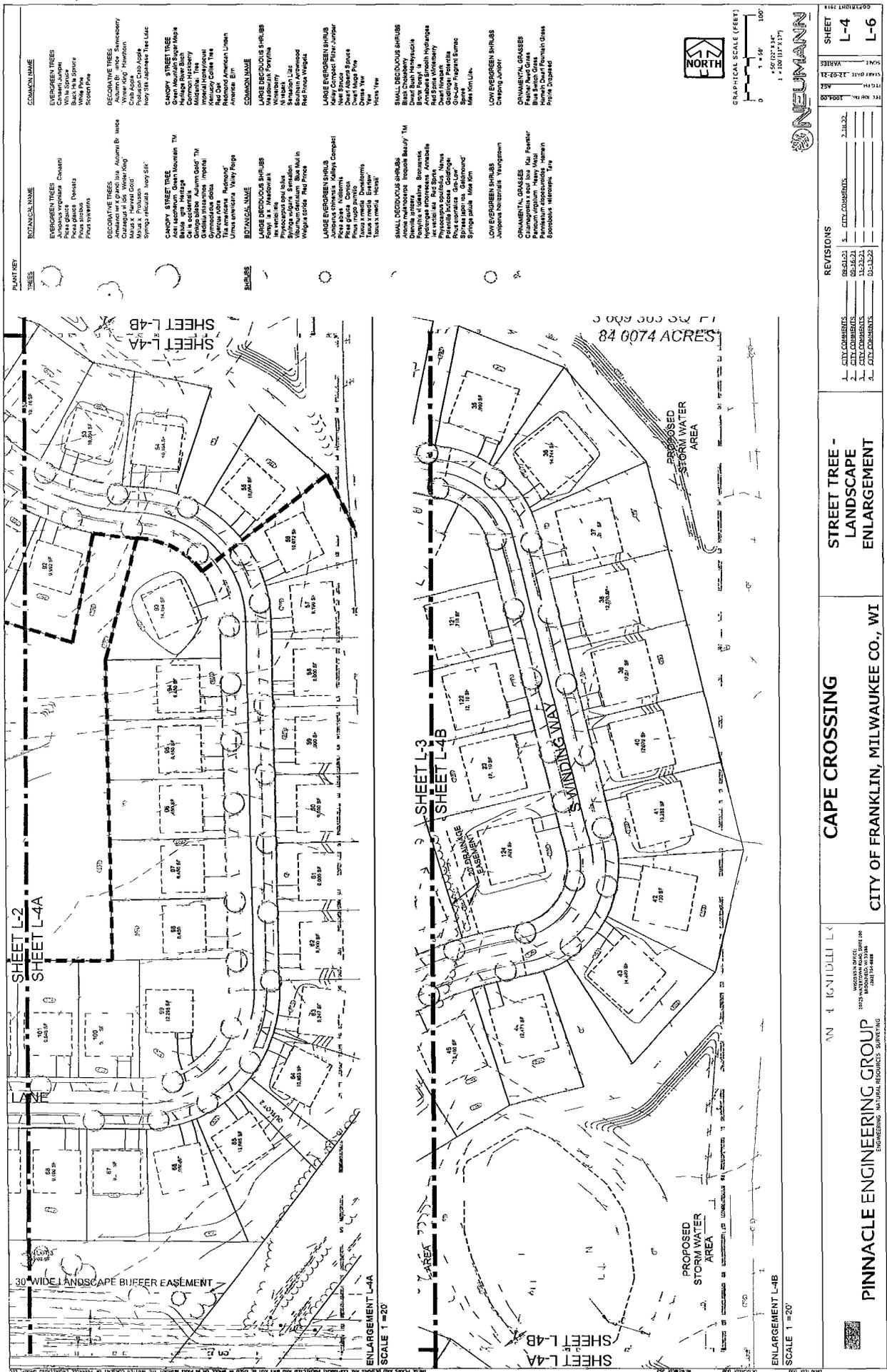
REVISIONS

1.	REVISED SURVEY	02-18-23
2.	REVISIONS	02-18-23

THIS PLAN IS A PRELIMINARY PLAT AND IS NOT TO BE USED FOR CONSTRUCTION. THE SURVEYOR'S RESPONSIBILITY IS LIMITED TO THE ACCURACY OF THE SURVEY DATA AND THE CORRECTNESS OF THE PLAT. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE ACCURACY OF THE DATA PROVIDED. THE SURVEYOR'S LIABILITY IS LIMITED TO THE AMOUNT OF THE FEE CHARGED FOR THIS SERVICE.

DATE: 02/18/23

BY: JOHN P. KOPPACH, PROFESSIONAL LAND SURVEYOR #2461



COMMON NAME	BOTANICAL NAME	REVISIONS
EMERSON TREES White Spruce White Pine Black Spruce Siberian Fir	EMERSON TREES Picea canadensis Picea canadensis Picea canadensis Picea canadensis	1. CITY COMMENTS 2. CITY COMMENTS 3. CITY COMMENTS 4. CITY COMMENTS
DECORATIVE TREES White Birch White Birch White Birch White Birch	DECORATIVE TREES Betula papyrifera Betula papyrifera Betula papyrifera Betula papyrifera	1. CITY COMMENTS 2. CITY COMMENTS 3. CITY COMMENTS 4. CITY COMMENTS
CANOPY STREET TREE Common Nettle Common Nettle Common Nettle Common Nettle	CANOPY STREET TREE Urtica dioica Urtica dioica Urtica dioica Urtica dioica	1. CITY COMMENTS 2. CITY COMMENTS 3. CITY COMMENTS 4. CITY COMMENTS
LARGE EVERGREEN SHRUBS Norfolk Island Spruce Norfolk Island Spruce Norfolk Island Spruce Norfolk Island Spruce	LARGE EVERGREEN SHRUBS Podocarpus nelsonii Podocarpus nelsonii Podocarpus nelsonii Podocarpus nelsonii	1. CITY COMMENTS 2. CITY COMMENTS 3. CITY COMMENTS 4. CITY COMMENTS
SMALL DECIDUOUS SHRUBS Black Chokeberry Black Chokeberry Black Chokeberry Black Chokeberry	SMALL DECIDUOUS SHRUBS Aronia melanocarpa Aronia melanocarpa Aronia melanocarpa Aronia melanocarpa	1. CITY COMMENTS 2. CITY COMMENTS 3. CITY COMMENTS 4. CITY COMMENTS
ORNAMENTAL GRASSES Blue Fescue Blue Fescue Blue Fescue Blue Fescue	ORNAMENTAL GRASSES Festuca ovina Festuca ovina Festuca ovina Festuca ovina	1. CITY COMMENTS 2. CITY COMMENTS 3. CITY COMMENTS 4. CITY COMMENTS

PINNACLE ENGINEERING GROUP
3025 WATERLOO ROAD, SUITE 100
WATKINSVILLE, GA 30677
TEL: 770-962-8888
WWW.PINNACLE-ENG.COM

CITY OF FRANKLIN, MILWAUKEE CO., WI

CAPE CROSSING

STREET TREE - LANDSCAPE ENLARGEMENT

SHEET L-4

DATE: 08/11/2011

SCALE: 1" = 20'

PRELIMINARY STORM WATER MANAGEMENT PLAN

CAPE CROSSING

12200 W. RYAN ROAD

CITY OF FRANKLIN

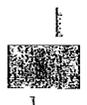
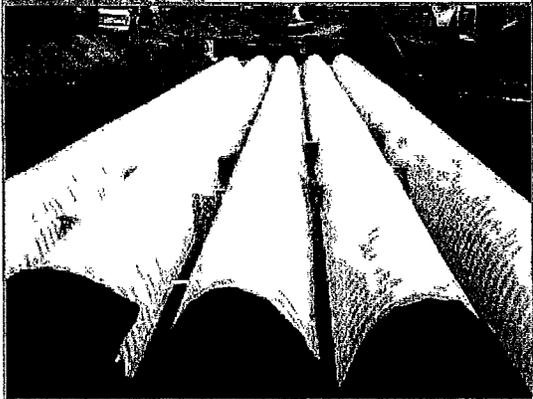
MILWAUKEE COUNTY, WI

Prepared For:

Neumann Developments, Inc
c/o Mr Bryan Lindgren
N27 W24025 Paul Court, Suite 100
Pewaukee, WI 53072

PEG Project Number: 1004.00A-WI

December 3, 2021



PINNACLE ENGINEERING GROUP

10000 W. WISCONSIN AVENUE, SUITE 100

www.pinnacle-engr.com

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- USDA SCS Soils Map
- Historical Aerial Images

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APPENDIX 3 – PRE-DEVELOPMENT CONDITIONS INFORMATION

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- WinSLAMM Modeling Input Data & Output Computations

APPENDIX 6 – RESERVED

APPENDIX 7 – RESERVED

APPENDIX 8 – RESERVED

APPENDIX 9 – RESERVED

Questions and comments can be directed to:

Mark Babich, P.E.
Associate Project Manager
Phone: 262.754.8821 | Fax: 262.754.8850
mbabich@pinnacle-engr.com

 **PINNACLE ENGINEERING GROUP**
20725 Watertown Road | Suite 100
Brookfield, WI 53186
www.pinnacle-engr.com

INTRODUCTION

The proposed Cape Crossing project is generally located in the Southwest 1/4 of Section 19, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, WI in the Root River watershed. The property is approximately 84.0 acres in size and is bounded by West Ryan Road on the south, the corporate limits of the City of Franklin and City of Muskego on the west, vacant WDNR owned land on the north, and vacant MMSD owned land on the east. The proposed project consists of a 142-Lot single-family residential development, public roadways, public utilities, and stormwater BMPs. A location map that illustrates the tract of land is included in **Appendix 1** of this report.

Legal Description

The West 1/2 of the Southwest 1/4 of Section 19, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, excepting therefrom that part conveyed to The Milwaukee Electric Railway and Light Company.

Tax Key No.. 890-9991-001 & -002

DESIGN CRITERIA

City of Franklin	Division 15-8 0600, City of Franklin Unified Development Ordinance
Milwaukee Metropolitan Sewerage District (MMSD)	Chapter 13, Rules & Regulations
State of Wisconsin	Chapter NR 151 Runoff Management
Watershed	Root River

Total Suspended Solids (TSS) For new development, by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, based on the average annual rainfall, as compared to no runoff management controls (per City of Franklin and NR 151)

Water Quantity and Management of Peak Runoff. Maintain or reduce the 1-year, 24-hour post-construction peak runoff discharge rate to the 1-year, 24-hour pre-development peak runoff discharge rate, or to the maximum extent practicable (per City of Franklin)

Maintain or reduce the 2-year, 24-hour post-construction peak runoff discharge rate to the 2-year, twenty-four-hour pre-development peak runoff discharge rate, or to the maximum extent practicable (per City of Franklin), AND achieve a maximum runoff release rate of 0.15 cubic feet per second per acre or utilize the volumetric design procedure to limit post-development runoff volumes to existing condition runoff volumes during the critical time period (per MMSD)

Maintain or reduce the 10-year, 24-hour post-construction peak runoff discharge rate to the 10-year, 24-hour pre-development peak runoff discharge rate, or to the maximum extent practicable (per City of Franklin)

Maintain or reduce the 100-year, 24-hour post-construction peak runoff discharge rate to the 100-year, 24-hour pre-development peak runoff discharge rate, or to the maximum extent practicable (per City of Franklin), AND achieve a maximum runoff release rate of 0.5 cubic feet per second per acre or utilize the volumetric design procedure to limit post-development runoff volumes to existing condition runoff volumes during the critical time period (per MMSD)

Infiltration Moderate imperviousness, medium and high density residential For development with more than 40 percent and up to 80 percent connected imperviousness, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall However, when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area (per State of Wisconsin)

ANALYSIS METHODS

HydroCAD® (Version 10.00) software has been used to analyze stormwater characteristics for this stormwater management plan HydroCAD uses the accepted TR-55 methodology for determining peak discharge runoff rates, infiltration volumes and runoff volumes All peak flow calculations used MSE 3 rainfall distribution and Atlas 14 precipitation rainfall depths in accordance with the City of Franklin requirements

Total suspended solids (TSS) reduction and infiltration quantities for the proposed storm water Best Management Practices (BMPs) were determined using WinSLAMM® (Version 10.4.1) Source Loading and Management Model software.

PRE-DEVELOPMENT CONDITIONS

The proposed site is located on the north side of West Ryan Road bounded by the corporate limits of the City of Franklin and City of Muskego on the west, vacant WDNR owned land on the north, and vacant MMSD owned land on the east The current and primary use of the land is agriculture The farm buildings are centrally located on the parcel surrounded by actively farmed land Historical aerial images show the existence of the farmstead as far back as 1937, see aerial images included in **Appendix 1** A long, straight, gravel driveway connects the farmstead to West Ryan Road

Based on the existing topography, the site has two (2) primary discharge locations:

- **Discharge Location #1** receives storm water runoff from approximately 73.0-acres, including 21-acres of offsite area, that drains off the property to the east, and
- **Discharge Location #2** receives storm water runoff from approximately 105.6-acres, including 78-acres of offsite area, that drains off the property to the north

Ultimately, both discharge locations connect to the Ryan Creek and Dumkes Lake on the north. As described above, approximately 21-acres of offsite area from adjacent residential developments, flows centrally through the parcel and exits at discharge location #1 and approximately 78-acres of offsite area from the adjacent residential developments and vacant lands, flows through the parcel at the northwest corner and exits at discharge location #2.

The on-site soils consist of soils classified as hydrologic soil group C and C/D. Hydrologic soil group C soils include Ozaukee silt loams (OzaB2, OzaC2, OzaD2). Hydrologic soil group C/D soils include Ashkum silty clay loam (AsA), Blount silt loam (BIA), and Elliott silt loam (EsA). USDA/NRCS soil maps are included in **Appendix 1** of this report.

A Geotechnical Engineering Site Feasibility Study was conducted by Giles Engineering Associates, Inc. on September 26, 2005. The purpose of the study was to evaluate the feasibility and practicality of developing the site. Ten (10) test borings, all terminated at a depth of 16-feet, were performed, the soil conditions logged, and backfilled. Topsoil depths ranged from 3 to 18-inches at the test boring locations. Natural soil composed of silty clay was encountered beneath the topsoil to the test boring termination depths. Free water was encountered while drilling test boring no. 2 at 14.5-feet below grade and free water collected within test boring no. 1 at 10-feet below grade after drilling was completed. Based on the soil coloration and the water contents of the collected soil, the water table elevation is estimated at 9 to 12 feet below grade. A copy of the Study is included in **Appendix 2** of this report.

Six (6) wetland complexes were delineated on the property in August of 2017 by Stantec Consulting Services, Inc. There is a minor infringement of the floodplain, associated with Ryan Creek, on the parcel at the northeast. No impacts to the floodplain and minimal impacts to Wetland Complex #4 (W-4) are anticipated as part of this project.

An existing conditions drainage area exhibit and modeling can be found in **Appendix 3** of this report.

POST-DEVELOPMENT CONDITIONS

The proposed project consists of a 142-lot single-family residential subdivision. Lot sizes will range, on average, from 9,000 to 13,000 square feet. Approximately 34 acres of the property will be in Outlots, eight (8) in total, which will consist of storm water management BMPs or open space. Multiple new public roadways will be created as part of this development providing access to West Ryan Road at a single location. The roads are

designed with an urban cross-section that includes vertical faced curb & gutter and concrete sidewalks on both sides, curb inlets, and storm sewer

It has been assumed that 50% of each residential lot will be impervious surface. The anticipated driveway and building footprints are shown on the plans with the remaining impervious surfaces on the lots assumed to be sidewalk/patios, etc. All other impervious and pervious surface areas were measured in the proposed layout.

Discharge Location #1 – East Property Line

Total Drainage Area = 72.1 acres

Much of the storm water runoff from this drainage area, approximately 68.4-acres, will be treated and controlled by storm water BMPs. Proposed surface types within the project area consist of residential lots, Outlot improvements, public roadways, and 20.9-acres of offsite area. Storm water quantity and quality control will be accomplished through three (3) interconnected storm water ponds located within Outlots 3, 6, and 7. The contributing offsite area will be conveyed through the ponds to the discharge location. All three ponds will contain a permanent water surface, 6 feet in depth, outlet control structures and piping, and emergency overflow measures should the basins receive flow, in excess of, the design storm events.

A small portion of the project area will be uncontrolled, approximately 3.7-acres, and consists of residential rear-yards and the undeveloped area within the utility easements along the east property line. The BMPs proposed are designed to overcompensate for this uncontrolled runoff.

Discharge Location #2 – North Property Line

Total Drainage Area = 109.2 acres

Much of the storm water runoff from project area, approximately 17.0-acres, will be treated and controlled by storm water BMPs. Proposed surface types within the catchment area consists of residential lots, Outlot improvements, and public roadways. Storm water quality and quantity control will be accomplished through two (2) separate storm water ponds located within Outlot 3. Both ponds will contain a permanent water surface, 6-feet in depth, outlet control structures and piping, and emergency overflow measures should the basins receive flow, in excess of, the design storm events.

Uncontrolled runoff from the project area, approximately 13.9-acres, consists of residential rear-yards, Outlot greenspace, and undeveloped areas (existing woodlands and wetlands). The BMPs proposed are designed to overcompensate for this uncontrolled runoff. All offsite area, approximately 78.3-acres, within the drainage

area will bypass the proposed storm water BMPs and exit the development on the north, consistent with pre-development conditions

Offsite Area Modeling

Weatherwood Courts – The proposed storm water flows generated in the modeling are generally based on the approved Storm Water Detention Analysis report dated May 26th, 2005, prepared by Roger Johnson Engineers & Surveyors. The approved model was updated to reflect rainfall depths and distribution in accordance with the City of Franklin requirements. In addition, the catchment area defined has “Site C” in the 2005 report was modified to better reflect the site topography and was increased from 0.7-acres to 0.96-acres. A copy of the Report was provided by the City of Franklin.

Prairie Meadows – The proposed storm water flows generated in the modeling are generally based on the approved Storm Water Management Plan dated August 8th, 2002, prepared by Metropolitan Engineering, Inc. The approved model was updated to reflect current rainfall depths and rainfall distribution in accordance with the City of Franklin requirements. Subcatchment area identified as “9S” in the approved model, is not tributary to the proposed project so it was not included in the offsite area calculations. A copy of the Report was provided by the City of Franklin.

Other Offsite Areas – Other offsite areas tributary to the proposed project site are based on the most current available Waukesha and Milwaukee County LiDAR data. Electronic files were obtained from online data download applications provided by the individual Counties.

A proposed conditions drainage area exhibit and modeling can be found in **Appendix 4** of this report.

SUMMARY OF RESULTS

Peak Discharge

Peak discharge has been calculated for the two (2) discharge locations in both existing and proposed conditions. Table 1 summarizes the discharge during existing conditions. Table 2 summarizes the discharge for proposed conditions.

TABLE 1 - EXISTING DISCHARGE RATES

Discharge Location	1-year Discharge (cfs)	2-year Discharge (cfs)	10-year Discharge (cfs)	100-year Discharge (cfs)
#1 To the East	18.92	27.40	60.95	143.60
#2 To the North	23.74	30.32	55.85	114.60
Total Project Area	42.53	57.72	116.03	253.85

TABLE 2 - PROPOSED DISCHARGE RATES

Discharge Location	1-year Discharge (cfs)	2-year Discharge (cfs)	10-year Discharge (cfs)	100-year Discharge (cfs)
#1 To the East	2.66	3.57	7.41	29.27
#2 To the North	17.93	22.97	45.88	99.36
Total Project Area	20.30	26.24	52.70	114.43

Table 3 compares the proposed volumes to the existing discharge rates to show that the peak discharge requirements for the City of Franklin have been met.

**TABLE 3 - COMPARISON OF PROPOSED TO EXISTING DISCHARGE RATES
(CITY OF FRANKLIN)**

Discharge Location	Peak Flows 1-yr (cfs)	Peak Flows 2-yr (cfs)	Peak Flows 10-yr (cfs)	Peak Flows 100-yr (cfs)
#1: To the East	2.66	3.57	7.41	29.27
EXISTING DISCHARGE RATE	18.92	27.40	60.95	143.60
MEETS CITY CODE (?)	YES	YES	YES	YES
#2: To the North	17.93	22.97	45.88	99.36
EXISTING DISCHARGE RATE	23.74	30.32	55.85	114.60
MEETS CITY CODE (?)	YES	YES	YES	YES

Total Project Area	20.30	26.24	52.70	114.43
EXISTING DISCHARGE RATE	12.53	57.72	16.03	257.85
MEETS CT CODE (?)	YES	YES	YES	YES

Table 4 compares the post-development runoff volumes to existing conditions runoff volumes during the critical time period, a/k/a the volumetric design procedure, to show that the volumetric requirements for MSSD have been met. The critical time period as defined in the Root River watershed starts at hour 11:75 and ends at hour 19:50 for a duration of 7.75 hours in accordance with Table 6, "Critical time periods for watercourses in the District's planning area", of the Guidance Manual for the Surface and Stormwater Rules of the District, September 2019 edition.

TABLE 4 - COMPARISON OF PROPOSED TO EXISTING DISCHARGE VOLUMES (MMSD)

Discharge Location	1-yr Discharge Volume (ac-ft)	2-yr Discharge Volume (ac-ft)	10-yr Discharge Volume (ac-ft)	100-yr Discharge Volume (ac-ft)
#1: To the East		(0.946 - 0.002) 0.944		(14.210 - 0.104) 14.106
EXISTING DISCHARGE RATE		(4.92 - 0.001) 4.291		(13.257 - 0.206) 19.051
MEETS MMSD RULES (?)	Not Required	YES	Not Required	YES
#2: To the North		(5.972 - 0.029) 5.943		(22.409 - 0.803) 21.606
EXISTING DISCHARGE VOLUME		(6.037 - 0.002) 6.034		(23.910 - 0.692) 23.118
MEETS MMSD RULES (?)	Not Required	YES	Not Required	YES
Total Project Area		(6.918 - 0.031) 6.887		(36.619 - 0.935) 35.684
EXISTING DISCHARGE VOLUME		(10.529 - 0.004) 10.325		(37.067 - 0.898) 42.169
MEETS MMSD RULES (?)	Not Required	YES	Not Required	YES

Runoff Water Quality

Post-development suspended solid removal will be obtained through the five (5) storm water ponds. Runoff from the offsite areas that pass through a pond is accounted for in the WinSLAMM modeling, but credit was not taken for any reduction in total suspended solids from these areas. This was done in the modeling by sending the offsite areas through an "other device" and setting the pollutant load reduction value to 1.

WinSLAMM modeling indicates that the overall site will achieve a minimum of 80% TSS reduction prior to runoff leaving the project area. Table 5 summarizes the water quality results to show that the total suspended solids requirement has been met. TSS Modeling can be found in **Appendix 5** of this report.

TABLE 5 TOTAL SUSPENDED SOLIDS SUMMARY

Discharge Location	Pounds Generated	Pounds Remaining	Percent Removal	Required Percent Removal	Requirement Met (?)
Particulate Solids					
#1 To the East	7,956	910.4	88.57%	80	YES
#2 To the North	2,244	308.8	86.24%	80	YES
Total Project Area	10,200	1,219.2	88.05%	80%	YES

Infiltration

Per the Geotechnical Engineering Site Feasibility Study;

The soils encountered at the test borings primarily consists of silty clay. Infiltration of storm water at the site is not considered to be practically feasible, based on the conditions encountered in the test borings. Further, according to the Wisconsin Department of Natural Resources (DNR) Technical Standard 1002, infiltration is not required at the site.

CONCLUSION

The storm water management features for the development have been designed to comply with the City of Franklin, MMSD and State of Wisconsin requirements. Post-development peak flow runoff rates are less than the pre-development peak flow runoff rates as required by the City of Franklin. Post-development runoff volumes are less than the pre-development runoff volumes over the critical time period for the Root River watershed as required by MMSD, storm water runoff will be treated to remove at least 80% of total suspended solids as required by the City of Franklin and State of Wisconsin, and the project site is exempt from post-development infiltration requirements.



January 17, 2022

Neumann Development, Inc
N27 W24025 Paul Court, Suite 100
Pewaukee, WI 53227

Attn: Mr. Bryan Lindgren
Project Manager

Re: Summary Letter
Geotechnical Exploration and Site Feasibility
Proposed Cape Crossing Subdivision
12200 W. Ryan Road
Franklin, WI
PSI Project No : 00522910

Dear Mr. Lindgren.

This letter is a brief summary of our exploration at the Cape Crossing subdivision. This should be read and considered in complete context with the formal and in depth report which will be submitted at a later date. The overall subdivision includes 130 single family residential lots along with associated roadways, outlots, and stormwater management areas. The buildings are estimated to include basements and attached garages and be one to two stories tall. Spread foundations are estimated to be planned for the proposed buildings. Based on the plan provided, up to 6 stormwater management areas are proposed.

A description of the subsurface conditions encountered at the test boring locations is shown on the Soil Boring Logs and the Soil Evaluation – Storm Forms. The lines of demarcation shown on the logs represent approximate boundaries between the various soil classifications. It must be recognized that the soil descriptions are considered representative estimates for the specific test hole locations, but variations may occur between and beyond the sampling intervals and boring locations. Soil depths, topsoil, and layer thicknesses, and demarcation lines utilized for preconstruction planning should not be expected to yield exact and final quantities. A summary of the major soil profile components is described in the following paragraphs.

General Area Borings (RW-1 through RW-17) - USCS Classification

Surficial material encountered at the general area borings consisted of about 6 to 13 inches of silty clay or lean clay topsoil. Below the surficial topsoil was generally natural brown lean

clay to depths of about 5.5 to 20 feet below existing grades, overlying gray lean clay soils extending to the boring termination depths. Some of the near surface soils consisted of brown mottled gray lean clay before transitioning into the brown lean clay. All borings were performed to planned depths with the exception of B-4, where auger refusal on probable cobbles or boulders was encountered at a depth of about 13.5. The natural cohesive soils were generally stiff to hard in consistency.

Stormwater Management Area Borings (SW-1 through SW-13) - USDA Classification

Surficial material encountered at the stormwater management area borings consisted of about 7 to 24 inches of topsoil generally comprised of silt loam. Below the surficial soils were generally natural brown and gray silty clay loam, clay loam, and silty clay, with loamy sand and silt loam layers, extending to the boring termination depths.

Groundwater Observations

Groundwater observations were made during the drilling operations, and in the open boreholes at completion. Groundwater was encountered during auger advancement within borings RW-2, RW-5, RW-7, RW-16, RW-17, SW-4, and SW-12 at depths of about 8 to 18.5 feet below existing grades. Upon completion of drilling and removal of the augers, water was encountered within borings RW-5, RW-7, and RW-13 at depths of about 12 to 17 feet below existing grade, above the caved soils.

The groundwater observations reported herein are considered approximate. It must be recognized that groundwater levels fluctuate with time due to variations in seasonal precipitation, lateral drainage conditions, and soil permeability characteristics.

EVALUATION AND RECOMMENDATIONS

General Development Considerations

In view of the subsurface conditions encountered in the test borings, together with the structural loading criteria and development grades anticipated, conventional spread footings, along with conventional basement construction, can generally be used for support of the proposed structures. The removal of soft, wet, or otherwise unstable zones may be necessary if encountered.

Groundwater was encountered during auger advancement within some of the borings at depths of about 8 to 18 feet below existing grades. The transition from brown to gray soils can sometimes be an indication of the prevailing groundwater level at a site. This transition typically occurred at the RW borings at depths ranging from about 5.5 to 20

feet. The shallow gray mottling observed within some of the upper lean clay soils is likely a result of the slow infiltration of surface precipitation and is not likely a result of the underlying groundwater. Difficulty with groundwater and softening of subgrade soils may occur where excavations encroach upon or extend below the groundwater level or perched zones. It is recommended that basement slabs be placed above the groundwater level. It is recommended that grades be raised or that basements be eliminated for buildings where the basement slab is not above the groundwater level. Careful design planning will be essential when establishing surface grades and corresponding basement floor elevations across the site.

Groundwater Control

Groundwater observations were made during the drilling operations, and in the open boreholes at completion. Water was encountered within borings RW-2, RW-5, RW-7, RW-16, RW-17, SW-4, and SW-12 at depths of about 8 to 18.5 feet below existing grades. Upon completion of drilling and removal of the augers, water was encountered within borings RW-5, RW-7, and RW-13 at depths of about 12 to 17 feet below existing grade, above the caved soils.

Based on these observations, some difficulty with groundwater may be experienced during excavation work in at least some areas, depending upon final site grades. If excavations extend only a few inches or so below the groundwater or perched zones, filtered sump pumps or other conventional means may suffice to control the groundwater. However, for deeper utility excavations, or for substantial perched zones, prolonged dewatering with a series of sumps or well points and high-capacity sump pumps, or other more comprehensive means may be necessary to facilitate construction.

Since the foundation materials are subject to softening when exposed to free moisture, every effort should be made to keep excavations dry. Discharge water from roof drains should be directed away from buildings, and the site grading direct runoff to catch basins or other appropriate areas of the site, so that the potential for the softening of the foundation and pavement subgrade soils is reduced.

The groundwater observations reported herein are considered approximate, and preliminary. It must be recognized that groundwater levels fluctuate with time due to variations in seasonal precipitation, lateral drainage conditions, and soil permeability characteristics.

Stormwater Management Area Considerations

As requested by the client, borings SW-1 to SW-13 were performed within the stormwater management areas and the soils were visually classified in general accordance with USDA National Resources Conservation Service textural soil classification procedures. Based on the plan provided, up to 6 stormwater management areas are proposed with bottom elevations ranging from about EL. 786 to EL 783

Below the surficial topsoil material, the soils encountered at the stormwater management area borings generally consisted of natural brown and gray silty clay loam (SiCL), clay loam (CL), or silty clay (SiC) with loamy sand and silt loam layers, to the termination depths of the borings.

With regard to the above soil and groundwater conditions encountered at the borings, NR 151.124(4)(c)1 and 2 – *Infiltration rate exemptions* indicates that infiltration practices located in an area where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method; or where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the USDA method of soils analysis consists of sandy clay loam, clay loam, sandy clay, silty clay or clay may be credited toward meeting the requirements, but the decision to infiltrate under these conditions is optional. In addition, NR 151.124(4)(b)1 – *Separation distances* indicates that infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with the following Table (reproduced from NR 151.124)

Table 3. Separation Distances and Soil Characteristics		
Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer*
Residential Arterial Roads	5 feet or more	Filtering Layer*
Roofs Draining to Surface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	
All Other Impervious Source Areas	3 feet or more	Filtering Layer*

*Defined in NR 151.002(14r) as a "soil that has at least a 3 foot deep layer with at least 20 percent fines, or at least a 5 foot deep layer with at least 10 percent fines or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site."

The information shown above is a selected excerpt from NR151 that is intended only as general guidance for considering stormwater management in conjunction with the encountered subsurface conditions at the borings. Basin design must be performed by a qualified and experienced firm. In addition, the entirety of Chapter NR151 of the Wisconsin Administrative Code, the Site Evaluation for Stormwater Infiltration (1002) document, and other applicable references; along with appropriate state, local or other municipal requirements must be consulted as part of site-specific stormwater design

Stormwater management basins are not recommended to be placed in close proximity to basements or other below grade structures. Proper and careful consideration of soils and subsurface conditions must be given during site and design planning, and extreme care must be exercised during construction. It is recommended that the design engineer (or other appropriate representative) review applicable municipal requirements and verify the design normal and design high water elevations of stormwater basins with respect to planned basement slab elevations.

Sincerely,

PROFESSIONAL SERVICE INDUSTRIES, INC.

Bradley J Broback
Bradley J Broback, P.E.
Department Manager
Geotechnical Services

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<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>03/15/22</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>A RESOLUTION CONDITIONALLY APPROVING A 1 LOT CERTIFIED SURVEY MAP, BEING OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 6416, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN</p> <p>(KARLEY J. BLAKE AND JACOB W. MUTTER, APPLICANTS)</p> <p>(GENERALLY THE WEST END OF WEST LAKE POINTE DRIVE)</p>	<p>ITEM NUMBER</p> <p>G.7.</p>

At the March 3, 2022 regular meeting, the Plan Commission adopted a motion to recommend approval of this resolution conditionally approving a 1 lot certified survey map, being Outlot 1 of Certified Survey Map No. 6416, being a part of the Southwest ¼ of Section 16, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, the property generally located at the west end of West Lake Pointe Drive, bearing Tax Key No. 839-9996-007.

At that same meeting, the Plan Commission adopted a motion approving a Land Division Variance to allow for a waiver of the UDO requirement that a CSM must “be designed so as to provide each lot with a minimum of 60 feet frontage along a public street” (UDO §15-5.0101.B.1, §15- 5.0106.C, etc.). The draft resolution for this CSM includes a recommended condition of approval related to this requirement, which is now complete.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution 2022-_____, a resolution conditionally approving a 1 lot certified survey map, being Outlot 1 of Certifies Survey Map No. 6416, being a part of the Southwest ¼ of Section 16, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property generally located at the west end of West Lake Pointe Drive, bearing Tax Key No. 839-9996-007. (KARLEY J. BLAKE AND JACOB W. MUTTER, APPLICANT)

RESOLUTION NO. 2022-_____

A RESOLUTION CONDITIONALLY APPROVING A 1 LOT CERTIFIED SURVEY MAP, BEING OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 6416, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (KARLEY J. BLAKE AND JACOB W. MUTTER, APPLICANTS) (GENERALLY THE WEST END OF WEST LAKE POINTE DRIVE)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being Outlot 1 of Certified Survey Map No. 6416, being a part of the Southwest 1/4 of Section 16, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at the abrupt, west dead end of West Lake Pointe Drive (on the east property line of the parcel, abutting the northwest portion of Lake Pointe Estates subdivision), bearing Tax Key No. 839-9996-007, Karley J. Blake and Jacob W. Mutter, applicants; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Karley J. Blake and Jacob W. Mutter, as described above, be and the same is hereby approved, subject to the following conditions:

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

KARLEY J. BLAKE AND JACOB W. MUTTER – CERTIFIED SURVEY MAP
RESOLUTION NO. 2022-_____

Page 2

City of Franklin Design Standards and Construction Specifications and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.

4. Karley J. Blake and Jacob W. Mutter, successors and assigns, and any developer of the Karley J. Blake and Jacob W. Mutter 1 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon Karley J. Blake and Jacob W. Mutter and the 1 lot certified survey map project for the property generally located at the west end of West Lake Pointe Drive: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. The applicant must receive grant of a Land Division Variance (§15-9.0310) from Plan Commission to waive the standards of UDO §15-5.0101.B.1 and §15-5.0106.C requiring a minimum of 60 feet frontage along a public street, prior to recording of the Certified Survey Map.
7. The applicant shall enter into a written contract ("Subdivider's Agreement") for the installation of public improvements, prior to recording of the Certified Survey Map (§15-9.0309.F).
8. Future development of the site shall require recording of conservation easements (§15- 4.0103.B.1.d, §15-7.0201.H, etc.) prior to the issuance of any building permit.

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

KARLEY J. BLAKE AND JACOB W. MUTTER – CERTIFIED SURVEY MAP
RESOLUTION NO. 2022- _____

Page 3

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

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



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Item D.2.

Meeting of March 3, 2022

Certified Survey Map and Land Division Variance

RECOMMENDATION: City Development Staff recommends approval of the Certified Survey Map (CSM) and Land Division Variance applications submitted by Karley J Blake & Jacob W Mutter subject to the conditions in the attached draft resolutions.

Table with 2 columns: Field Name and Value. Fields include Project Name, Project Location, Property Owner, Applicant, Current Zoning, 2025 Comprehensive Plan, Applicant's Action Requested, and Planner.

Introduction

On December 22, 2021, the applicant submitted an application for a one-lot Certified Survey Map to allow for development of a single family home. The property is Outlot 1 of CSM No. 6416, located at a stub of W. Lakepoint Dr.

The applicant has provided a Natural Resource Protection Plan; the property includes wetland and woodland. The applicant has also submitted applications to rezone the property from R-8 Multiple Family Residence District to R-6 Suburban Single Family Residence District and request a Natural Resource Special Exception (NRSE) for impacts to wetland setbacks.

Project Description and Analysis

Certified Survey Map (CSM):

The proposed Certified Survey Map request is for the removal of the outlot designation on this 3.45 acre parcel of CSM No. 6416. Properties designated as outlots may not be developed without removal of the designation via a CSM. The property is vacant of improvements or structures, and contains young woodland and a large wetland complex. The previous CSM does not designate any roads on this lot; W. Lakepoint Drive terminates at the northwest corner of the parcel. The applicant proposes to dedicate a 2,269 square foot area to the City and connect a driveway to this stub of W. Lake Pointe Drive.

The lot is currently zoned R-8 Multiple Family Residence District (UDO Section 15-3.0209). The applicant proposes to rezone the property to R-6 Suburban Single-Family Residence District (UDO Section 15-3.0207); this application is under review by the Department of City Development, pending approval of the Certified Survey Map. The proposed lot meets the

minimum area and general setback requirements of the existing and proposed zoning. It should be noted that all residential developments in R-8 Zoning require Special Use approval.

The applicant proposes to install a driveway in a portion of the wetland setback, which requires approval of a Natural Resource Special Exception. This application is also under review by the Department of City Development. Staff notes that required conservation easements cannot be drafted until the NRSE process is complete.

The applicant submitted this Certified Survey Map application on December 22, 2021. Pursuant to Wisconsin Statutes §236.34(1m)(f), the approving authority (Common Council) shall take action within 90 days of application submittal unless a time extension is granted by the applicant, the review time frame for this application expires on March 22, 2022.

Land Division Variance:

According to UDO §15-5.0101.B.1, §15- 5.0106.C, etc, a CSM must “be designed so as to provide each lot with a minimum of 60 feet frontage along a public street.” The applicant is seeking a Land Division Variance to waive this requirement. Section 15-9 0310B 1 of the City of Franklin Unified Development Ordinance states, “No variance to the provisions of Divisions 15-5 0100, 15-8.0100, and 15-8.0200 of this Ordinance shall be granted unless the Plan Commission finds by the greater weight of the evidence that all the following facts and conditions exist.

1. There is exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship

Staff comment: The subject property has a significant quantity of natural resources, including a 0.9 acre wetland complex and related setbacks. Installation of a cul-de-sac to meet the street frontage requirement would necessitate impacts to additional natural resources including wetland buffer. The natural resource constraints would make further division of the parcel impractical.

2. Such hardships should not apply generally to other properties or be such a recurrent nature as to suggest that the land division portions of the Unified Development Ordinance should be changed

Staff comment: There are approximately 60 street stubs (incomplete streets ending at the edge of a subdivision or other development) in the City of Franklin, many of which similarly terminate into a lot without road dedications or other reservations to require the future development of a street. Since the City does not have complete adopted mapping of a future street grid, there is no mechanism to require installation of a street at this location. However, other similar parcels may be subdivided in future to have multiple lots accessed by cul-de-sacs or roads, or may not be similarly constrained by natural resources.

3. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity

Staff comment: Installation of a cul-de-sac to meet the street frontage requirement would require a greater area of right of way adjacent to neighboring properties, and greater impacts to natural resources.

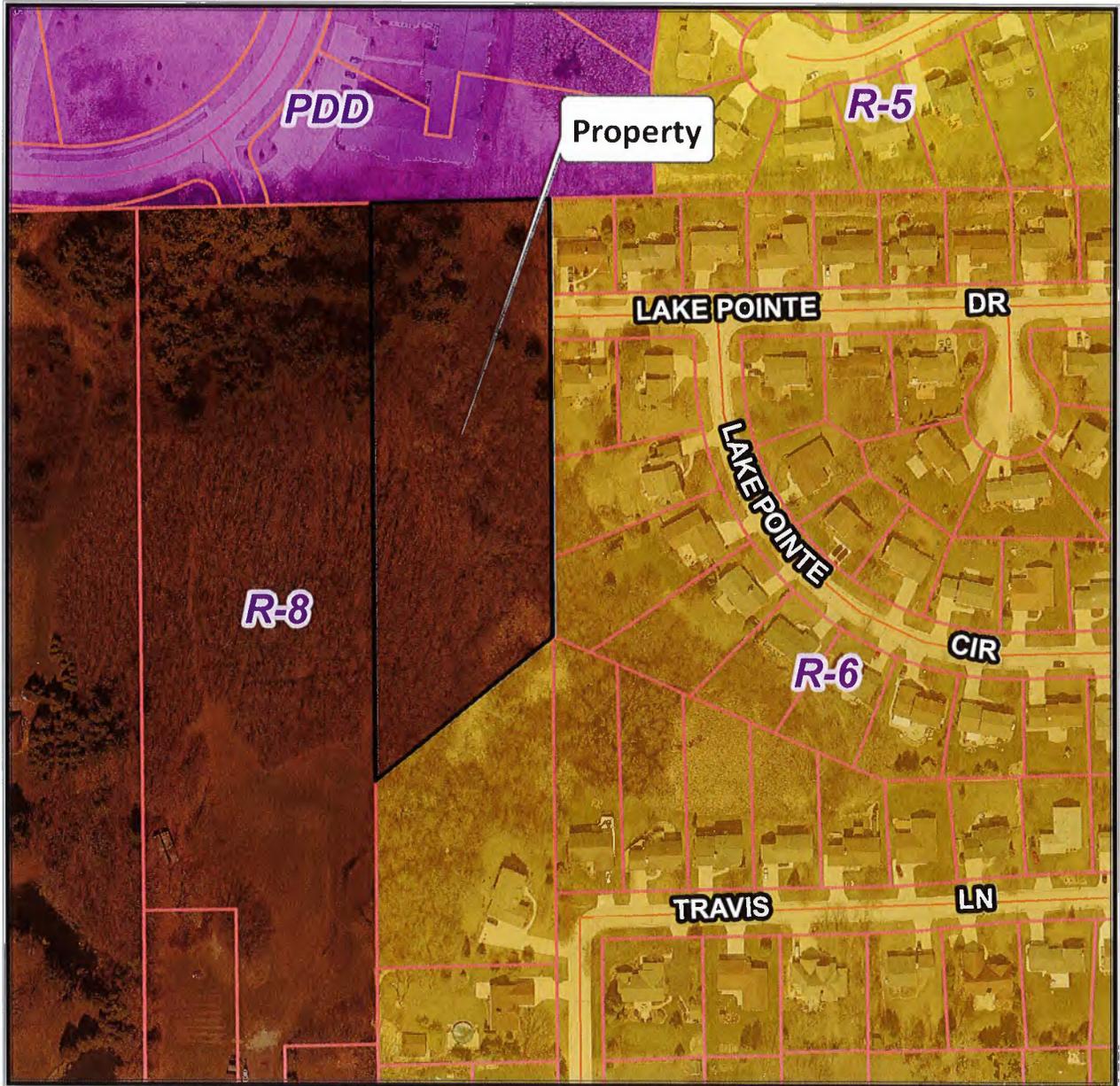
4. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest

Staff comment The proposed stub dedication minimizes the area of right-of-way adjacent to neighboring properties. Cul-de-sacs are generally designed to accommodate multiple homes, the proposed development is for one home. The proposed lot otherwise meets the standards of the current and proposed zoning.

Recommendation

Staff recommends approval of the Certified Survey Map and Land Division Variance subject to the conditions set forth in the attached draft resolutions.

TKN: 839 9996 007

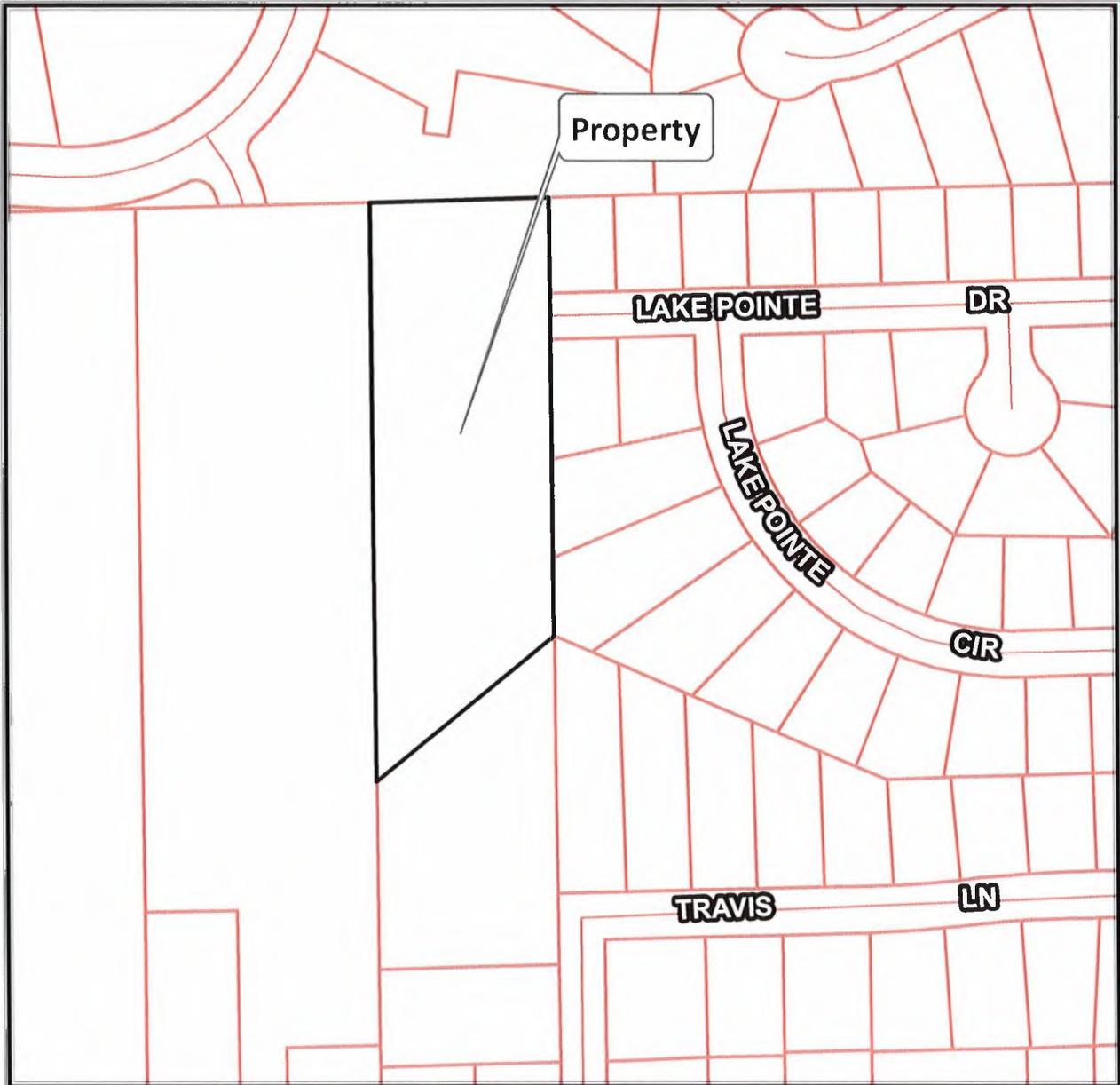


Planning Department
(414) 425-4024

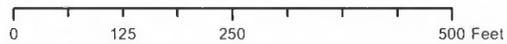


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

TKN: 839 9996 007



Planning Department
(414) 425-4024



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.

[redraft 2-24-22]

RESOLUTION NO. 2022-_____

A RESOLUTION CONDITIONALLY APPROVING A LAND DIVISION VARIANCE FOR A 1 LOT CERTIFIED SURVEY MAP, BEING OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 6416, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (KARLEY J. BLAKE AND JACOB W. MUTTER, APPLICANTS)
(AT GENERALLY THE WEST END OF WEST LAKE POINTE DRIVE)

WHEREAS, the City of Franklin, Wisconsin, having received an application from Karley J. Blake and Jacob W. Mutter, for a land division variance to allow for the creation of a lot without the required public street frontage, such variance being necessary as a concurrent application for approval of a certified survey map, such map being Outlot 1 of Certified Survey Map No. 6416, being a part of the Southwest 1/4 of Section 16, Township 5 North, Range 21 East, in the City Of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at the abrupt, west dead end of West Lake Pointe Drive (on the east property line of the parcel, abutting the northwest portion of Lake Pointe Estates subdivision), bearing Tax Key No. 839-9996-007, Karley J. Blake and Jacob W. Mutter, applicants; and

WHEREAS, §15-9.0310 of the Unified Development Ordinance allows for Land Division Variances in part from the provisions of Division 15-5.0100, §15-5.0101.B.1. providing that public street frontage is required; and

WHEREAS, §15-9.0310 of the Unified Development Ordinance sets forth findings which must be made by the Plan Commission and approved by a majority vote of the entire membership of the Plan Commission (4 votes) for approval of a Land Division Variance application.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Commission makes the following findings upon the greater weight of the evidence that all the following facts and conditions exist:

1. There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship, to wit:

The subject property has a significant quantity of natural resources, including a 0.9 acre wetland complex and related setbacks. Installation of a cul-de-sac to meet the street frontage requirement would necessitate impacts to additional

A RESOLUTION CONDITIONALLY APPROVING A LAND DIVISION VARIANCE
FOR KARLEY J. BLAKE AND JACOB W. MUTTER
RESOLUTION NO. 2022-_____

Page 2

natural resources including wetland buffer. The natural resource constraints would make further division of the parcel impractical.

2. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the land division portions of the Unified Development Ordinance should be changed, to wit:

There are approximately 60 street stubs (incomplete streets ending at the edge of a subdivision or other development) in the City of Franklin, many of which similarly terminate into a lot without road dedications or other reservations to require the future development of a street. Since the City does not have complete adopted mapping of a future street grid, there is no mechanism to require installation of a street at this location. However, other similar parcels may be subdivided in future to have multiple lots accessed by cul-de-sacs or roads, or may not be similarly constrained by natural resources.

3. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity, to wit:

Installation of a cul-de-sac to meet the street frontage requirement would require a greater area of right of way adjacent to neighboring properties, and greater impacts to natural resources.

4. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest, to wit:

The proposed stub dedication minimizes the area of right-of-way adjacent to neighboring properties. Cul-de-sacs are generally designed to accommodate multiple homes; the proposed development is for one home. The proposed lot otherwise meets the standards of the current and proposed zoning.

BE IT FURTHER RESOLVED, that the application by Karley J. Blake and Jacob W. Mutter, for a Land Division Variance, upon the above findings, be and the same is hereby approved, subject to the approval of the aforesaid certified survey map application by Karley J. Blake and Jacob W. Mutter.

A RESOLUTION CONDITIONALLY APPROVING A LAND DIVISION VARIANCE
FOR KARLEY J. BLAKE AND JACOB W. MUTTER
RESOLUTION NO. 2022-_____

Page 3

Introduced at a regular meeting of the Plan Commission of the City of Franklin this
_____ day of _____, 2022.

Passed and adopted at a regular meeting of the Plan Commission of the City of
Franklin this _____ day of _____, 2022.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

RESOLUTION NO. 2022-_____

A RESOLUTION CONDITIONALLY APPROVING A 1 LOT CERTIFIED SURVEY MAP, BEING OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 6416, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (KARLEY J. BLAKE AND JACOB W. MUTTER, APPLICANTS) (GENERALLY THE WEST END OF WEST LAKE POINTE DRIVE)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being Outlot 1 of Certified Survey Map No. 6416, being a part of the Southwest 1/4 of Section 16, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at the abrupt, west dead end of West Lake Pointe Drive (on the east property line of the parcel, abutting the northwest portion of Lake Pointe Estates subdivision), bearing Tax Key No. 839-9996-007, Karley J. Blake and Jacob W. Mutter, applicants; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Karley J. Blake and Jacob W. Mutter, as described above, be and the same is hereby approved, subject to the following conditions:

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

KARLEY J. BLAKE AND JACOB W. MUTTER – CERTIFIED SURVEY MAP
RESOLUTION NO. 2022-_____

Page 2

City of Franklin Design Standards and Construction Specifications and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.

4. Karley J. Blake and Jacob W. Mutter, successors and assigns, and any developer of the Karley J. Blake and Jacob W. Mutter 1 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon Karley J. Blake and Jacob W. Mutter and the 1 lot certified survey map project for the property generally located at the west end of West Lake Pointe Drive: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. The applicant must receive grant of a Land Division Variance (§15-9.0310) from Plan Commission to waive the standards of UDO §15-5.0101.B.1 and §15-5.0106.C requiring a minimum of 60 feet frontage along a public street, prior to recording of the Certified Survey Map.
7. The applicant shall enter into a written contract ("Subdivider's Agreement") for the installation of public improvements, prior to recording of the Certified Survey Map (§15-9.0309.F).
8. Future development of the site shall require recording of conservation easements (§15- 4.0103.B.1.d, §15-7.0201.H, etc.) prior to the issuance of any building permit.

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

KARLEY J. BLAKE AND JACOB W. MUTTER – CERTIFIED SURVEY MAP
RESOLUTION NO. 2022-_____

Page 3

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

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

Legal Description

Outlot 1 of Certified Survey Map No. 6416 – Southwest ¼ of Section 16, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

Project Summary

General

The site is located in the SW ¼ of Section 16, Township 5 North, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin – it abuts the northwest portion of Lake Pointe Estates subdivision. The parcel is approximately 3.45 acres and is currently zoned R-8 Multiple-Family Residence District with intention of re-zoning to R-6 Suburban Single-Family Residence District.

The parcel contains approximately 0.9 acres of delineated wetland (assured wetland delineation completed by Thompson and Associates Wetland Service on May 12, 2021). The wetland extends north to the center of the parcel from the southeast corner of the parcel. The land slopes to the wetland at varying degrees and is covered with mature hardwood forest on the west side of the parcel and mature conifer forest on the north end of the parcel.

Proposed Development

The proposed development for the site looks to maximize and maintain the natural resources of the parcel while developing the parcel to an extent consistent with adjacent parcels within the Lake Pointe Estates subdivision. The wetland boundaries, as determined by Thompson and Associates Wetland Service, May 12, 2021, would be respected fully with no additional impact to the identified wetland buffer per Wisconsin Department of Natural Resources and City of Franklin requirements, respectively. A Natural Resource Special Exception will be requested to allow for driveway and landscaping impacts, primarily rain gardens to effectively manage storm water runoff (see Storm Water Management Plan), to the wetland setback due to the expanse and location of the wetland within the parcel. Invasive common buckthorn (*Rhamnus cathartica*), absent from previous ecologist survey and delineations (circa 2002), has begun to severely impact the parcel (Wetland Delineation Report can be provided upon request) by significantly affecting the mature hardwood forest and wetland established on the property (see Figure 1 – 3). Lack of development of the property has resulted in inadequate incentive to reduce and remove this invasive species which will continue to propagate the established natural resources both within the parcel as well as adjacent to the parcel. The proposed development of the parcel will require removing invasive common buckthorn from areas with the highest concentration (see Natural Resource Protection Plan) of the invasive species while also establishing an incentive for the developer (i.e. home owner) to continue to remove invasive common buckthorn throughout the rest of the parcel to maintain the valuable natural resources that still exist.

The development proposal includes re-zoning from a higher-density R-8 Multiple-Family Residence District to a more density-appropriate R-6 Single-Family Residential District and removing the current outlot designation from the parcel. The development would include erecting a two-story, single-family home, roughly 3,500sq.ft. in size, as well as a potential secondary, detached garage as a future development. It is believed, due to the extent of the natural resources on the property, that developments typical to R-8 zoning would exceed the Natural Resource Protection Standards (Unified Development Ordinance §15-4.0101) established by the City of Franklin and would likely require more severe impacts to the established wetlands. However, R-6 zoning, which is consistent with the parcels east and south of the identified site, would be more appropriate to meet the Natural Resource Protection Standards while also developing the site fully. The Comprehensive Master Plan (2025) identifies the site as a residence area and area of natural resource. Yet maintaining the parcel as an outlot will not incentivize removal of the invasive common buckthorn infiltrating the parcel. Thus, allowing the parcel to be developed to R-6 zoning standards will elicit motivation to maintain the valuable natural resources that still exists.

The proposed development will also support the community by improving the dead-end located at the west end of W Lake Pointe Drive. Currently, without an established cul-de-sac typically required (§15-5.0106.C), or an adequate extended right-of-way at the end of W Lake Pointe Drive, this type of abrupt dead-end (Figure 4) can create access and service difficulties for emergency services, delivery services (i.e. USPS), and the department of public works (i.e. snow plows), among other agencies. For example, currently during winter months, snow from W Lake Pointe Drive is pushed directly on to this parcel via City of Franklin snow removal efforts; with enough snow, the fire hydrant located in the north right-of-way at the end of W Lake Pointe Drive (Figure 5), becomes blocked with >8-foot-high snow drifts. The proposed development would extend, to City of Franklin Design Standards and Construction Specifications, W Lake Pointe Drive an estimated 30 feet beyond the fire hydrant and would establish a functional right-of-way at the newly constructed west end of W Lake Pointe Drive to allow for snow removal efforts to be contained to the public right-of-way. The extension of the road and right-of-way would also allow for increased space for emergency services, delivery services, etc. to more effectively access and serve residences already established on W Lake Pointe Drive since gutters, curb, etc. would not be extended on the south side of the road (e.g. flat, inhibited, surface available to turn around emergency vehicles, snow plows, etc.) but instead would contain a 3 foot gravel shoulder. A 90-foot radius cul-de-sac typically required by the City of Franklin to terminate existing subdivision roadways (§15-5.0106.C) would not be feasible for this parcel due to the proximity of established wetlands to W Lake Pointe Drive (see Natural Resource Protection Plan). The extension of the road, in addition to the single-family home development, still meets the established Natural Resource Protection Standards (§15-4.0101) required of the parcel.

Per determination of the City of Franklin City Engineer, Plumbing Inspector and Department of Water Utility, the proposed development would also be required to connect to both city water and city sewer. Discussion on what these utility connections would entail continue with the Engineering department.

List of Figures



Figure 1. Area of nearly 100% coverage of invasive common buckthorn located at the end of W Lake Pointe Drive (see Natural Resource Protection Plan).



Figure 2-3. Examples of invasive common buckthorn infiltrating and out-competing beneficial natural resources within the mature hardwood forest areas.



Figure 4. Abrupt dead-end located at the west end of W Lake Pointe Drive on the east property line of parcel.



Figure 5. Proximity of fire hydrant to the dead-end located at the west end of W Lake Pointe Drive.

Date: February 18, 2022
To: City Development Staff
From: Karley Blake and Jacob Mutter
RE: Blake & Mutter TNK 839 9996 007 – Certified Survey Map – Staff Comments

Please see comments and responses *italicized* below reflecting the determinations and additional conversations that Karley Blake and Jacob Mutter have had with City Staff as of 2/18/2022.

City of Franklin
Department of City Development

Date: February 3, 2022
To: Karley Blake and Jacob Mutter
From: City Development Staff
RE: Blake & Mutter TNK 839 9996 007 – Certified Survey Map – Staff Comments

Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Certified Survey Map submitted by Karley Blake and Jacob Mutter and date stamped by the City of Franklin on December 22, 2021.

Department of City Development

Unified Development Ordinance (UDO) Requirements

The lot is zoned R-8 Multiple Family Residence District (UDO Section 15-3.0209). The applicant proposes to rezone the property to R-6 Suburban Single-Family Residence District (UDO Section 15-3.0207).

1. The proposed lots meet the minimum lot area and general setback requirements of the existing and proposed zoning.

A Rezoning application has been submitted to request rezoning from R-8 Multiple Family Residence District to R-6 Suburban Single-Family Residence District which would result in the parcel (TKN 839 9996 007) (“parcel”) obtaining consistent zoning with adjacent parcels to the south and east

2. Note that all residential developments in R-8 Zoning require Special Use approval.

Approval of rezoning the parcel to R-6 Zoning would eliminate the need for Special Use approval – City Staff are in agreement that no application for Special Use is needed at this time

Certified Survey Map (CSM)

Division 15-7.0700: Certified Survey Map describes the required elements of a CSM:

3. Please be aware that §15-7.0701: General Standards for CSMs, requires that the standards of Part 8: Improvements and Construction be met for all development resulting from this CSM.

It has been determined by Franklin Engineering and Department of Public Works that a road extension, the width of the driveway, would be needed so that driveway access would be perpendicular to Lake Pointe Drive – this allows for appropriate road access needed for snow removal from Lake Pointe Drive Discussion with the Engineering department continue as to what additional public improvements, if any, are needed

4. Depict all existing watercourses, drainage easements, and other features pertinent to proper land division including natural features and their setbacks and buffers, and all lands reserved for future acquisition (§15-7.0702.A-E).

No further natural features or easements are anticipated beyond what has been provided on the corresponding Natural Resource Protection Plan (“NRPP”) Map The full wetland delineation report will also be provided electronically for further review by the Planning Department

5. The scale indicated is 1 inch = 100 feet, however the printed scale bar measures less than one inch (§15-7.0702.I.). Materials provided must be to scale.

This has been corrected on the latest revision of the Certified Survey Map (“CSM”)

6. Please include existing zoning R-8 Zoning and zoning boundary lines (§15-7.0702.M).

This has been corrected on the latest revision of the CSM

7. Show the location of Soil Boring Tests (§15-7.0702.O) and Soil Percolation Tests (§15-7.0702.O). The results of these tests must be submitted along with the CSM.

The Sewer Connections ordinance (§190-22 B 1), in accordance with the determination provided by the City Engineer, Plumbing Inspector and

Department of Water Utility on 8/19/2021 (email communication provided by Tyler Beinlich, Assistant City Engineer), is requiring that any building development on the parcel be connected to the public sanitary sewer main. Therefore, development of the parcel will not be supported by a Private Onsite Wastewater Treatment System as outlined in Chapter SPS 383 (previously Chapter ILHR 83, revised December 2011) of the Wisconsin Administrative Code nor then would qualify for the requirements outlined in Chapter SPS 385 (previously Chapter ILHR 85, revised December 2011) of the Wisconsin Administrative Code. Thus, Soil Percolation Tests (§15-7.0702 O) would not be relevant to the submission of the CSM.

Additionally, soil sampled as part of the wetland delineation completed May 12, 2021 did not indicate any hydric soils present from the nine samples collected outside of the delineated wetland boundaries. In combination with acknowledging that the water table is over 50ft deep (Map 20 of SEWRPC Technical Report 37), there is minimal concern that development would occur in an area of concerning soil conditions.

8. Please depict any proposed deed restriction, and landscape or conservation easements, required by §15-7.0702.P. Deed restrictions and/or conservation easements as required by this Ordinance shall be filed with the CSM. Please submit easement(s) for recording.

The Planning Department has determined that because resolution has not yet been defined in regards to the Natural Resource Special Exemption ("NRSE") application, identifying conservation easements on the parcel at this time would be unsuitable. No additional deed restrictions have been discovered.

9. Note that additional information may be required by the City Planner, Plan Commission, City Engineer, or Common Council, in accordance with §15-7.0702.R.

Design Standards for Land Divisions

UDO Division 15-5.0100: Design Standards for Land Divisions governs the arrangement of and access to roads, right-of-way and other infrastructure, and the dimensions of lots and easements.

10. §15-5.0105.B.1 and §15-5.0106.C require a minimum of 60 feet frontage along a public street. *See Engineering Comments*
 - a. The applicant may request a Land Division Variance (§15-9.0310) or install a cul-de-sac.

A Board of Zoning and Building Appeals Review application, including corresponding documents, requesting a Land Division Variance has been submitted for review by the Planning Commission to request a simple road

extension in contrast to installing a cul-de-sac as outlined in the Design Standards for Land Divisions

11. Note that for Certified Survey Maps requiring the installation of public improvements, the Subdivider shall enter into a written contract ("Subdivider's Agreement") prior to approval of the Certified Survey Map (§15-9.0309.F).

An electronic copy of the Subdivider's Agreement will be provided for initial review however, additional discussions regarding its requirement for this specific development are still in progress Alternative options (e g bonding option) may be otherwise desired by the City of Franklin depending on the magnitude of the public improvements

Natural Resource Protection Plan

Division 15-4.0100 governs the preservation of natural resources. All development in the City of Franklin shall comply with the natural resource protection standards set forth in Table 15-4.0100, and be described by a Natural Resource Protection Plan (NRPP) as defined by Division 15-7.0200.

12. Please submit conservation easements for those natural resources to be protected under the NRPP (§15- 4.0103.B.1.d, §15-7.0201.H, etc.)

The Planning Department has determined that because resolution has not yet been defined in regards to the NRSE application, identifying conservation easements on the parcel at this time would be unsuitable

13. Per the requirements of Table 15-4.0100, disturbances to or removal of wetlands or wetland buffer, or of other natural resources protected under this ordinance require a Natural Resource Special Exception. Staff notes that the applicant has submitted an NRSE for impacts to wetland resources.

A NRSE application has been submitted to request impacts specific to the wetland setback – no impacts to the 30ft wetland buffer nor to the wetland itself are being requested Of the roughly 18,700sqft of wetland setback, it is estimated that <10% of the setback (or ~2% of the total wetland, wetland buffer and wetland setback area) would be impacted by a single lane driveway to provide access for the proposed single-family home development

14. Staff recommends a complete legend on the NRPP.

A legend has been included on the latest revision of the NRPP Map

Please include the following required information on the NRPP:

15. Date of the plan and any applicable revision dates (§15-7.0201.D).

This has been included on the latest revision of the NRPP Map

16. The location of proposed easements (§15-7.0201.F, §15-7.0201.K).

The Planning Department has determined that because resolution has not yet been defined in regards to the NRSE application, identifying conservation easements on the parcel at this time would be unsuitable. No additional easements have been identified.

17. The location of any easements on (immediately adjacent to) the property line on neighboring properties (§15-7.0201.H)

No easements (e.g. cross access easements) for neighboring properties have been discovered.

18. Note that wetland delineations used in the NRPP cannot be older than 5 years, per the standards of §15-4.0102.G. Electronic copies of delineation reports should be submitted with the NRPP.

The wetland delineation reflected on both the corresponding CSM and NRPP Map was completed May 12, 2021. The full wetland delineation report will also be provided electronically for further review by the Planning Department.

19. Location of any disturbances to natural resources, including temporary disturbances for grading or other work. (§15-7.0201.J)

- b. Are any temporary disturbances proposed?

Temporary disturbances to natural resources on the property would include typical disturbances required directly adjacent to the foundation of the proposed single-family home in a radius distance suitable to effectively construct the single-family home. None of the temporary disturbances are anticipated to impact the wetland, wetland buffer or wetland setback.

- c. Are any disturbances to the wetland buffer proposed?

No disturbances, temporary or permanent, are anticipated for the wetland or wetland buffer. A permanent disturbance needed to install a driveway for access to the single-family home is anticipated for the wetland setback (see #13 above).

20. Please include a graphic scale bar (§15-7.0201.L)

This has been included on the latest revision of the NRPP Map

21. If a wetland has been exempted by the Wisconsin Department of Natural Resources, please provide documentation of the exemption and indicate the exemption on the NRPP.

The wetland located on the parcel has not, to our knowledge, been exempt by the Wisconsin Department of Natural Resources nor has an application for such exemption been submitted

General Planning Comments

CSM

22. The applicant may request, in writing, a delay of the review by Plan Commission and Common Council to allow for a resolution to the design requirements and other comments.

Natural Resource Protection Plan

23. Staff notes that the site is constrained by a large wetland complex. While there is a portion of the property which could accommodate a house, access to that portion of the lot requires a Natural Resource Special Exception for permanent impacts to wetland setback by installation of a driveway.

Engineering Comments

1. Must resolve all technical issues identified by Milwaukee County. Upon receipt of the comments from the County, the City comments below may be revised to reflect changes required by the County.
 - On page 3 of 4, under Common Council Approval, insert the sentence "and dedication accepted by....."

No technical issues were identified by Milwaukee County Page 4 of 4 has been updated in the latest revision of the CSM to reflect "Approved and dedication accepted by the Common Council of the "

2. Must have a minimum 60-ft frontage along a public street.
SECTION 15-5.0101 STREET ARRANGEMENT
 - Access to Public Streets Required. The Certified Survey Map or Subdivision shall be designed so as to provide each lot with a minimum of 60 feet frontage along a public street.

A Board of Zoning and Building Appeals Review application, including corresponding documents, requesting a Land Division Variance has been submitted for review by the Planning Commission to request a simple road extension in contrast to installing a cul-de-sac as outlined in the Design Standards for Land Divisions

3. Must insert in the plat the note " Land is served by public sewer and water."

This has been updated on the latest revision of the CSM

Note: Need to submit a proposed plan for the road improvement for review and approval.

An initial road extension proposal was provided electronically to the Engineering Department for review. Once alignment is gained as to what additional public improvements, if any, are needed, the proposal will be updated accordingly in addition to the feedback provided by the Engineering Department on 2/16/22, and then re-submitted for Engineering Department review

Milwaukee County

Milwaukee County Register of Deeds Comment Letter is attached.

The Comment Letter provided by the Milwaukee County Register of Deeds reflected "We did not review the Natural Resources Protection Plan. No other comments."

Findings and Factors in the Review of Land Division Variances

Date: 2/17/2022

Case No. _____

Property Owner: Inaam Arshad - Crescent Construction, Inc.

Property Address: 0 W Lake Pointe Drive Franklin WI 53132

Section 15-9.0310B.1 of the City of Franklin Unified Development Ordinance states, “No variance to the provisions of Divisions 15-5.0100, 15-8.0100, and 15-8.0200 of this Ordinance shall be granted unless the Plan Commission finds by the greater weight of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

1. There is exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship.

The current Ordinance (§15-5.0106.C) would require installation of a cul-de-sac to terminate the existing dead-end road.

In this unusual circumstance, the development of such cul-de-sac would require severe disturbances to existing wetlands and

would only allow road access for one single-family home creating extraordinary natural resource impacts for very little benefit.

2. Such hardships should not apply generally to other properties or be such a recurrent nature as to suggest that the land division portions of the Unified Development Ordinance should be changed.

Due to the unique nature of the parcel, in regards to the natural resources present, as well as the most reasonable use of the parcel being a single-family home, per

established Natural Resource Protection Standards (§15-4.0101), combined with the location of the parcel being adjacent to an established subdivision

with single-road access to said parcel, it would be unusual to find many similar situations which would invoke the need for changes to the current UDO.

3. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

Granting the requested variance would much more significantly maintain the existing natural resources experienced by adjacent

properties vs. implementing a cul-de-sac which would largely encroach on said natural resources. Additionally, the requested

variance would still allow for equivalent road access and maintenance (e.g. snow removal) currently experienced by adjacent properties.

4. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

Granting the requested variance results in a significantly smaller impact, to no impact at all, for adjacent properties (see #3).

The purpose of the Ordinance (e.g. installation of a cul-de-sac) is to allow for reasonable road access and maintenance for connecting

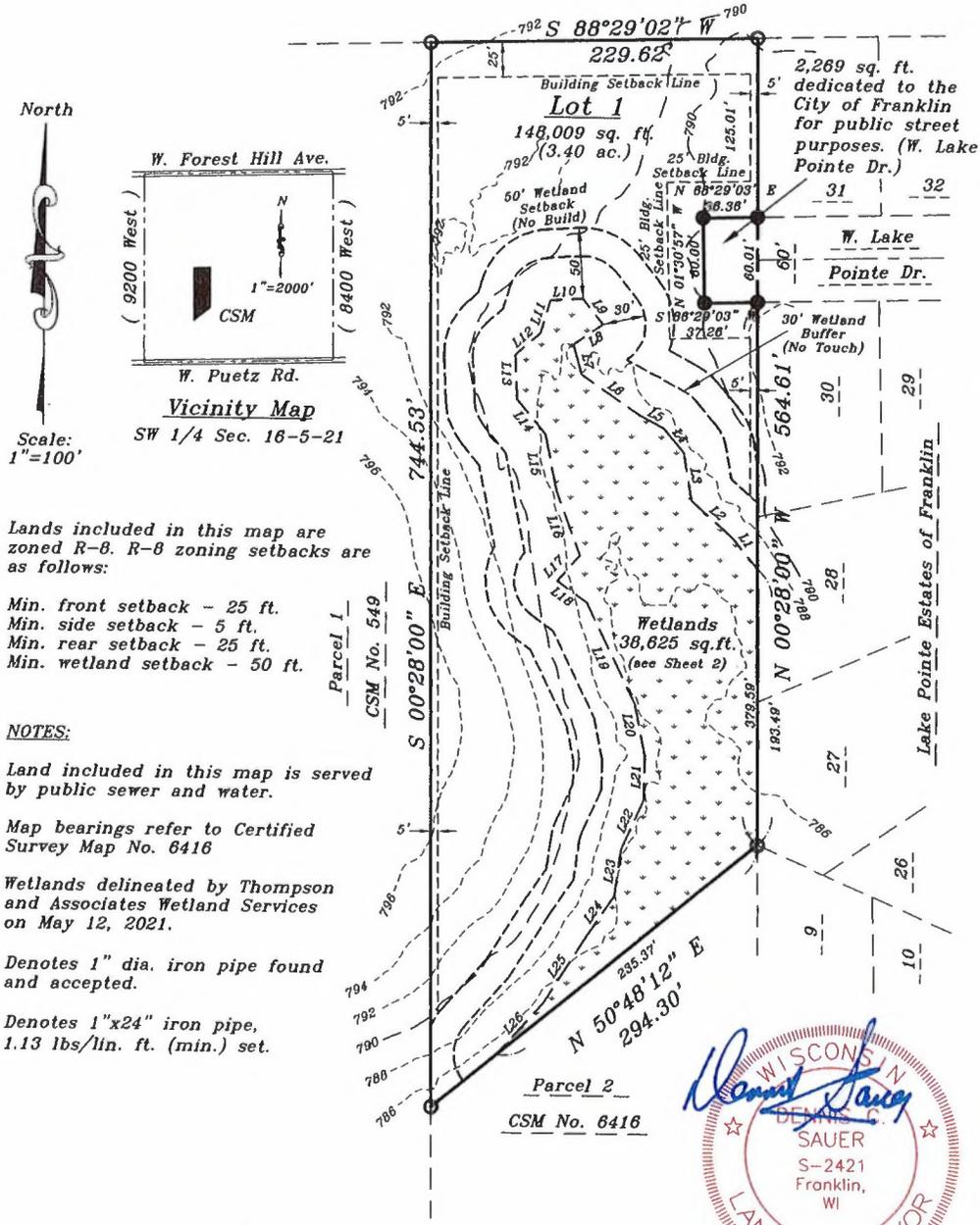
properties which are being equivalently maintained with the requested variance.

CERTIFIED SURVEY MAP NO. _____

Being a remapping of Outlot 1 of Certified Survey Map No. 6416,
being a part of the Southwest 1/4 of Section 16, Township 5 North,
Range 21 East, in the City of Franklin, Milwaukee County,
Wisconsin.

PREPARED FOR:
Karley Blake
6426 S. 35th Street, Apt. #12
Franklin, WI 53132

PREPARED BY: Dennis C. Sauer
Metropolitan Survey Service, Inc.
9415 West Forest Home Avenue
Hales Corners, WI 53130



Scale:
1"=100'

Lands included in this map are zoned R-8. R-8 zoning setbacks are as follows:

- Min. front setback - 25 ft.
- Min. side setback - 5 ft.
- Min. rear setback - 25 ft.
- Min. wetland setback - 50 ft.

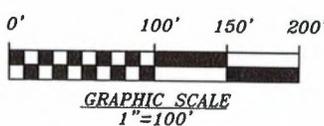
NOTES:

Land included in this map is served by public sewer and water.

Map bearings refer to Certified Survey Map No. 6416

Wetlands delineated by Thompson and Associates Wetland Services on May 12, 2021.

- Denotes 1" dia. iron pipe found and accepted.
- Denotes 1"x24" iron pipe, 1.13 lbs/lin. ft. (min.) set.



July 13, 2021
Revised November 3, 2021
Revised December 15, 2021
Revised February 17, 2022

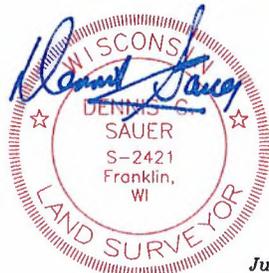
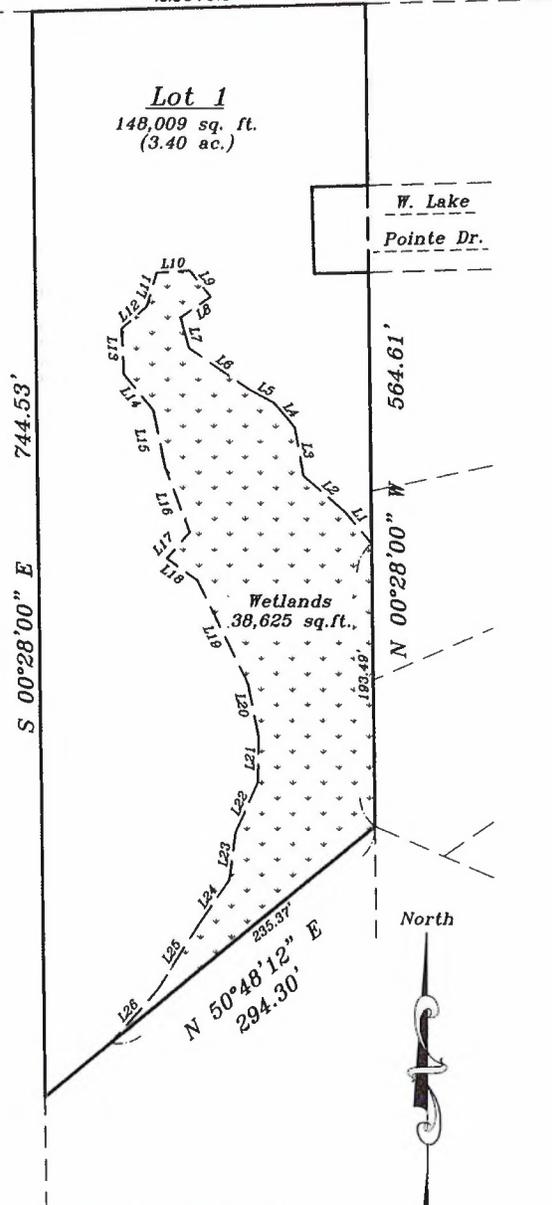
CERTIFIED SURVEY MAP NO. _____

Being a remapping of Outlot 1 of Certified Survey Map No. 6416,
 being a part of the Southwest 1/4 of Section 16, Township 5 North,
 Range 21 East, in the City of Franklin, Milwaukee County,
 Wisconsin.

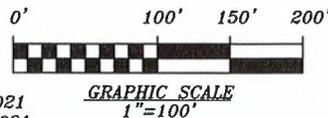
S 88°29'02" W
 229.62'

Lot 1
 148,009 sq. ft.
 (3.40 ac.)

WETLAND LINE TABLE		
LINE	BEARING	LENGTH
L1	N40°00'43"W	27.67
L2	N48°39'34"W	38.39
L3	N09°56'34"W	33.64
L4	N40°09'47"W	22.23
L5	N62°17'02"W	18.55
L6	N55°39'22"W	50.36
L7	N15°34'05"W	21.77
L8	N55°09'30"E	25.07
L9	N38°20'11"W	22.88
L10	S86°11'58"W	22.80
L11	S16°44'35"W	24.15
L12	S48°35'13"W	23.02
L13	S02°33'00"E	31.38
L14	S39°20'20"E	31.82
L15	S11°25'01"E	39.67
L16	S20°41'40"E	47.85
L17	S41°52'06"W	23.97
L18	S54°40'19"E	25.65
L19	S25°55'25"E	79.00
L20	S11°27'41"E	36.70
L21	S01°10'42"W	30.85
L22	S24°12'27"W	37.82
L23	S07°52'20"W	33.31
L24	S34°35'56"W	36.18
L25	S32°37'05"W	54.25
L26	S41°32'21"W	48.39



July 13, 2021
 Revised November 3, 2021
 Revised December 15, 2021
 Revised February 17, 2022



CERTIFIED SURVEY MAP NO. _____

Being a remapping of Outlot 1 of Certified Survey Map No. 6416, being a part of the Southwest 1/4 of the Southwest 1/4 of Section 16, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

I, Dennis C. Sauer, Professional Land Surveyor, do hereby certify:
That I have surveyed, divided and mapped, a remapping of Outlot 1 of Certified Survey Map No. 6416, being a part of the Southwest 1/4 of the Southwest 1/4 of Section 16, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin. Said lands contain 150,278 square feet (3.45 acres).

That I have made such survey, land division and map by the direction of Crescent Construction, Inc., owner of said land.

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 236.34 of the Wisconsin State Statutes and the Unified Development Ordinance - Division 15, of the City of Franklin Municipal Code in surveying, dividing and mapping the same.

July 13, 2021
Date
Revised 11/3/21
12/15/21
2/17/22


Dennis C. Sauer
Professional Land Surveyor S-2421



PREPARED FOR:
Karley Blake
7213 W. Drexel Avenue
Franklin, WI 53132

PREPARED BY: Dennis C. Sauer
Metropolitan Survey Service, Inc.
9415 West Forest Home Avenue
Hales Corners, WI 53130

CERTIFIED SURVEY MAP NO. _____

Being a remapping of Outlot 1 of Certified Survey Map No. 6416, being a part of the Southwest 1/4 of the Southwest 1/4 of Section 16, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

Crescent Construction, Inc., as owner, do hereby certify that I have caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of Chapter 236.34 of the Wisconsin State Statutes and Unified Development Ordinance - Division 15, of the City of Franklin Municipal Code.

WITNESS the hand and seal of said owner this _____ day of _____, 20_____.

Inaam Arshad, Owner

STATE OF WISCONSIN)
Milwaukee COUNTY) SS

PERSONALLY came before me this _____ day of _____, 20_____, Inaam Arshad, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public
State of Wisconsin
My Commission Expires: _____

COMMON COUNCIL APPROVAL

APPROVED and dedication accepted by the Common Council of the City of Franklin, Resolution No. _____, on this _____ day of _____, 20_____.

Stephen R. Olson, Mayor
City of Franklin

Sandra L. Wesolowski, Clerk
City of Franklin



7/13/21
Revised 11/13/21
12/15/21
2/17/22
Sheet 4 of 4

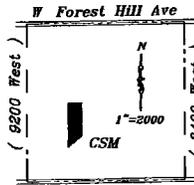
NATURAL RESOURCE PROTECTION PLAN

Being a remapping of Outlot 1 of Certified Survey Map No 6416,
being a part of the Southwest 1/4 of Section 16, Township 5 North,
Range 21 East, in the City of Franklin, Milwaukee County,
Wisconsin

PREPARED FOR
Karley Blake
6426 S 35th Street, Apt #12
Franklin WI 53132

PREPARED BY Dennis C Sauer
Metropolitan Survey Service, Inc
9415 West Forest Home Avenue
Hales Corners, WI 53130

North



Vicinity Map
SW 1/4 Sec 16-5-21

Scale
1"=100'

All lands included in this map are zoned R-8 R-8 zoning setbacks are as follows:

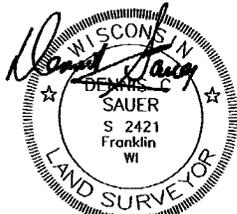
- Min front setback - 25 ft.
- Min side setback - 5 ft.
- Min rear setback - 25 ft.
- Min wetland setback - 50 ft.

NOTES:

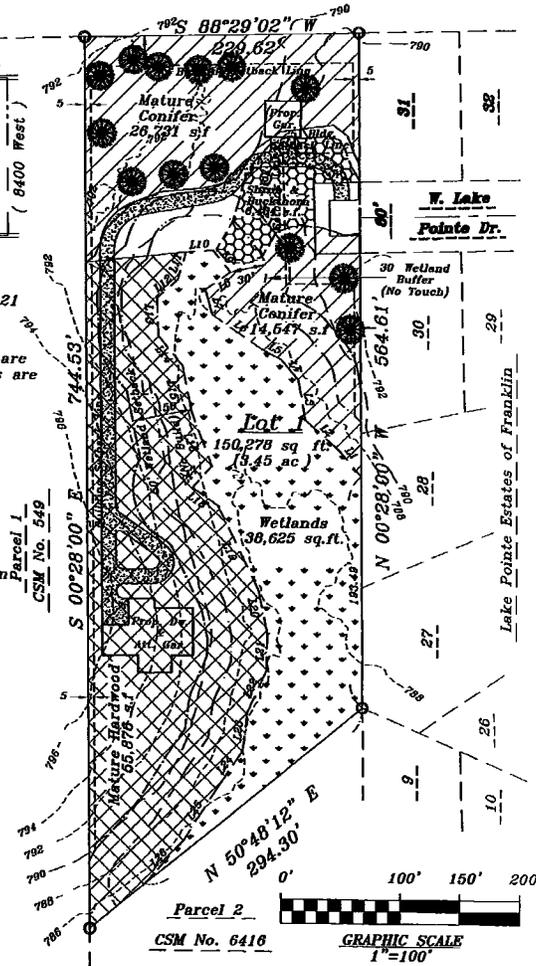
Map bearings refer to Certified Survey Map No. 6416

Wetlands delineated by Thompson and Associates Wetland Services on May 12 2021

○ Denotes 1" dia iron pipe found and accepted



July 13, 2021
Revised December 15, 2021
Revised February 17, 2022



8890 West Lake Pointe Dr Franklin WI

Natural Resource Impacts

Total Site Area

Natural Resource Feature	square feet		Degree of Disturbance (%)	Protection Standard
	Total Area of Resource	Total Area of Disturbance		
Steep Slopes.	10-19%	0	0	40%
	20-30%	0	0	70%
	30%	0	0	80%
Woodlands & Forests.	Mature	66455	8410	12.66
	Young	0	0	50%
Water Resources	Lakes & Ponds	0	0	100%
	Streams	0	0	100%
	Shore Buffers	0	0	100%
	Flood-plains/Flood-ways	0	0	100%
	Wetlands & Shoreland Wetlands	38,625	0	100%
	30 foot Wetland Buffers	27,312	0	100%

An additional 20 foot wetland setback to the 30 foot wetland buffer is 18,753 square feet, of that 1730 square feet are disturbed for a driveway or 9.2%
Data supplied by Metropolitan Survey, delineation & table by Alice Thompson

Legend

	Property Line		Property Line
	House Setback Line		Mature Hardwoods
	Wetland Boundary		Mature Conifers
	30' Wetland Buffer		Shrub & Buckthorn
	50' Wetland Setback		

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE March 15, 2022
REPORTS & RECOMMENDATIONS	A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A MULTI-FAMILY RESIDENTIAL APARTMENT COMPLEX DEVELOPMENT USE UPON PROPERTY LOCATED AT 9801 SOUTH 27TH STREET AND 9605 SOUTH 29TH STREET (FIDUCIARY REAL ESTATE DEVELOPMENT, INC., APPLICANT)	ITEM NUMBER G.8.

On March 3, 2022, the Plan Commission conditionally approved the Site Plan for Fiduciary Real Estate Development, Inc., to redevelop the defunct Nature's Nook property as a 252-unit multi-family residential apartment complex. This development consists of 2-story units in buildings of 20 or 24 units, comprising a total of 12 buildings with a mix of 30 studio units, 96 one-bedroom units, 102 two-bedroom units, and 24 three-bedroom units) with a single primary access from South 27th Street (STH 241). In addition, the Plan Commission recommended approval of a Special Use for Fiduciary Real Estate Development, Inc., for 252 units at a density of 10.5 units/acre for the property identified by the legal description included in the attached Resolution, also known as Tax Key Nos. 902-9965-006 and 902-9966-001.

The approval of the Site Plan, and recommendation for approval of the Special Use, are both provided in the expectation that a Natural Resource Features Special Exception (NRSE) is approved for the wetland, wetland buffer, and wetland setback disturbances as proposed. Staff noted that the WDNR issued a Wetland General Permit for disturbance of 653 square feet of wetland, based on the design included with the Resolution attached, and this combined with the redevelopment of a derelict site allowed for the Plan Commission to move forward with the Site Plan approval (Plan Commission Resolution No. 2022-008 also attached). The Site Plan was also approval contingent on approval of the access to South 27th Street (STH 241) from WisDOT.

Attached are as follows:

- Draft Resolution No. 2022-_____, for the Special Use (dated 2/14/22)
- Applicant's Draft Responses to UDO Section 15-3.0701 General Standards for Special Uses
- Plan Commission Resolution No. 2022-008 (Site Plan approval and conditions)
- WDNR Wetlands General Permit GP-SE-2021-41-04248 (dated December 23, 2021)
- Natural Resource Protection Plan dated January 6, 2022
- Staff Report dated March 3, 2022
- Submitted Special Use Application Form and Property Owner Consent, dated September 14, 2021
- Applicant's Detailed Proposal Description dated January 5, 2022
- Applicant's Conceptual Development Submission dated February 17, 2022
- Applicant's Civil Site and Landscape Plan, dated January 27, 2022

COUNCIL ACTION REQUESTED

A motion to adopt Resolution 2022-_____, imposing conditions and restrictions for the approval of a special use for a multi-family residential apartment complex development upon property located at 9801 South 27th Street and 9605 South 29th Street (Fiduciary Real Estate Development, Inc., applicant).

RESOLUTION NO. 2022-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE FOR A MULTI-FAMILY RESIDENTIAL
APARTMENT COMPLEX DEVELOPMENT USE UPON PROPERTY LOCATED AT
9801 SOUTH 27TH STREET AND 9605 SOUTH 29TH STREET
(FIDUCIARY REAL ESTATE DEVELOPMENT, INC., APPLICANT)

WHEREAS, Fiduciary Real Estate Development, Inc. having petitioned the City of Franklin for the approval of a Special Use in a B-4 South 27th Street Mixed-Use Commercial District, to allow for The Seasons at Franklin multi-family residential apartment complex development on the former Nature's Nook, gas station and single-family house site, containing up to 252 apartment units consisting of 2-story units with 20 and 24 unit configurations (total unit counts are 12 buildings with a mix of 30 studio units, 96 one bedroom units, 102 two bedroom units, and 24 three bedroom units) with a single primary access off of South 27th Street, properties located at 9801 South 27th Street and 9605 South 29th Street, bearing Tax Key Nos. 902-9965-006 and 902-9966-001, more particularly described as follows:

9801 South 27th Street, City of Franklin, Milwaukee County, Wisconsin:

Parcel 1 of Certified Survey Map No. 6044, recorded November 17, 1994 on Reel 3419, Image 833, as Document No. 7026244, said map being a redivision of Parcel 2 of Certified Survey Map No. 5782, located in the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 25, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin. EXCEPTING THEREFROM that part of Parcel 1 of Certified Survey Map No. 6044, Document No. 7026224, located in the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 25, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, more fully described as follows: Beginning at the Southeast corner of said Parcel 1; thence South 88 deg. 29'34" West along the South line of said Parcel 1, 131.00 feet to a point; thence North 00 deg. 22'41" West, 95.11 feet to a point; thence North 04 deg. 31'38" East, 116.30 feet to a point; thence North 88 deg. 29'34" East, 121.00 feet to a point on the Westerly right-of-way line of South 27th Street (U.S.H. "41"); thence South 00 deg. 23'33" East, along said Westerly right-of-way line, 210.79 feet to the place of beginning. ALSO EXCEPTING those lands as conveyed by a Warranty Deed recorded March 4, 1999 as Document No. 7701197.

9605 South 29th Street, City of Franklin, Milwaukee County, Wisconsin:

Parcel 1:

Part of the East 56 acres of the Northeast 1/4 of Section 25, in Township 5

FIDUCIARY REAL ESTATE DEVELOPMENT, INC. – SPECIAL USE
RESOLUTION NO. 2022-_____

Page 2

North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at a point in the East line of the said 1/4 Section and 1014.56 feet South of the Northeast corner thereof; thence South 89° 19' West 764 feet to a point, said point being the beginning of the herein described parcel of land; running thence South 89° 19' West 158.80 feet (recorded as 160.00 feet) to a point in the West line of the said East 56 acres; thence Northerly along said West line of the East 56 acres, 80.02 feet to a point; thence North 89° 19' East 159.18 feet (recorded as 161.11 feet) to a point; thence South and parallel to the East line of said 1/4 Section, 80 feet to the place of beginning.

Parcel 2:

That part of Parcel 1 of Certified Survey Map No. 6044, recorded on November 11, 1994, on Reel 3419, Images 833-835 inclusive, as Document No. 7026224, being a redivision of all of Parcel 2 of Certified Survey Map No. 5782, as Document No. 6698838, located in the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4, all in Section 25, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Beginning at the Northwest corner of said Parcel 1, said point also being the Southwest corner of lands described in Document No. 4338532 of Deeds, on Reel 375, Image 1500, recorded August 21, 1967; thence North 88° 55' 27" East along the North line of Parcel 1 aforesaid, 133.80 feet to a point; thence South 00°23' 33" East 92.75 feet to a point; thence North 88° 53' 59" West 133.36 feet to a point; thence North 00°39' 59" West along the West line of Parcel 1 aforesaid, 92.80 feet to the point of beginning.

Parcel 3:

Together with a non-exclusive perpetual easement for ingress and egress over the following described property: Over and across that part of Parcel 1 of Certified Survey Map No. 6044, in the Northeast 1/4 of Section 25, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, which is bounded and described as follows:

Beginning at the Northwest corner of said Parcel 1; thence North 88° 55' 27" East along the Northerly line of Parcel 1 aforesaid, 133.80 feet to the beginning of the lands to be described; thence continue North 88°55' 27" East along said Northerly line 28.00 feet to a point; thence South 05° 55' 23" East 93.14 feet to a point; thence North 88° 53' 59" East along the Northerly line of Parcel 1 aforesaid and its extension, 672.02 feet to the Northeast corner of said Parcel 1; thence South 00° 23' 33" East along the West line of South 27th Street, 25.00 feet to a point; thence South 88° 53' 59" West 709.00 feet to a point; thence North 00°23' 33" West 117.83 feet to the point of beginning; and

FIDUCIARY REAL ESTATE DEVELOPMENT, INC. – SPECIAL USE
RESOLUTION NO. 2022-_____

Page 3

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 3rd day of March, 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 Fiduciary Real Estate Development, Inc., for the approval of a Special Use for the properties 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 properties by Fiduciary Real Estate Development, Inc., successors and assigns, as a multi-family residential apartment complex development use, which shall be developed in substantial compliance with, and operated and maintained by Fiduciary Real Estate Development, Inc., pursuant to those plans City file-stamped January 27, 2022 and annexed hereto and incorporated herein as Exhibit A.
2. Fiduciary Real Estate Development, Inc., 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 Fiduciary Real Estate Development, Inc. multi-family residential apartment complex development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon Fiduciary Real Estate

FIDUCIARY REAL ESTATE DEVELOPMENT, INC. – SPECIAL USE
RESOLUTION NO. 2022-_____

Page 4

Development, Inc., and the multi-family residential apartment complex development use, for the properties located at 9801 South 27th Street and 9605 South 29th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

4. This approval is for the maximum number of 252 apartment units and an overall project density of 10.5 dwelling units per acre, and does not reflect any proposed disturbance or improvements to wetlands, wetland buffers, or wetland setbacks as shown on the attached plans, except as already permitted by the City of Franklin Unified Development Ordinance.

BE IT FURTHER RESOLVED, that in the event Fiduciary Real Estate Development, Inc., successors or assigns, or any owner of the subject properties, 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 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

FIDUCIARY REAL ESTATE DEVELOPMENT, INC. – SPECIAL USE
RESOLUTION NO. 2022- _____

Page 5

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 _____

DIVISION 15-3.0700

SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701

GENERAL STANDARDS FOR SPECIAL USES

A. ***General Standards.*** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

Response: The site is currently located in the B-4 South 27th Street Mixed Use Commercial District, which is intended to provide for the development of certain mixed uses including retail, commercial, office and residential development. The comprehensive plan notes the site as Mixed Use which is also consistent with the zoning designation. The proposed development will be focused on multi-family housing as well as one commercial outlot of .68 acres along South 27th Street.

2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

Response: The proposed development will have no adverse impact on the adjacent property's owners. The redevelopment of this blighted property will actually enhance the area as the subject site has become a dumping site over the years.

3. **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

Response: A large buffer will be kept in place on the west side of the property to preserve a significant portion of the young woods and will provide for additional screening to the homes to the west.

4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

Response: Yes, the proposed development will be served adequately by essential public facilities, public utilities, police, fire protection, refuse disposal, public parks and libraries. The subject property is not within the Franklin school district.

5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Response: The proposed project will have direct access to South 27th Street and therefore should not draw significant traffic through surrounding residential streets. We do not anticipate any congestion from the development onto South 27th Street.

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Response: The proposed multifamily development will not result in the destruction, loss, or damage of any historic feature of significant importance.

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

Response: FRED exceeds the parking requirement of 403 parking spaces. The parking stalls are 9'x18' for 162 square feet instead of the required 180 square feet.

- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

Response: FRED complies with all such special standards that apply to B-4 zoning noted in 15-3.0702 and 15-3.0703.

- C. **Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Response: A multifamily development in this area will support the existing commercial as well as encourage additional commercial growth in this part of Franklin. The potential increment in property taxes from this development would make FRED the third highest tax payor in the City of Franklin.

2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

Response: FRED has looked throughout Franklin for a multifamily site that meets our needs as well as the needs of the City of Franklin. This site has become blighted as it has sat vacant since Natures Nook closed along with the closed down former gas station property.

3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

Response: FRED has designed the site so that it minimizes any potential adverse effects.

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

Response: FRED believes a multifamily development in this area will encourage additional compatible growth in this part of Franklin.

RESOLUTION NO. 2022-008

A RESOLUTION APPROVING A SITE PLAN FOR CONSTRUCTION OF A
MULTI-FAMILY RESIDENTIAL APARTMENT DEVELOPMENT WITH
ASSOCIATED PARKING, STORMWATER MANAGEMENT AND A DOG PARK
(9801 SOUTH 27TH STREET AND 9605 SOUTH 29TH STREET)
(FIDUCIARY REAL ESTATE DEVELOPMENT, INC., APPLICANT)

WHEREAS, Fiduciary Real Estate Development, Inc. having applied for approval of a proposed site plan for construction of a multi-family residential apartment development (“The Seasons at Franklin”) at the site of the former Nature's Nook, a nearby former gas station and a single-family house, containing up to 252 apartment units consisting of 2-story units with 20 and 24 unit configurations (total unit counts are 12 buildings with a mix of 30 studio units, 96 one bedroom units, 102 two bedroom units, and 24 three bedroom units) with a single primary access off of South 27th Street, the property development including stormwater management, parking (both covered and open) and a dog park amenity for on-site residents only, properties located at 9801 South 27th Street and 9605 South 29th Street, zoned B-4 South 27th Street Mixed-Use Commercial District; and

WHEREAS, the Plan Commission having reviewed such proposal and having found same to be in compliance with the applicable terms and provisions of §15-3.0421 of the Unified Development Ordinance and in furtherance of those express standards and purposes of a site plan review pursuant to Division 15-7.0100 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Site Plan for the construction of a multi-family residential apartment development (“The Seasons at Franklin”) at the site of the former Nature's Nook, a nearby former gas station and a single-family house, containing up to 252 apartment units consisting of 2-story units with 20 and 24 unit configurations (total unit counts are 12 buildings with a mix of 30 studio units, 96 one bedroom units, 102 two bedroom units, and 24 three bedroom units) with a single primary access off of South 27th Street, the property development including stormwater management, parking (both covered and open) and a dog park amenity for on-site residents only, properties located at 9801 South 27th Street and 9605 South 29th Street, zoned B-4 South 27th Street Mixed-Use Commercial District, as depicted upon the plans dated January 27, 2022, attached hereto and incorporated herein, is hereby approved, subject to approval of the application for a Special Use, and subject to the following terms and conditions:

1. The property subject to the Site Plan shall be developed in substantial compliance with and operated and maintained pursuant to the Site Plan for the Fiduciary Real Estate Development, Inc. multi-family residential apartment development (“The

FIDUCIARY REAL ESTATE DEVELOPMENT, INC. – SITE PLAN
RESOLUTION NO. 2022-008

Page 2

Seasons at Franklin”) construction dated January 27, 2022.

2. Fiduciary Real Estate Development, Inc., successors and assigns, and any developer of the Fiduciary Real Estate Development, Inc., multi-family residential apartment development (“The Seasons at Franklin”) construction project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Fiduciary Real Estate Development, Inc. multi-family residential apartment development (“The Seasons at Franklin”) construction project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to 15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon the Fiduciary Real Estate Development, Inc. multi-family residential apartment development (“The Seasons at Franklin”) construction project (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.
4. That the Fiduciary Real Estate Development, Inc. multi-family residential apartment development (“The Seasons at Franklin”) construction project shall be developed and constructed pursuant to such Site Plan within one year from the date of adoption of this Resolution, or this Resolution and all rights and approvals granted hereunder shall be null and void, without any further action by the City of Franklin.
5. That the approved Site Plan is conditioned on subsequent approval of a Special Exception to Wetland, Wetland Buffer, and Wetland Setback Provisions, and Improvements and Enhancements to a Natural Resource Feature (or NRSE Application), and that any changes or amendments to said Site Plan as a result of an NRSE Application approval shall be provided to the Department of City Development Department for administrative review and approval.
6. That the applicant shall provide a revised Site Plan that identifies all revisions required under the staff review memorandum dated February 7, 2022, for review and approval, prior to the issuance of the building permit.
7. That the applicant shall submit a revised Landscape Plan including revisions to the preserved tree canopy lists and inventory to reflect the minimum standards of UDO §15-5.0302D. for review and approval by the Department of City Development.

FIDUCIARY REAL ESTATE DEVELOPMENT, INC. – SITE PLAN
RESOLUTION NO. 2022-008

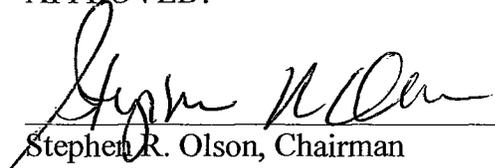
Page 3

8. That the applicant shall obtain approval of the Stormwater Management Plan, Utilities Construction Plan, and Erosion Control Plan from the City Engineering Department prior to issuance of the building permit.
9. That the applicant shall provide a copy of the Driveway Access Permit from the Wisconsin Department of Transportation prior to the issuance of the building permit.
10. That the applicant shall comply with Health Department requirements regarding dog park usage, signage, vaccinations, and related standards for animal control.
11. That the applicant shall comply with all review and licensure requirements of the Wisconsin Department of Safety and Professional Services regarding the swimming pool facility at the clubhouse.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this 3rd day of March, 2022.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this 3rd day of March, 2022.

APPROVED:



Stephen R. Olson, Chairman

ATTEST:



Sandra L. Wesolowski, City Clerk

AYES 5 NOES 0 ABSENT 1 (Commissioner Patrick Leon)

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1155 Pilgrim Rd.
Plymouth, WI, 53073

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



December 23, 2021

GP-SE-2021-41-04248

CCM-9801 27th Franklin LLC
Nicklaus Jung
901 S. 70th Street
West Allis, WI 53214

Sent electronically via email

RE: Coverage under the wetland statewide general permit for Wetland Fill or disturbance for Residential, Commercial, Industrial development, located in the City of Franklin, Milwaukee County, also described as being in the SE ¼ of the NE ¼ section 25 Township 05 North, Range 21 East; docket GP-SE-2021-41-04248.

Dear Mr. Jung,

Thank you for submitting an application for coverage under the wetland statewide general permit for wetland fill or disturbance for residential, commercial, or industrial development, s. 281.36, Wis. Stats.

You have certified that your project meets the eligibility criteria for this activity. **Based upon your signed certification you may proceed with your project to fill 0.015 acres (653 square feet) of wetlands.** Please take this time to re-read the permit standards and conditions. The eligibility standards can be found on your application checklist or in the statewide general permit (found at <https://dnr.wisconsin.gov/topic/Wetlands/permits> - keyword: general permits-GP1). The permit conditions are attached to this letter. **You are responsible for meeting all general permit eligibility standards and permit conditions.** This includes notifying the Department before starting the project and submitting photographs within one week of project completion. Please note your coverage is valid for 5 years from the date of the department's determination or until the activity is completed, whichever occurs first.

The Department conducts routine and annual compliance monitoring inspections. Our staff may follow up and inspect your project to verify compliance with state statutes and codes. If you need to modify your project please contact your local Water Management Specialist, Ryan Pappas at (715) 492-0200 or email Ryan.Pappas@wisconsin.gov to discuss your proposed modifications.

The Department of Natural Resources appreciates your willingness to comply with wetland regulations, which help to protect the water quality, fish and wildlife habitat, recreational value and other functions and values wetlands provide to current and future generations. You are responsible for obtaining any other local, state or federal permits that are required before starting your project.

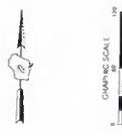
If you have any questions, please call me at (715) 492-0200 or email Ryan.Pappas@wisconsin.gov .

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Pappas', with a stylized flourish at the end.

Ryan Pappas
Water Management Specialist

Copy to USACE Project Manager
 City of Franklin Zoning Administrator
 Consultant

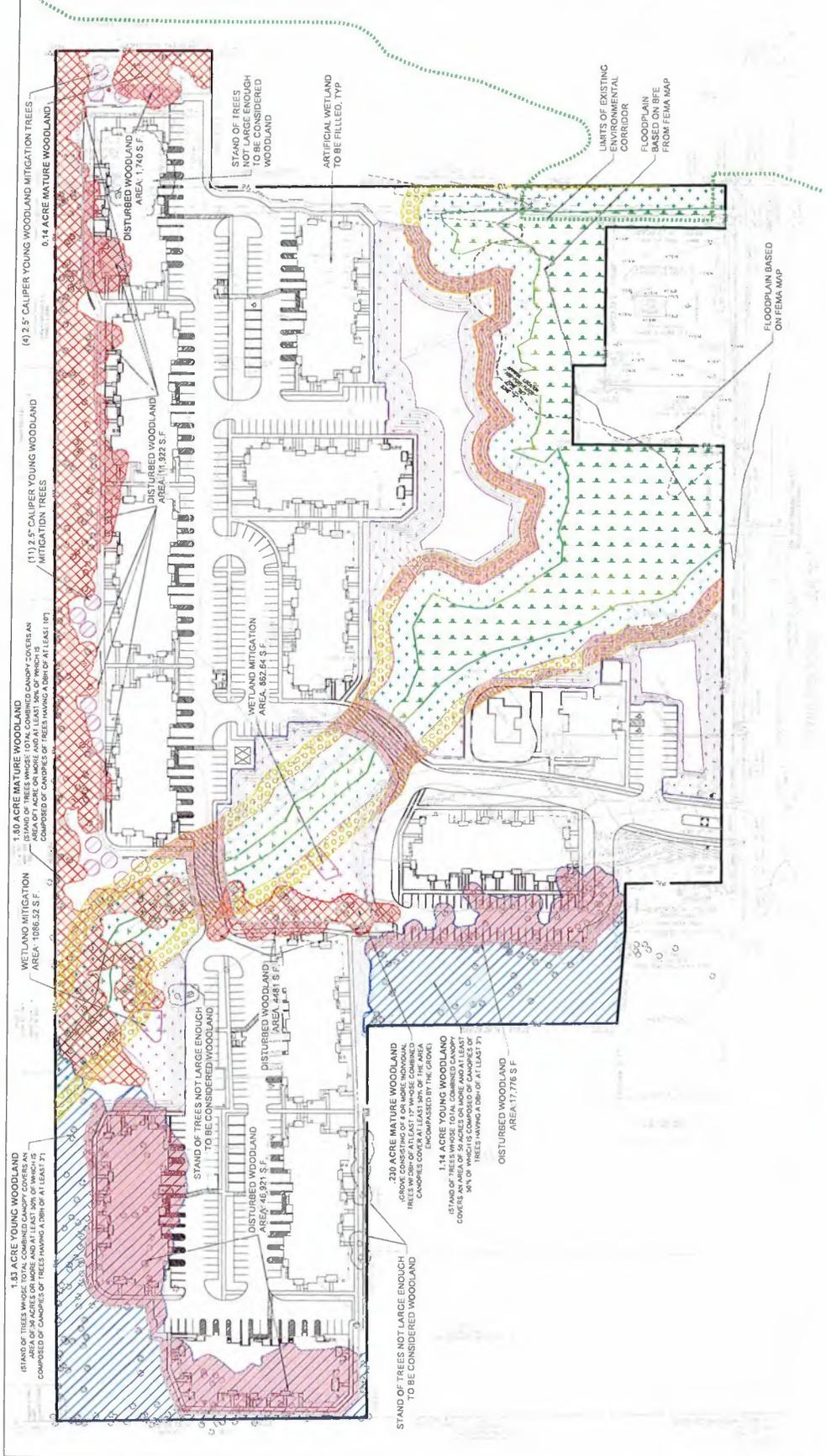


FRANKLIN, WI
 27TH STREET
 FIDUCIARY RE - FRANKLIN
 NATURAL RESOURCE PROTECTION PLAN

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

NO. REVISION	DATE	BY
PROJECT NO.		
SCALE	1" = 60' 0"	
DESIGN DATE	03/22	
PLANT DATE	01/16/2022	
DRAWN BY	JCT	
CHECKED BY	A	
APPROVED BY		
SHEET NO.		

EX 3



- NOTES**
1. WETLAND BUFFER & WETLAND SETBACKS THAT ARE TO BE RESTORED BY GRADING ONLY SHALL BE RESTORED TO EXISTING CONDITION.
 2. WETLAND MITIGATION WILL BE PERFORMED IN ACCORDANCE WITH DIVISION 15-4.013 OF THE CITY OF FRANKLIN UNIFIED ELECTION ORDINANCE. RESTORED AND CREATED NEW WETLANDS SHALL BE RESTORED TO A CONDITION THAT SHALL PROVIDE SOILS AND NATIVE PLANT SPECIES OF EQUAL OR GREATER QUALITY THAN THOSE TO BE DISTURBED. AREAS ARE TO BE THE MINIMUM WIDTHS AND SIZES AS REQUIRED UNDER DIVISION 15-4.013.
 3. SEE L200 FOR SPECIES COMPOSITION OF SEED MIXES AND PLUGS FOR WETLAND AND WETLAND BUFFER AREAS.
 4. SEE L200 FOR INFORMATION ON SEED INSTALLATION AND LONG-TERM VEGETATION MANAGEMENT.
 5. PRESERVED NATURAL RESOURCE FEATURE AREAS SHALL BE PROTECTED IN PERPETUITY.

RESOURCE TYPE	MATURE WOODLANDS	YOUNG WOODLANDS	WETLANDS	WETLAND BUFFERS
AREA DISTURBED	14,403.57 (0.38 AC) (17.3%)	64,887.57 (1.48 AC) (6.9%)	879.89 SF (0.02 AC) (0.00%)	4,995.57 (0.12 AC) (0.37%)
MITIGATION RATIO	1.25:1.00	1.25:1.00	1.50:1.00	1.50:1.00
MITIGATION AREA REQUIRED	0.57 (0.0 AC)	0.57 (0.0 AC)	1,068.34 SF (0.02 AC)	7,493.57 (0.17 AC)
MITIGATION AREA PROVIDED	0.57 (0.0 AC)	0.57 (0.0 AC)	1,948.14 SF (0.04 AC)	98,193.97 (0.28 AC)

RESOURCE TYPE	MATURE WOODLANDS	YOUNG WOODLANDS	WETLANDS	WETLAND BUFFERS	WETLAND SETBACKS
TOTAL AREA (TEMPORARY)	84,692.57 (0.71 AC)	179,284.57 (0.91 AC)	88,778.57 (0.22 AC)	94,665.57 (0.21 AC)	54,284.57 (0.12 AC)
AREA TO BE DISTURBED	18,143.57 (0.42 AC) (15.1%)	64,887.57 (1.48 AC) (9%)	328.41 SF (0.00 AC) (0.00%)	3,073.57 (0.01 AC) (0.00%)	74,293.57 (0.18 AC) (4.6%)
AREA TO BE RESTORED	0.00 (0.00 AC)	0.00 (0.00 AC)	0.00 (0.00 AC)	4,995.57 (0.12 AC) (0.37%)	3,644.57 (0.09 AC) (0.7%)

18 February 2022 10:10:22 - 27th Street FIDUCIARY RE - FRANKLIN - 27th Street FIDUCIARY RE - FRANKLIN - 27th Street FIDUCIARY RE - FRANKLIN - 27th Street FIDUCIARY RE - FRANKLIN



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of March 3, 2022

SPECIAL USE/SITE PLAN

RECOMMENDATION: City Development Staff recommends the following: (1) Recommend approval of the special use application, and (2) Approve the site plan, subject to conditions contained in the draft Resolution.

Property Owner:	CCM-9801 27 th Franklin LLC
Applicant:	Fiduciary Real Estate Development, Inc.
Property Address/Tax Key Number:	9801 S. 27 th Street/902-9965-006 9605 S. 29 th Street/902-9966-001
Aldermanic District:	District 4
Agent:	Anthony DeRosa, Fiduciary Real Estate Development, Inc.
Zoning District:	B-4 South 27 th Street Mixed Use-Commercial R-3 Suburban/Estate Single-Family Residence South 27 th Street Design Overlay
Use of Surrounding Properties:	West: Residential zoned R-3 South: Medical office and hospital zoned B-7, Small scale business/service uses zoned B-4 North: Floodplain and hotel zoned PDD-33 East: Business/industrial uses zoned M-1 (City of Oak Creek)
Special Use Request:	To permit a 252-unit apartment complex on 24.12 acres in the B-4 South 27 th Street Mixed Use-Commercial District.
Site Plan Proposal:	To permit construction of 252 apartment units in 12 buildings and a clubhouse and pool, with attached and detached garage facilities, a grill station, a dog park, a maintenance garage, and necessary utility and stormwater facilities (in concept form).
Staff Planner:	Heath Eddy, AICP, Planning Manager

APPLICANT'S REQUEST

The applicant is requesting approval of (1) a Special Use to permit development of 252 apartment units on a property located in the B-4 South 27th Street Mixed Use-Commercial District, and (2) a Site Plan to permit construction of 252 apartment units in 12 buildings, along with associated parking, detached parking garages, a clubhouse and pool, grill station area, and dog park for residents only. The mix of residential units is 30 studio units, 96 one-bedroom units, 102 two-bedroom units, and 24 three-bedroom units.

The applicant is further requesting approval for a Natural Resource Features Special Exception (NRSE) under a separate review by Department staff. That application was filed subsequent to the requests under review here, and was delayed in part because the applicant was working to secure the General Permit for disturbance of wetland on-site, which was approved by WDNR staff under docket GP-SE-2021-41-04248 on December 23, 2021 (see attached). The NRSE application was filed with the Department of City Development originally on January 10, 2022, and staff has finished completeness review and routed the application materials for departmental reviews.

While it is unusual for an applicant to request separate and prior action on a Site Plan application, in particular, before the particulars of the NRSE are factored into the Site Plan, the applicant believes the design revisions made to secure WDNR approval materially reduce the impact that NRSE approval requires, and therefore the Site Plan would not be significantly altered subsequently. Staff expressed concern with this approach, and informed the applicant of such particularly with respect to the Site Plan; nevertheless the applicant requested moving forward. Staff believes the Plan Commission can proceed with the public hearing and discussion of the special use request and a review of the Site Plan application as it is currently designed.

CHARACTER OF THE SITE AND SURROUNDING AREA

The subject property is a former landscaping business known as Nature's Nook, and currently contains the former commercial building along with available parking on-site, and the remainder disturbance areas of outdoor storage of landscaping materials. The property has been variably commercial in orientation, though the extent of use of the property included the wetland complex on the east half of the property. The disturbance authorized by the Wetland General Permit, as mentioned above, is limited to approximately 653 square feet of total wetland disturbance that was already previously disturbed with small culvert-like overpasses due west of the existing commercial building. The applicant's current Site Plan design reflects these two cross-over areas.

The attached Natural Resource Protection Plan shows that there is a 2.22-acre wetland complex located primarily on the east-northeast side of the site adjacent to a County-owned former gas station and near South 27th Street (STH 241). Combined with the required wetland buffer and setback, a total of 5.64 acres of the property is listed for natural resource protection, prior to official approval of the NRSE. This wetland and wetland protection area bisects the site from northeast to southwest, and is linked to a conservancy area located southwest of the site (west of South 31st Street). The subject property further contains 5.14 acres of woodland, most of which does not co-exist with the wetland areas. Therefore, the applicant is constrained in terms of designing the site in order to comply with the City's natural resource protection standards. Furthermore, Wetland General Permit approval does give the applicant reason to believe the proposed design of their development is worthy of support and approval.

The surrounding area includes a set of variable uses and protection areas. Immediately north of the site is a conserved floodplain area for Oak Creek, north of which is a hotel and commercial uses located along Ryan Road (STH 100). The area east of South 27th Street is the Southbranch Industrial Park in the City of Oak Creek. The area immediately southeast includes a former residence and a software development company, while due south is the Ascension Hospital and medical park area. The major influence on the site from a buffering perspective are the row of single-family residences fronting South 31st Street, which are west of the subject property.

DESCRIPTION OF THE APPLICATION

On September 14, 2021, the applicant submitted applications for a Site Plan and a Special Use, and contemporaneous to these applications the applicant requested an exemption to the wetland requirements from WDNR. Following denial of the exemption request, the applicant filed the General

Permit application with WDNR, and following some revisions to comply with the WDNR justification requirement and the alternatives analysis, the WDNR issued the General Permit with the limited wetland disturbance as shown on the attached NRPP.

The application site is approximately 24 acres in size, and the application request for 252 apartment units reflects a total density of 10.5 units/acre. While this is generally larger than the baseline “permitted” density of 8 units/acre, staff notes the City has previously approved multi-family development with higher densities than were listed in base zoning districts such as R-8 or B-4 (most recently the Statesman Apartments north of the subject property). Staff notes that the usual impetus for approving densities is due to a redevelopment condition or removing a perceived “eyesore.” In this case, the applicant is proposing a redevelopment of a defunct landscaping business site, along with proposed acquisition of the small gas station site along South 27th Street for redevelopment purposes. While the commercial portion of the Conceptual Site Plan is not specifically included in this request, it demonstrates that the applicant is aware of the property’s surroundings and is seeking to improve these conditions.

The applicant proposes developing the site with 12 apartment buildings, in 20-unit and 24-unit combinations, which would include a series of studio, one-bedroom, two-bedroom, and three-bedroom units. The applicant’s Detailed Proposed Description for “The Seasons at Franklin” is attached for further information.

PROJECT ANALYSIS:

There are a few existing constraints to the property that impact the design and development of this project.

1. **Wetland Impacts and NRSE Application.** The applicant submitted the NRSE application initially on January 10, 2022. The applicant supplemented this application with additional information on January 28, 2022. The proposed Site Plan relies on approval of the NRSE requests in order to develop the site. As noted above, the Wetland General Permit has been issued by WDNR and permits disturbance of 653 square feet of wetland in two areas, which are at interior drive-lane crossings. Additional impact to the wetland buffer and setback are requested, in the vicinity of the wetland crossings. Staff anticipates no major issues with this request, though the timing will be delayed relative to the Special Use/Site Plan applications.
2. **Landscaping Requirements.** Staff believes the proposed design is in general compliance with the intent of the landscaping requirements in UDO Division 15-5.0300. However, it should be noted that the requirements are very difficult to meet: a total of 3.5 trees (shade, evergreen, and decorative/ornamental) plus 3 shrubs per dwelling unit. If this were a high-rise development it would require the planting of a forest to accommodate this requirement. If the proposed development were at the standard maximum density of 8 units/acre, it would require 28 trees and 24 shrubs per acre. Conversely, the Division does permit credit for existing trees on-site, with full credit in the non-Bufferyard areas and half credit in the western Bufferyard. The credit is applied to each healthy tree 6 feet or taller. NO ONE evaluates non-evergreen trees based on height. This is a subject for further review and amendment under the UDO Rewrite Project. Suffice to say, staff believes the applicant is generally compliant pending final submission and sign-off of detailed inventory of the trees located on the subject property.
3. **Access Design.** The proposed design identifies a single driveway from South 27th Street (STH 241) to enter the site. This design has been evaluated by WisDOT and the preliminary conclusion is that it complies with engineering requirements for access, and further that the anticipated traffic to and from the site does not warrant a traffic signal at this location. Staff notes a secondary “emergency” access was requested by the City Engineer, which is currently

located at the northern lot line adjacent the defunct gas station site, and is the driveway entrance to the former residence located on the adjacent lot at 9605 S. 31st Street. The applicant indicated that this driveway could be retained as an emergency access, though the Site Plan and Landscape Plan do not specifically call for maintaining this driveway west of the commercial site along South 27th Street.

UNIFIED DEVELOPMENT ORDINANCE REQUIREMENTS

Special Use and Site Plan Applications are subject to the following provisions of the UDO. Subject to the development conditions of approval, the Special Use and Site Plan shall meet these standards:

- §15-3.0701 General Standards for Special Uses
- §15-7.0102 Principles and Standards of Review, Site Plans

GENERAL STANDARDS FOR SPECIAL USES (§15-3.0701)

Summary of Standard	Staff's Finding
1. <i>Harmony with UDO and Comprehensive Plan purposes and intent.</i>	The applicant's proposal would significantly redevelop a site that is a perceived "eyesore" and could spur additional development or redevelopment in the vicinity adjacent to South 27 th Street. This is in keeping with the intent of the South 27 th Street Design Overlay, and consistent with the purpose and intent of the <i>City of Franklin 2025 Comprehensive Master Plan</i> .
2. <i>No Undue Adverse Impact.</i>	The evaluation of "undue adverse impact" can be subjective. In the context of this use, the applicant's proposal does maintain an existing bufferyard of young and mature woodlands, which should mitigate the shift in density from the single-family neighborhood west of the site. Other uses in the area are commercial, hospitality, service-oriented, or industrial in character, and the proposed use is designed to fit into this location.
3. <i>No Interference with Surrounding Development.</i>	The proposed design is limited to 2-story facades and buildings are a maximum of 24 apartment units. The arrangement of units is designed to fit the vast majority of units into the "long" side of the site. Therefore the proposed use should not interfere or dominate adjacent properties.
4. <i>Adequate Public Facilities.</i>	The proposed development will be served by City water and regional sewer services, and should have ready availability for emergency services, fire, and police protection.
5. <i>No Traffic Congestion.</i>	The proposed development is designed for single-access from South 27 th Street (STH 241), a 4-land arterial. It is noted that WisDOT did not believe the development was large enough to require additional signalization along this arterial roadway, even coupled with the linked access to Southbranch Boulevard to the east.
6. <i>No Destruction of Significant Features.</i>	The proposed design is intended to limit the amount of disturbance of wetland in keeping with the approved Wetland General Permit. Further disturbance includes approximately 50% of young woodland and 28% of mature woodland, which are within the limits of the UDO Natural Resource Protection.
7. <i>Compliance with Standards.</i>	The proposed use complies with the requirements of the R-8 Multiple-Family Residence District, except with respect to project density. The Common Council can approve an increase in density under the provisions of Special Use approvals, if found that the project density would result in a better design or would mitigate an existing issue or circumstance. Redevelopment of a vacant, overgrown commercial site with attractive residential uses and open space protections could be such a situation.

PRINCIPLES AND STANDARDS OF REVIEW OF SITE PLANS (§15-7.0102)

Summary of Standard	Staff's Finding
<i>A. Conformity of Use to Zoning District.</i>	The proposed use is a Special Use in the B-4 District.
<i>B. Dimensional Requirements.</i>	The proposed development complies with all dimensional requirements for the proposed use
<i>C. Site Intensity and Site Capacity Calculations to be Reviewed.</i>	The proposed development complies with the limitations of the B-4 District
<i>D. Use and Design Provisions.</i>	The proposed development complies with all use and design provisions for multi-family development with the exception of project density, which may be increased by the Common Council under the Special Use review process
<i>E. Relation to Existing and Proposed Streets and Highways.</i>	The applicant has contacted WisDOT for permitting of access for this development. A Condition of Approval requiring submission of the WisDOT access permit prior to building permit issuance is included in the Resolution
<i>F. Impacts on Surrounding Uses.</i>	The proposed development is designed to focus traffic ingress/egress, along with locating facilities such that impacts on surrounding uses should be minimal
<i>G. Natural Resource Features Protection.</i>	The required NRPP has been submitted and reviewed Staff notes that the applicant makes use of existing woodland along the west property line as an effective bufferyard against adjacent single-family uses. The applicant has filed for NRSE review and approval for disturbance of wetland, wetland buffer and wetland setback. This review is forthcoming, and a Condition of Approval stipulating that Site Plan approval is conditioned on approval of an NRSE for these impacts is included in the attached draft Resolution
<i>H. Required Landscaping and Landscape Bufferyards.</i>	The proposed development generally meets the requirements with respect to landscaping and required bufferyards A Condition of Approval requiring follow-up submission of documentation specifying tree species locations, types and preservation methods, along with full compliance with UDO Division 15-5 0300 is included in the attached draft Resolution
<i>I. Provision of Emergency Vehicle Accessibility.</i>	The proposed development design incorporates accessibility for emergency purposes and provides accessible spaces in compliance with the ADA
<i>J. Building Location.</i>	The proposed development design is modeled to locate buildings in places that minimize existing natural resources as much as possible, and maintains existing woodland areas in locations that buffer existing residential uses from development of the subject property.
<i>K. Location and Design of On-Site Waste Disposal and Loading Facilities.</i>	On-site waste disposal facilities are located central to the development utility and not located in the peripheral areas where adjoining properties would be impacted.

L. Consistency with Intent of UDO.	The proposed development is consistent with the intent and purposes of the UDO, in particular UDO §15-1.0104 subparts A, B, C, D, E, F, G, H, I, J, K, N, O, and T.
M. Consistency with Intent of Comprehensive Plan.	The proposed development is consistent with the intent of the <i>City of Franklin 2025 Comprehensive Master Plan</i> , particularly in terms of scale, density, and location of proposed development
N. Determination of “Suitability” of Site.	There is no evidence that the subject property is “unsuitable” for development at the orientation and scale of the proposed development.

Natural Resource Protection Plan

The applicant is aware of the limits of approval under the Wetland General Permit. Additional approval of the NRSE is necessary for temporary or permanent disturbance or filling of the wetland and wetland buffer, and for permanent changes to the wetland setback. Should the Plan Commission choose to render a decision on the Site Plan Application, a condition of approval is included stating that an approval of the Site Plan is conditional on approval of the NRSE Application by the Common Council.

OTHER DEPARTMENT REVIEW COMMENTS

Engineering Department

1. Use South Zone NAD 83 datum as specified on the proposed plans.
2. The stormwater management facilities must meet the requirements of the City of Franklin stormwater management plan (UDO Division 15-8.0600).
3. If the water main is dedicated (approved by the WDNR) to the City by an easement, the proposed water main must be looped, having two connections at the water main on South 27th Street. The said City water main must comply with City Design Standards & Construction Specifications.
4. Engineering highly suggests having two access points at South 27th street.
5. The access to South 27th Street (STH 241) must be reviewed and approved by the WisDOT. A copy of said approval must be provided to the City Engineering Department (and a copy with the Department of City Development).
6. Engineering recommends a pedestrian sidewalk along South 27th Street.
7. The driveway entrance must be designed to accommodate the turning of trucks and busses. A turning exhibit shall be provided by the applicant demonstrating that the driveway access is sufficient to accommodate larger vehicles.
8. The applicant must have a permit from the WisDOT to work in the South 27th Street right-of-way.
9. The applicant shall submit detailed construction plans for follow-up Engineering review.

Staff Comment: The above will be reflected in the Conditions of Approval in the Site Plan Resolution.

Health Department

1. **Dog Park.** Some concerns/questions from the Health Department perspective as we handle dog bites.
 - a) Will there be a master list of those in the building(s) that own dogs that utilize the dog

park? Will the Health Department have the ability to review this list should there be a bite that occurs at this park? Will it be open to anyone that doesn't reside on the property?

- b) Will there be a requirement that all animals that use the dog park be up to date on rabies vaccine and have valid municipal license?
 - c) Will animals within the enclosure be allowed off leash?
 - d) Will there be information supplied to those that frequent the park that animal bites are reportable to both the Health Department and Police Department and any animal involved in a bite will be subject to a 10-day quarantine including up to 3 veterinarian visits? Unprovoked bites and/or serious bites may lead to declaration of dangerous or vicious animal per Municipal Code § 80-9.
 - e) Will animals that bite (whether provoked or unprovoked) be allowed to continue using the park?
 - f) How will animal waste inside the park be disposed of?
2. If this property includes any pools as defined in ATCP 76, proper plan review by DSPPS and licensing must occur.

Staff Comment: The Health Department comments are normally reflected in the Condition of Approval that relates to “compliance with City Code,” but staff has incorporated two conditions to the Site Plan Resolution reflecting these requirements.

Fire Department

The Fire Department has no comments regarding this project.

Police Department

The police department has no comment regarding this project.

Inspection Services Department

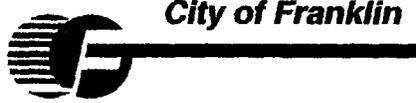
Inspection Services has no comments on the subject proposal at this time.

STAFF RECOMMENDATION

The Department of City Development staff recommends as follows:

- (1) That the Plan Commission recommend approval of the Special Use based on the conditions included in the draft Common Council Resolution, including the total number and density of multi-family residential units on the subject property, which recommendation will be considered by the Common Council at a future date; and
- (2) Approve the Site Plan, subject to the conditions in the draft Site Plan Resolution.

Planning Department
 9229 West Loomis Road
 Franklin, Wisconsin 53132
 Email: generalplanning@franklinwi.gov



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

Date of Application: _____

SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION

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

<p>Applicant (Full Legal Name[s]): Name: <u>Anthony DeRosa</u> Company: <u>Fiduciary Real Estate Development, Inc.</u> Mailing Address: <u>789 North Water Street, Suite 200</u> City / State: <u>Milwaukee, WI</u> Zip: <u>53202</u> Phone: <u>414-246-8402</u> Email Address: <u>tderosa@fred-inc.com</u></p> <p>Project Property Information: Property Address: <u>9801 S 27th Street & 9605 S 29th Street</u> Property Owner(s): <u>GCM-9801 27th Franklin LLC</u></p> <p>Mailing Address: <u>901 S 70th St. & 2 E Mifflin St#801</u> City / State: <u>West Allis, WI & Madison, WI</u> Zip: <u>53214 & 53703</u> Email Address: _____</p>	<p>Applicant is Represented by: (contact person)(Full Legal Name[s]) Name: _____ Company: _____ Mailing Address: _____ City / State: _____ Zip: _____ Phone: _____ Email Address: _____</p> <p>Tax Key Nos: <u>902-9965-006 & 902-9966-001</u></p> <p>Existing Zoning: <u>B-4</u> Existing Use: <u>Vacant Land</u> Proposed Use: <u>Multi-family Development</u> Future Land Use Identification: <u>B-4 Special Use</u></p>
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*The 2025 Comprehensive Master Plan **Future Land Use Map** is available at: <http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm>

Special Use/Special Use 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:
 - \$1500, New Special Use over 4,000 square feet
 - \$1000 Special Use Amendment
 - \$750, New Special Use under 4,000 square feet
- Legal Description for the subject property (WORD.doc or compatible format).
- One copy of a response to the General Standards, Special Standards (if applicable), and Considerations found in Section 15-3.0701(A), (B), and (C) of the Unified Development Ordinance available at www.franklinwi.gov.
- Seven (7) complete collated sets of Application materials to include:
 - One (1) original and six (6) copies of a written Project Summary, including description of any new building construction and site work, interior/exterior building modifications or additions to be made to property, site improvement costs, estimate of project value and any other information that is available.)
 - Three (3) folded full size, drawn to scale copies (at least 24" x 36") of the Site Plan/Site Plan Amendment package. (The submittal should include only those plans/items as set forth in Section 17-7.0101, 15-7.0301 and 15-5.0402 of the Unified Development Ordinance that are impacted by the development. (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, etc.)
 - Four (4) folded reduced size (11"x17") copies of the Site Plan/Site Plan Amendment package.
- One colored copy (11"x17") of the building elevations, if applicable.
- Three copies of the Natural Resource Protection Plan and report, if applicable (see Section 15-4.0102 & 15-7.0201 of the UDO).
- Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable).

- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval.

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

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

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

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

Anthony DeRosa
 Signature - Applicant _____
 Name & Title (PRINT) Anthony DeRosa Vice President
 Date: 9/14/2021

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

September 14, 2021

Mr. Heath Eddy
City of Franklin
Planning Manager, Department of City Development
9229 W. Loomis Road
Franklin, WI 53132

RE: Site Plan & Special Use Review – NWC of 27th Street and Southbranch Boulevard

Dear Mr. Heath Eddy:

I hereby give my authorization to Fiduciary Real estate Development, Inc. to apply for Site Plan and Special Use Amendment Applications for the following property located on the NWC of 27th Street and Southbranch Boulevard:

- Parcel # 90-29-965-006
- Parcel # 90-29-966-001

Should you have any comments or questions, I can be reached at (414) 395-4452.

Regards,

Cardinal Capital Management, Inc.



Nicklaus J. Jung
General Counsel



The Seasons at Franklin

Detailed Proposal Description



January 5, 2022



789 N. Water Street, Suite 200, Milwaukee, Wisconsin 53202
Phone 414.226.4535 • Fax 414.226.4523 • www.fred-inc.com

Subject Property

The subject property is located on the west side of South 27th Street at Southbranch Boulevard. The subject property is approximately 24.06 acres in size and contains the former Nature's Nook building and a single family home.



Proposed Multi-Family Development

The Seasons at Franklin is an institutional grade, market rate, amenity rich multifamily development designed with the end user in mind. The development has a true suburban feel with a significant amount of preserved open green space. The community will consist of two-story walkup buildings with 20 and 24 unit configurations. The buildings have been designed in a townhouse style which feature ground level, private direct entrances as well as attached garages for select apartments. The apartments, which include studio, one bedroom, two bedroom, and three bedroom floor plans, are strategically placed within the buildings.

Careful attention was taken to maximize floor plan efficiency, functionality, and flexibility to provide residents with a great value. Each of the 252 market rate apartment homes will feature modern finishes including open concept floor plans, designer cabinetry, expansive windows, quartz countertops, upgraded appliances, oversized balconies/patios, large walk-in closets and 9-foot ceilings. Flooring will consist of high-quality grade carpet in all bedrooms and designer plank flooring throughout the balance of the apartment. All apartments will include a split HVAC system (similar to what is in a new single family home), individual hot water heaters, energy efficient windows and a full-size washer and dryer to maximize efficiency and comfort. The building layouts and floor plan designs of this development provide a variety of housing options and price points that will cater to a broad demographic group. Monthly rents will range from \$1,200 to \$2,500.

In addition to the individual apartment features, the 5,000 square foot clubhouse has been designed to create an unparalleled resident experience with its resort style pool, 24-hour fitness center with high end cardio equipment and club room with an entertaining style kitchen. Walking paths will also be featured throughout the site, including connections to the onsite dog park as well as to Ascension at the south property line.

Over the years, the former Nature's Nook property has become a real eyesore. It has become common practice for people to dump random materials throughout the site. The proposed multi-family portion of the property has the following environmental challenges that Fiduciary intends to remediate:

- Nine 55-gallon drums, containers of gasoline, diesel fuel and kerosene, transmission fluid with potential environmental impacts.
- Diesel fuel stained gravel was observed beneath a 105 gallon street transfer fuel tank
- 300 gallon waste oil tank and containers of drain oil, gear oil, and trans-hydraulic fluid were observed on the property and have the potential to impact the soil and groundwater of the property.
- Solid waste storage areas throughout the site



Natural Resource Protection Plan

The City of Franklin UDO Division 15-4.0100 on Natural Resources requires 100% protection of wetlands and wetland buffers. A special exemption for the requirement to protect 100% of the wetlands and wetland buffers is being requested. The project will impact approximately 671 square feet of wetlands, and permanently impact approximately 4,990 square feet of wetland buffer. The existing wetland area to be impacted runs through the center of the site and cuts off the northwest portion of the site from the rest of the site. The location of the wetlands makes it very difficult to develop the northwest portion of the site. In order for the project to be economically feasible, development of the northwest portion of the site is necessary to achieve sufficient density and number of units. Without approval of the exemption request, the project is not viable. The

proposed development will mitigate the contamination and protect the wetlands to remain from potential environmental contamination. The existing flow of runoff through the site will be maintained. Only two small areas of low-quality wetlands which bisect the site, where existing crossings currently exist, are proposed to be filled in order provide connections to the northwest and southern portions of the site. Forty five percent of the site would be inaccessible without the wetland crossings. The crossings of the low-quality wetlands also provide a secondary emergency access point that is preferred by the Fire Department. The proposed wetland crossings have been moved from original plans to be centered on the gaps in the delineated wetlands to minimize wetland impacts. The use of smaller multifamily building footprints also helps avoid the higher quality wetlands on the site. Onsite wetland mitigation at a rate of 1.5 times the area of filled wetlands will be provided for on the site. We did receive approval from the Department of Natural Resources on December 23rd, 2021, to fill the 671 square feet of wetlands. Permit number GP-SE-2021-41-0428 along with all the corresponding plans are included in this submission.



South 27th Street Design Overlay District

Our development is subject to the 15-3.0351 South 27th Street Design Overlay District requirements. We meet or exceed the landscaping, parking and architectural requirements noted in this subsection of the Unified Development Ordinance. The majority of the requirements are related to commercial uses.

Market Demand

There are a multitude of characteristics that help support the long-term success of a multifamily development including location, community amenities, quality of construction, and overall cost of living. The demand for additional rental housing along with the current overall strength of the local rental market provides Fiduciary an opportunity to bring this "Class A" development to the market.

Fiduciary's market research indicates pent up demand for a unique type of new, luxury apartment rentals in the City of Franklin. This area of Franklin lacks a true Class A market rate rental housing

option. With the addition of the planned industrial developments along the South 27th Street corridor, this proposed development will aid in providing a modern housing option for these future employers and their employees. Specifically, there is a growing demand for alternatives to single family homes. Many of the multifamily housing options in the local submarket are older communities with dated finishes and amenities which cannot fulfill the current market demand.

In recent years, demand, especially from young professionals and empty nesters, has shifted away from home ownership towards multifamily housing. There is a demand for new, high-end market rate apartment homes in Franklin from those that are looking to downsize or no longer own a home, but want to stay within the community, as well as from those professionals that work for major employers in the area. This demand is from a demographic group that will spend their money in the communities in which they live and is looking for an upscale development to call home.



Fiduciary is targeting a different demographic that is not looking to live in the typical 3 or 4 story building with common corridors, but rather a smaller scale building type with private, direct entries creating more of a condo or townhome type feel. This group wants the community they live in to feel more suburban with an abundance of green space, walkability within the development, abundant amenity package and conveniently located.

Given the site characteristics and the pent up demand for high quality multifamily housing in this area, Fiduciary has identified that the highest and best use for the subject property is a multifamily development.

Building and Unit Counts: The multifamily development will include twelve (12) freestanding buildings with 20 or 24 apartments per building for a total of 252 apartments. The unit mix consists of 30 studios (12% of total), 96 one-bedrooms (38% of total), 102 two-bedrooms (40% of total), and 24 three-bedrooms (10% of total).

Design/Materials: The exterior finish of the buildings includes a significant amount of brick, oversized windows, and fiber cement siding. A mix of large balconies and private patios

complement the exterior elevations and the gabled roof details contribute to the suburban feel of the community.

Parking: Parking will be provided through a mix of building-attached garages containing twelve spaces throughout eight garages, detached garages with eight bays each, and surface parking. Total parking provided is 468 spaces for all 252 units, resulting in a parking ratio of 1.85 spaces per unit. The plan includes 124 enclosed garage spaces for an overall garage ratio of .49 garage spaces/unit.

Access and Circulation: Main access from South 27th Street will be provided via the intersection at Southbranch Boulevard. The existing South 29th Street that runs along the north side of the property will stay and be used as an emergency access point. This emergency access road is currently located within the floodplain limits and adjacent to higher quality wetlands.

Landscape/Buffering and Pedestrian Ways: The site plan reveals a greened-up site featuring courtyards and pedestrian walkways that flow throughout the development. The site has been planned so as to comply with tree preservation requirements for both mature and young woodlands found in the Natural Resource Protection Plan.

Finishes: Apartment finishes include: an upgraded stainless steel appliance package, upgraded cabinetry, large windows, open concept floor plans, in-unit full size washer / dryer, walk in closets, and oversized balconies/patios.





Development Details

- Multifamily Property Size: 24.06 acres
- Current Zoning: B-4 South 27th Street Mixed Use Commercial District
- The Comprehensive Plan earmarks this site as Mixed Use.
- Residential Density: 10.5 units per acre.



- Parking Requirements
 - Code requires 1 space per efficiency and one bedroom dwelling units, 2 spaces for two bedroom dwelling units, and 1.96 spaces for three bedroom dwelling units.
 - Per code the multifamily project requires 403 parking spaces

- 468 parking spaces are being provided
 - Minimum Parking Space Size. The size of each parking space shall be not less than 180 square feet nor less than nine feet in width, exclusive of the space required for ingress and egress
 - Parking stalls are currently shown as 9'x18' and 162 square feet
- Significant Increment in Property Taxes:
 - Current property tax: \$32,634.52
 - Estimated property tax upon completion: \$630,000 Making Fiduciary the third largest tax payer within the City of Franklin



- Impact of Additional Consumer Spending in Local Area:
 - \$1,100,000 annually or in excess of \$11,000,000 over a ten year period.
- Architecture
 - Two story design that is in scale with adjacent properties:
 - Parcel to the North – Staybridge Suites/Halquist Stone
 - Parcel to the East – Transport National/Public Storage
 - Parcel to the South – Single family home/Software Training & Development Center/Ascension
 - Parcel to the West – Single family homes
- Storm Water Management
 - Utilizing the natural site characteristics to manage all storm water management on site
 - No additional runoff will be created from the development



About Fiduciary Real Estate Development, Inc.

Fiduciary Real Estate Development, Inc. (FRED) is an experienced developer and investor in commercial real estate focusing on multifamily projects. Founded in 1984, FRED's proven track record of successful investment management has grown the business into one of Wisconsin's largest property management companies. The company owns and manages more than 8,000 market rate apartments, with an owned portfolio conservatively valued at over \$1.5 billion.

FRED's mission is to develop and manage exceptional residential communities that provide a distinctive living experience through enthusiastic service and dynamic teamwork. Visionary leadership, accountability with integrity and camaraderie and passion for people guide the vision of creating communities that are vibrant and enrich residents' lives.





SEASONS AT FRANKLIN
Franklin, Wisconsin

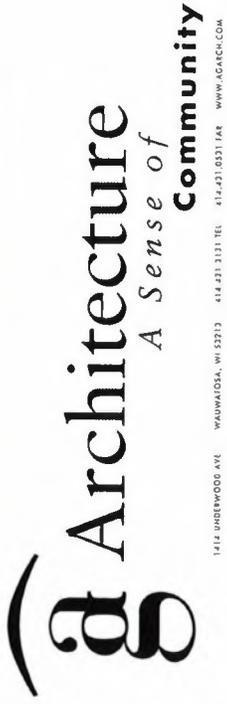
OWNER
**FIDUCIARY REAL ESTATE
DEVELOPMENT INC.**



RENDERING IS REPRESENTATIVE ONLY... SEE DOCUMENTS FOR SPECIFIC DETAILS

DATE: 17 FEBRUARY 2022

CONCEPTUAL DEVELOPMENT SUBMISSION



DEVELOPER
FIDUCIARY REAL ESTATE DEVELOPMENT
 289 North 10th Street, Suite 200
 Milwaukee, WI 53202
 (414) 226-4235

CIVIL ENGINEER
THE SIGMA GROUP
 1300 Canal Street
 Milwaukee, WI 53233
 (414) 643-4200

SITE STATISTICS

MULTIFAMILY

TWO STORY WALKUP BUILDINGS WITH
 20 AND 24 UNIT CONFIGURATIONS
 ALONG WITH A CLUBHOUSE AND POOL
 CLUBHOUSE - 4,942 SF

20 UNIT BUILDING - 25,797 SF (1,072 SF/UNIT)
 * SF/UNIT DOES NOT INCLUDE GARAGE

STUDIO 18
 ONE BEDROOM 18
 TWO BEDROOM 72
 THREE BEDROOM 18

24 UNIT BUILDING - 25,450 SF

STUDIO 12
 ONE BEDROOM 24
 TWO BEDROOM 30
 THREE BEDROOM 6

OVERALL UNIT COUNT 252

SITE AREA : 24.0 ACRES (10.5 UNITS/ACRE)

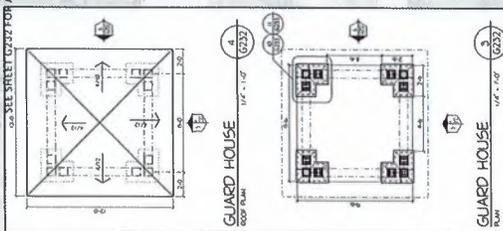
SITE PARKING

SURFACE STALLS 416 STALLS (1.66 STALLS/UNIT)
 ENCLOSED STALLS 124 STALLS (.49 STALLS/UNIT)
 TOTAL 540 STALLS (2.14 STALLS/UNIT)



SITE SIGNAGE

SEE SHEET 02101/02102 FOR ADDITIONAL DETAILS
 SEE STREET CORNER FOR ADDITIONAL DETAILS



Seasons At Franklin
MULTIFAMILY
Franklin, Wisconsin

SCALE 1" = 60'
 17 FEBRUARY 2022





Seasons





Seasons

 **Fiduciary**
REAL ESTATE DEVELOPMENT, INC.

 **Architecture**
A Sense of
Community



Seasons

Fiduciary
REAL ESTATE DEVELOPMENT, INC.

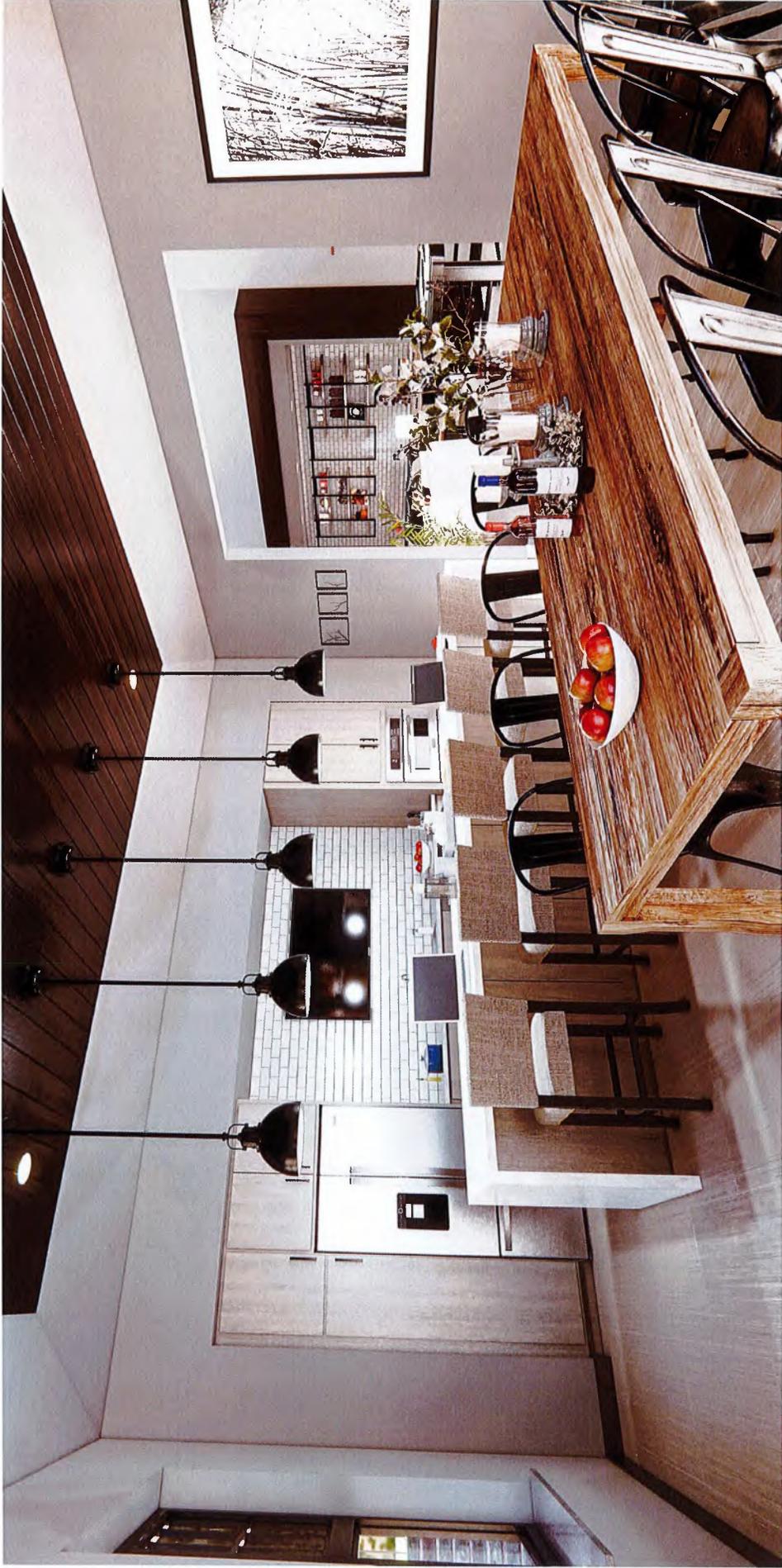
Architecture
A Sense of
Community



Seasons

 Architecture
A Sense of
Community

 Fiduciary
REAL ESTATE DEVELOPMENT, INC.



Seasons



Seasons

 Architecture
A Sense of
Community

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Seasons



Seasons

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Community



Seasons





Seasons





Seasons





Seasons

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 **Architecture**
A Sense of
Community



Seasons

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 **Architecture**
A Sense of Community



Seasons

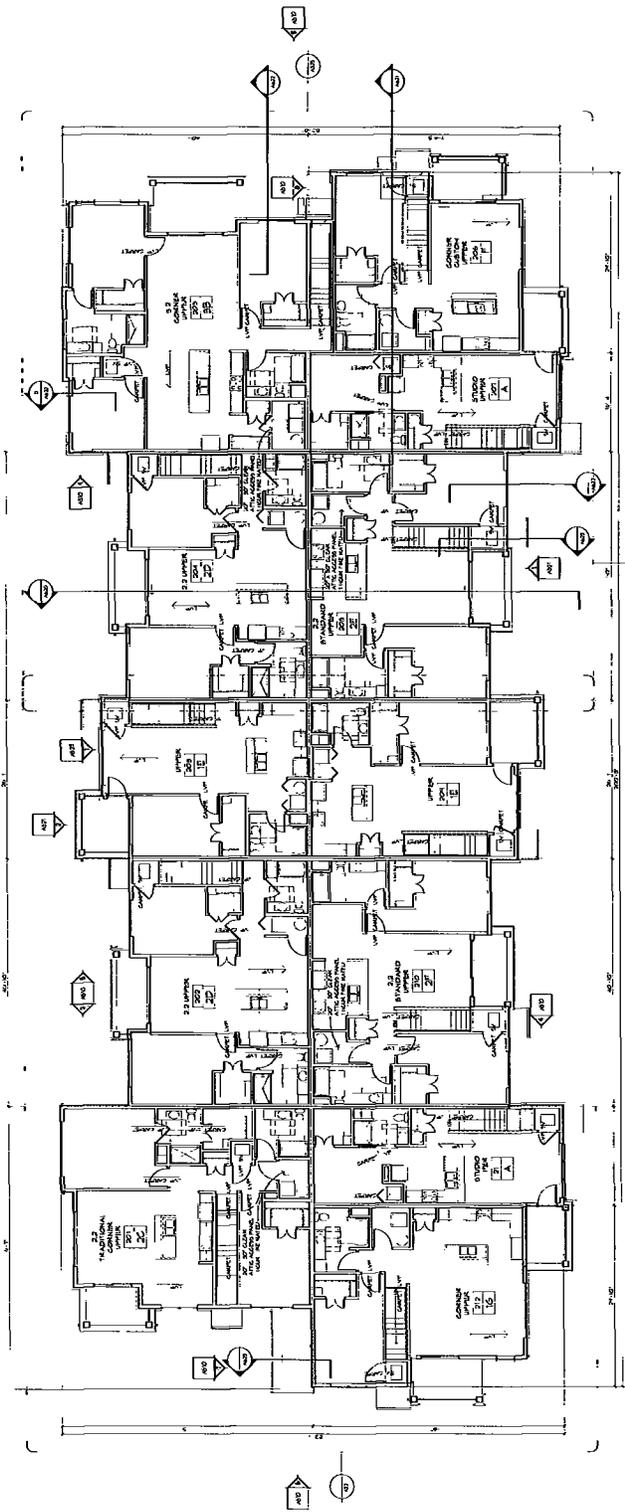




DATE: 10/15/19
 SHEET: 202

**FLOOR PLAN
 GENERAL NOTES**

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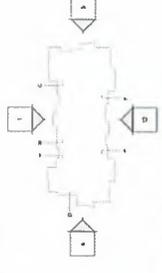


1/8" SECOND FLOOR PLAN - 24 UNIT A222

EXTERIOR ELEVATION GENERAL NOTES

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- F2 - PEARL GREY LAP SIDING
- FP1 - ARCTIC WHITE BOARD AND BATTEN
- FP2 - ARCTIC WHITE



20 UNIT REAR ELEVATION



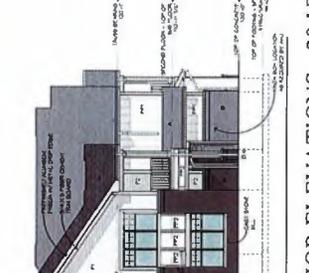
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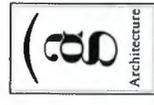
20 UNIT RIGHT ELEVATION



20 UNIT FRONT ELEVATION



SIDE C SIDE D SIDE E SIDE F SIDE A SIDE B SIDE A



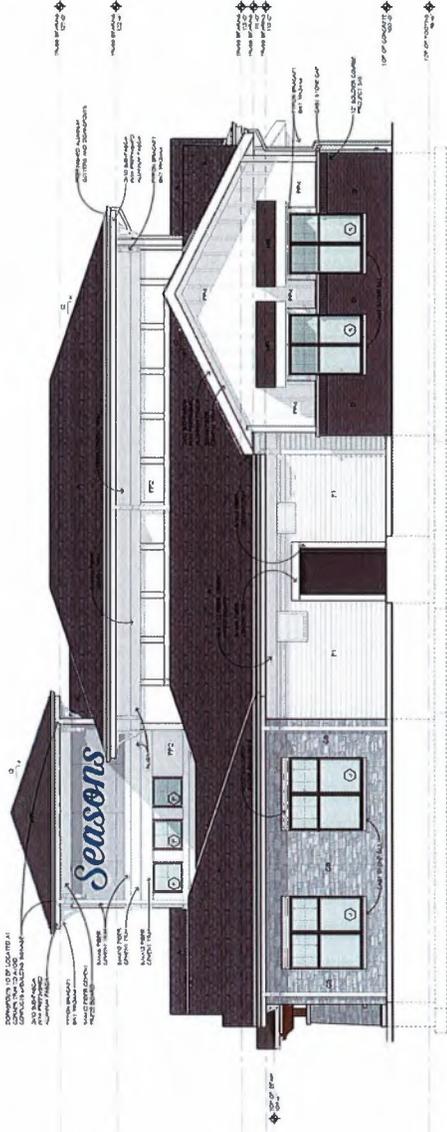
CSB Architecture
1111 W. WISCONSIN ST. SUITE 200
MILWAUKEE, WI 53233
TEL: 414.224.1111
WWW.CSBARCHITECTURE.COM

Seasons At Franklin Clubhouse

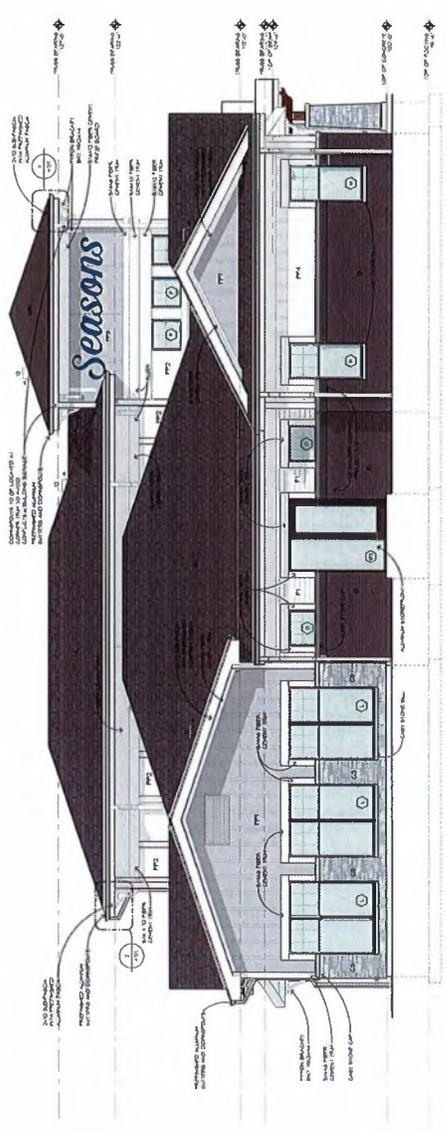
Franklin



1111 UNIVERSITY AVENUE
ANN ARBOR, MI 48106
734.769.1111
WWW.GAARCHITECTURE.COM



NORTHWEST
1/4" = 1'-0"



SOUTHEAST
1/4" = 1'-0"

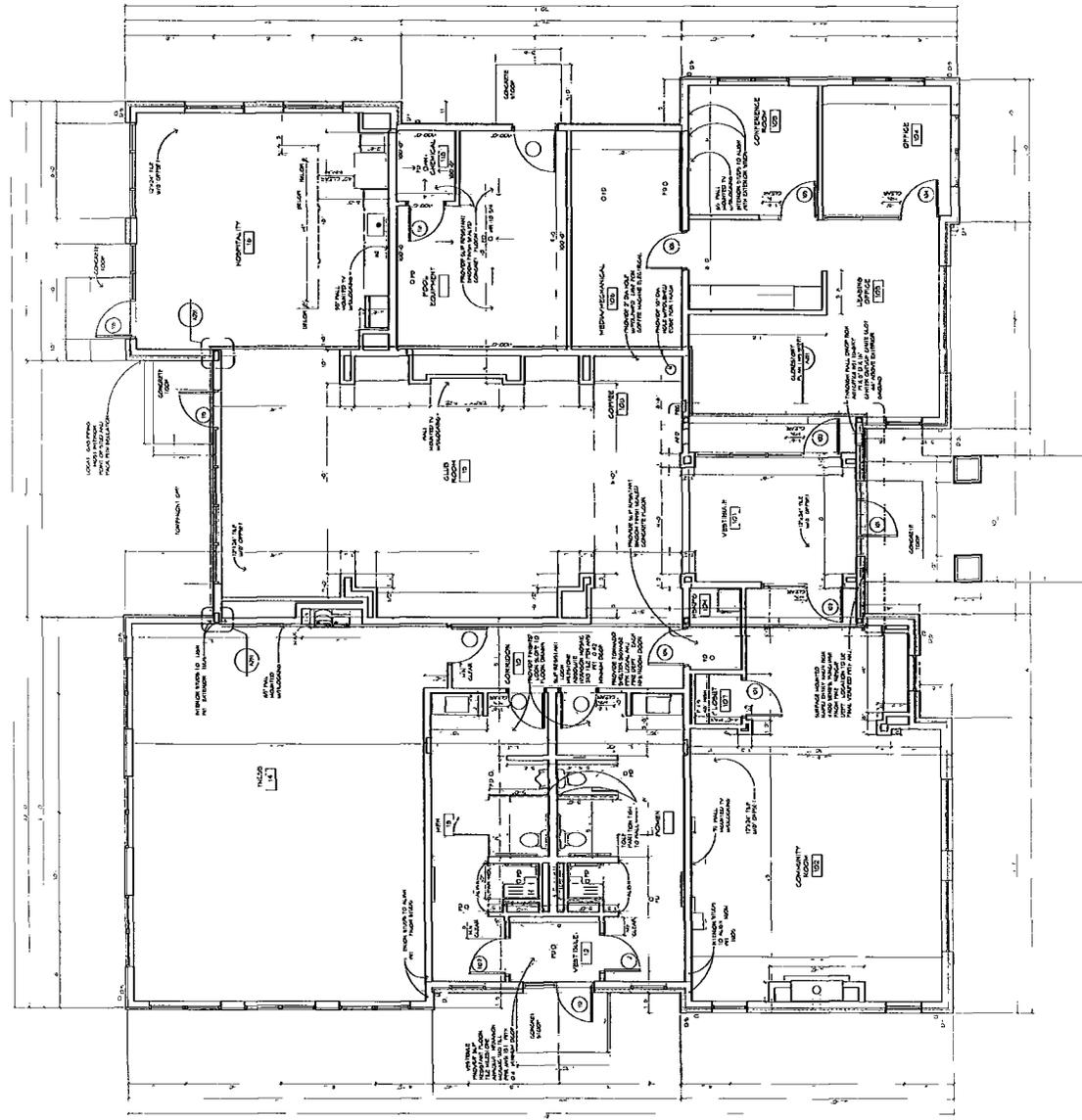
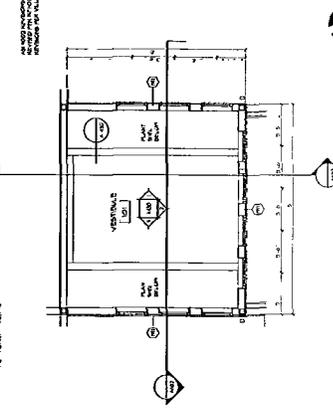
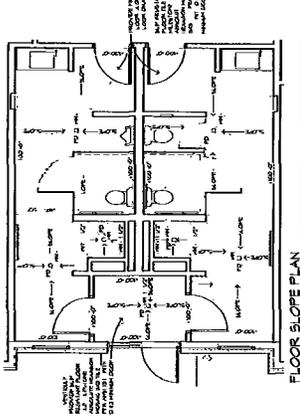
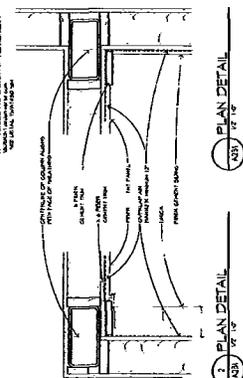
- RANDOM NOTES**
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 - 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 - 3. ALL FINISHES ARE TO BE AS SHOWN UNLESS NOTED OTHERWISE.
 - 4. ALL MATERIALS ARE TO BE AS SHOWN UNLESS NOTED OTHERWISE.
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GA ARCHITECTURE
1111 UNIVERSITY AVENUE
ANN ARBOR, MI 48106
734.769.1111
WWW.GAARCHITECTURE.COM

1/4" EXTERIOR ELEVATIONS - CLUBHOUSE A531



- FLOOR PLAN GENERAL NOTES**
1. ALL FINISHES TO BE AS SHOWN ON THE FINISH SCHEDULE. FINISHES NOT SHOWN SHALL BE DETERMINED BY THE ARCHITECT.
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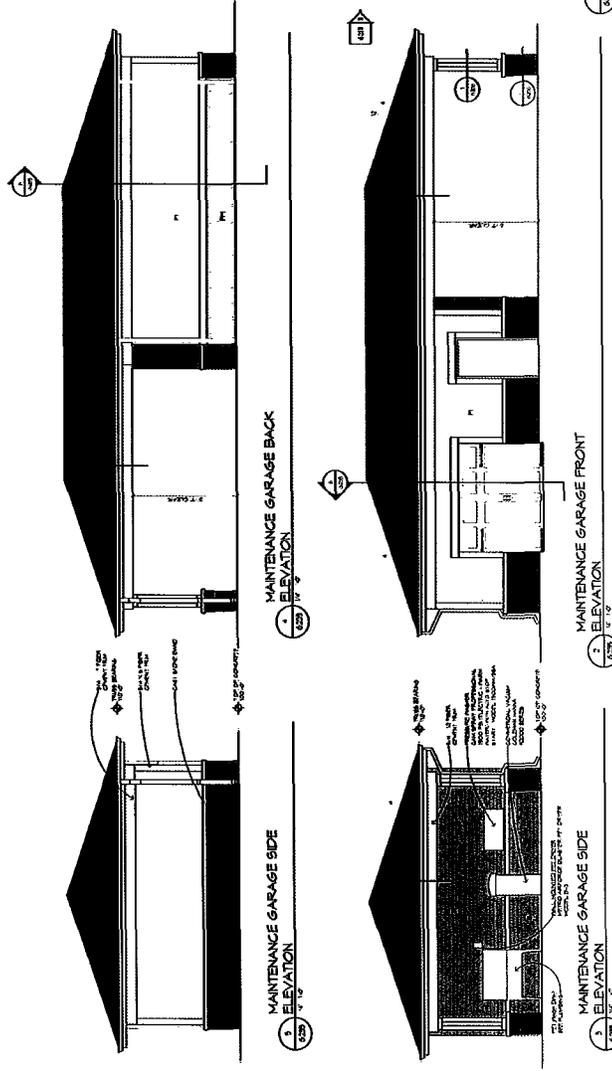
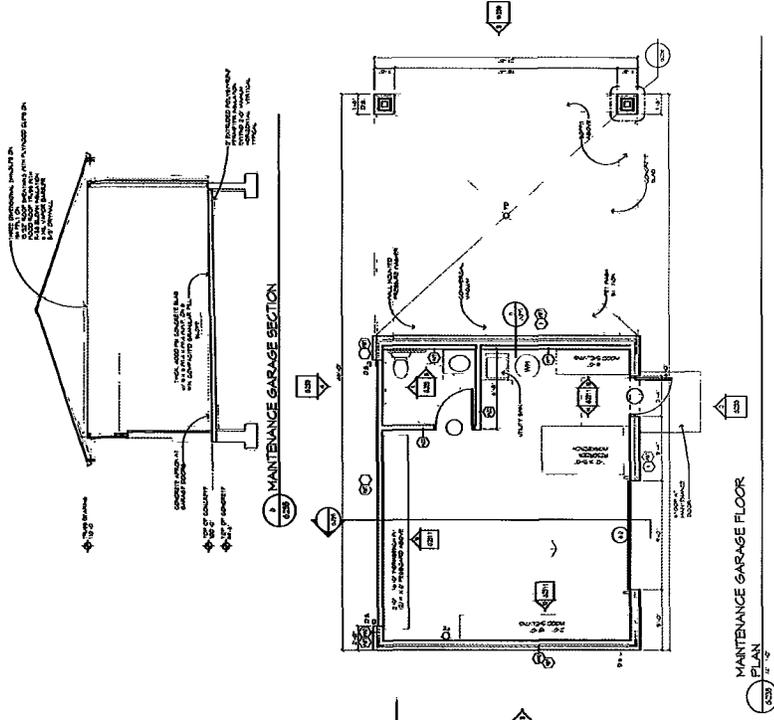


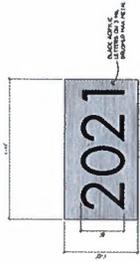


ARCHITECT
 1000 W. WISCONSIN
 MILWAUKEE, WI 53233
 TEL: 414.224.4444
 WWW: GPDARCHITECTURE.COM

CONCEPTUAL
 10/20/17
 10/20/17

DATE: 10/20/17
 DRAWING NO: 10/20/17
 PROJECT: SEASONS AT FRANKLIN
 SHEET: G231

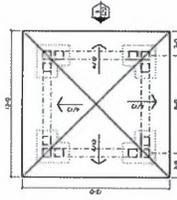




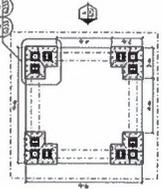
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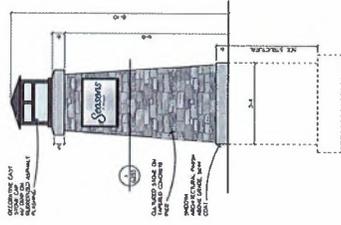
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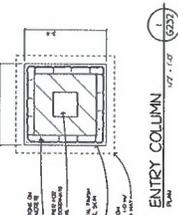
GUARD HOUSE
FLOOR PLAN 1/4" = 1'-0" 0.232



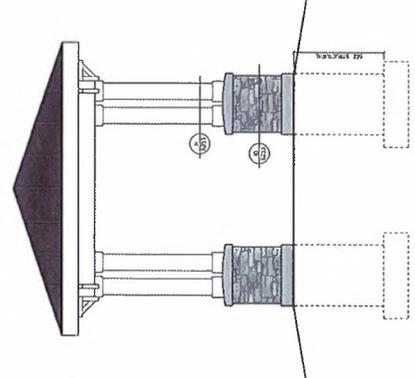
ENTRY COLUMN
FLOOR PLAN 1/2" = 1'-0" 0.232



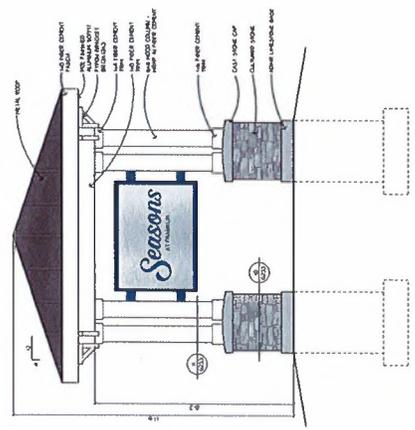
GUARD HOUSE
ELEVATION 1/2" = 1'-0" 0.232



ENTRY COLUMN
ELEVATION 1/2" = 1'-0" 0.232



GUARD HOUSE
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GUARD HOUSE
ELEVATION 1/2" = 1'-0" 0.232

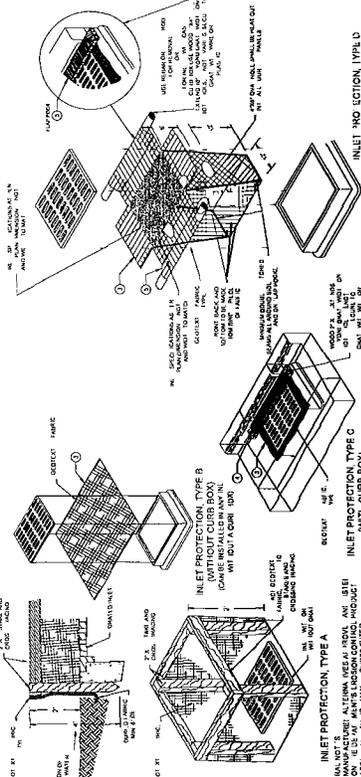


Seasons at Franklin
Architecture
1000 N. Franklin Street
Franklin, WI 53123
Phone: 414.224.1111
Fax: 414.224.1112
www.seasonsathfranklin.com

CONCRETE
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Seasons at Franklin
Multi-Family Development
Franklin
Wisconsin

SITE DETAILS G232

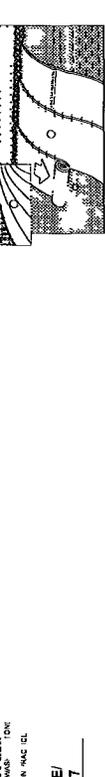


INLET PROTECTION TYPE A
 GENERAL NOTES:
 1. MANUFACTURE PER THE MANUFACTURER'S INSTRUCTIONS.
 2. CURB SHALL BE 4" HIGH AND 12" WIDE.
 3. CURB SHALL BE 1/2" THICK.
 4. CURB SHALL BE 1/2" THICK.
 5. CURB SHALL BE 1/2" THICK.

INLET PROTECTION TYPE B
 GENERAL NOTES:
 1. MANUFACTURE PER THE MANUFACTURER'S INSTRUCTIONS.
 2. CURB SHALL BE 4" HIGH AND 12" WIDE.
 3. CURB SHALL BE 1/2" THICK.
 4. CURB SHALL BE 1/2" THICK.
 5. CURB SHALL BE 1/2" THICK.

INLET PROTECTION TYPE C
 GENERAL NOTES:
 1. MANUFACTURE PER THE MANUFACTURER'S INSTRUCTIONS.
 2. CURB SHALL BE 4" HIGH AND 12" WIDE.
 3. CURB SHALL BE 1/2" THICK.
 4. CURB SHALL BE 1/2" THICK.
 5. CURB SHALL BE 1/2" THICK.

INSTALLATION NOTES
 1. INLET PROTECTION SHALL BE INSTALLED UPSTREAM OF THE CURB.
 2. INLET PROTECTION SHALL BE INSTALLED UPSTREAM OF THE CURB.
 3. INLET PROTECTION SHALL BE INSTALLED UPSTREAM OF THE CURB.



INLET PROTECTION TYPE A, B, C AND D WDNR TS-1060
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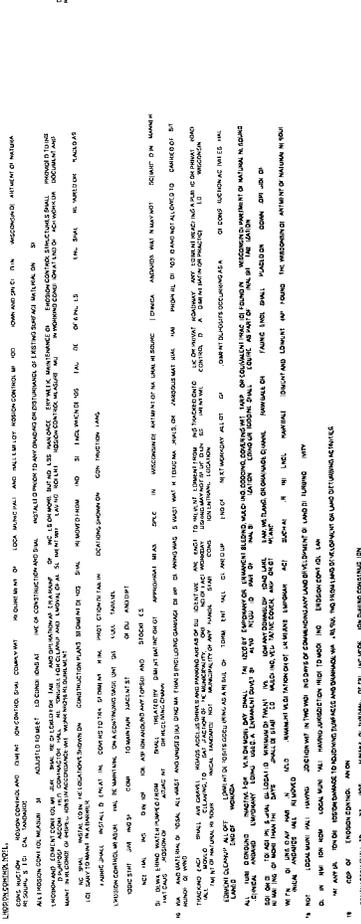
EROSION CONTROL DETAILS
 FRANKLIN W
 27TH STREET
 FRANKLIN

PRELIMINARY CONSTRUCTION

NO.	VISION	DATE	BY
1			
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SCALE	1" = 10' SCALE
DATE	10/1/2022
PROJECT	EROSION CONTROL
CLIENT	FRANKLIN W
DESIGNER	SIGMA GROUP
APPROVED	
DATE	10/1/2022
PROJECT	EROSION CONTROL
CLIENT	FRANKLIN W
DESIGNER	SIGMA GROUP
APPROVED	
DATE	10/1/2022

C400



EROSION CONTROL DETAILS
 SECTION A
 SECTION B
 SECTION C

INSTALLATION NOTES
 1. EROSION CONTROL SHALL BE INSTALLED UPSTREAM OF THE CURB.
 2. EROSION CONTROL SHALL BE INSTALLED UPSTREAM OF THE CURB.
 3. EROSION CONTROL SHALL BE INSTALLED UPSTREAM OF THE CURB.



EXIT DETAIL WDNR TS-1057
 NOT TO SCALE

EROSION CONTROL DETAILS
 FRANKLIN W
 27TH STREET
 FRANKLIN

PRELIMINARY CONSTRUCTION

NO.	VISION	DATE	BY
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SCALE	1" = 10' SCALE
DATE	10/1/2022
PROJECT	EROSION CONTROL
CLIENT	FRANKLIN W
DESIGNER	SIGMA GROUP
APPROVED	
DATE	10/1/2022

C400



DITCH CHECKS WDNR TS-1062
 NOT TO SCALE



EROSION CONTROL DETAILS
 FRANKLIN W
 27TH STREET
 FRANKLIN

PRELIMINARY CONSTRUCTION

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SCALE	1" = 10' SCALE
DATE	10/1/2022
PROJECT	EROSION CONTROL
CLIENT	FRANKLIN W
DESIGNER	SIGMA GROUP
APPROVED	
DATE	10/1/2022

C400



SILT FENCE WDNR TS-1056
 NOT TO SCALE



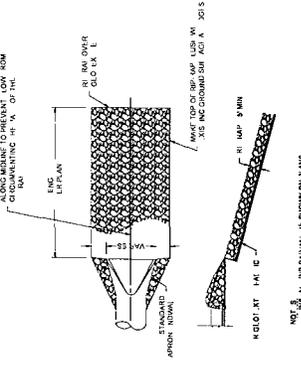
EROSION CONTROL DETAILS
 FRANKLIN W
 27TH STREET
 FRANKLIN

PRELIMINARY CONSTRUCTION

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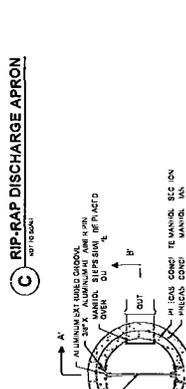
SCALE	1" = 10' SCALE
DATE	10/1/2022
PROJECT	EROSION CONTROL
CLIENT	FRANKLIN W
DESIGNER	SIGMA GROUP
APPROVED	
DATE	10/1/2022

C400



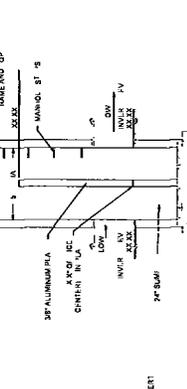
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 NOT TO SCALE

1. CHAIN LINK FENCE SHALL BE 18\"/>



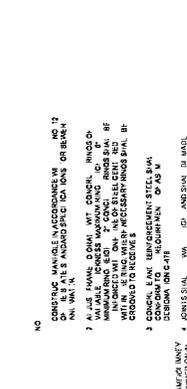
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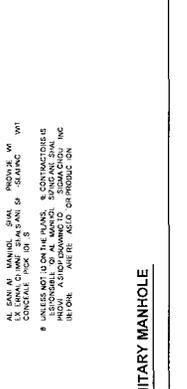
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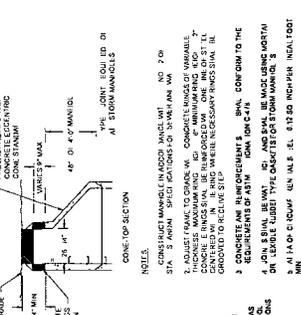
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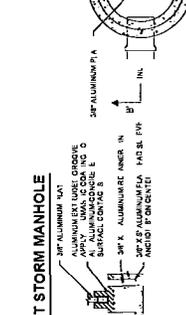
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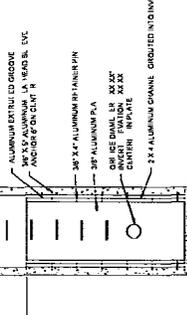
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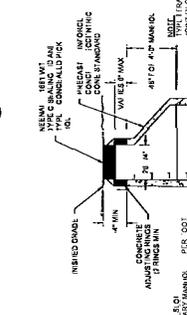
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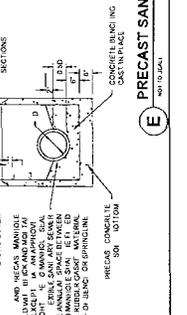
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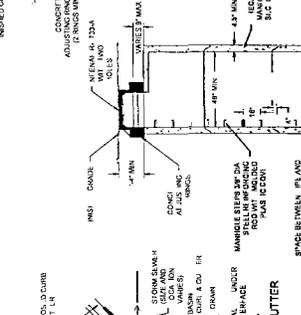
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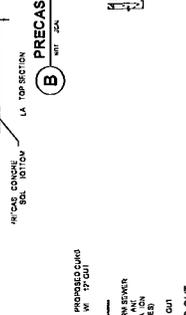
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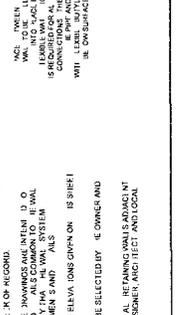
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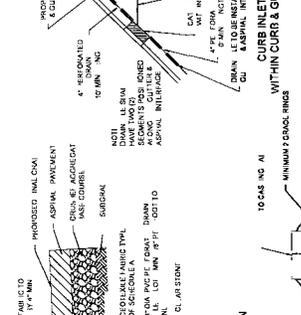
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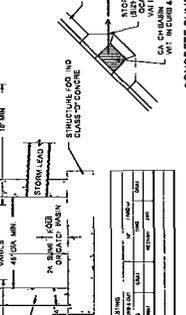
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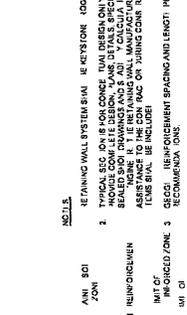
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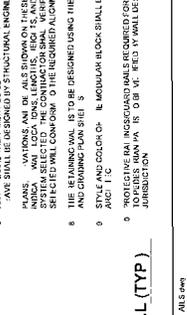
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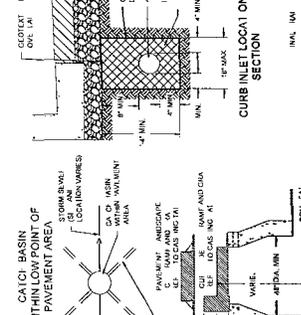
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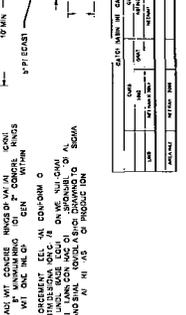
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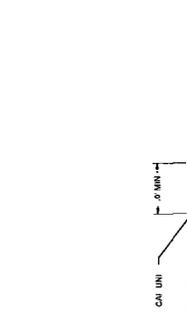
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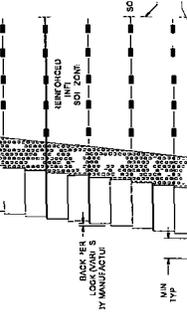
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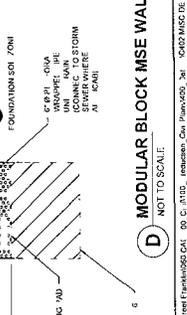
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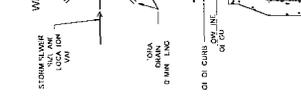
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(E) PRECAST SANITARY MANHOLE
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10000 10th Street
Suite 100
Madison, WI 53703
Phone: 608-261-1234

NOT TO SCALE

FRANKLIN
27TH STREET
FRANKLIN WI

SITE SPECIFICATIONS

PRELIMINARY
CONSTRUCTION
NOT FOR

NO REVISION DATE BY

SCALE NO SCALE
PROJECT NO 2009
P.O. BOX 1972022
XAMM BY
CHECKED BY
DATE
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C500

GENERAL

- 1. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES.

SITE CLEARING

- 1. EXCEPT FOR THE AREAS INDICATED ON THE SITE PLAN, THE CONTRACTOR SHALL REMOVE ALL EXISTING VEGETATION, STRUCTURES, AND UTILITIES FROM THE PROJECT AREA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES.

STORM DRAINAGE

- 1. ALL STORM DRAINAGE SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES.

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 15, 2022
Reports & Recommendations	AN ORDINANCE TO AMEND THE MUNICIPAL CODE SECTION 245-3 B STOPS REQUIRED TO ADD 2 STOP SIGNS ON EASTBOUND AND WESTBOUND LEGS OF W. MARQUETTE AVENUE AT THE INTERSECTION OF S. 49TH STREET	ITEM NO. G.9.

BACKGROUND

On March 8, 2022, the Board of Public Works discussed and considered stop signs on W. Marquette, especially in the vicinity of S. 49th Street. They recommended to Common Council to update the Municipal Code Section 245-3 to reflect the stop signs currently installed on east and west bound legs of W. Marquette Avenue at S. 49th Street.

ANALYSIS

The Board of Public Works considered input from the Police Chief, the City Engineer, the Street Superintendent, and the Alderwoman of the District.

OPTIONS

Approve or Deny.

FISCAL NOTE

No significant financial impact to the City.

RECOMMENDATION

Authorize Ordinance 2022-_____, an ordinance to amend the Municipal Code section 245-3 B Stops Required to add 2 stop signs on eastbound and westbound legs of W. Marquette Avenue at the intersection of S. 49th Street.

Engineering Department: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2022-_____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE SECTION 245-3 B STOPS REQUIRED TO ADD 2 STOP SIGNS ON EASTBOUND AND WESTBOUND LEGS OF W. MARQUETTE AVENUE AT THE INTERSECTION OF S. 49TH STREET

WHEREAS, the construction of W. Marquette Avenue required new traffic patterns that require control at the intersection of S. 49th Street; and

WHEREAS, the Board of Public Works discussed this matter at the March 8, 2022, meeting in great detail with input from the Police Chief, the City Engineer, the Street Superintendent, and the Alderwoman of the District.

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

SECTION I. Section 245-3.B. of the Municipal Code is amended to add 2 locations for stop signs as follows:

Stops required. Vehicles are required to stop at the following locations:

Location	Direction of Travel	Required Stop
S. 49 th Street and W. Marquette Avenue	East and West	W. Marquette Avenue

SECTION III. This Ordinance shall become effective upon its passage and publication as required by law.

SECTION IV. All Ordinances or parts of Ordinances in contravention to this Ordinance are hereby repealed.

Introduced at a regular meeting of the Common Council of the City of Franklin on the _____ day of _____, 2022, by Alderman _____.

Passed and adopted by the Common Council on the _____ day of _____, 2022.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

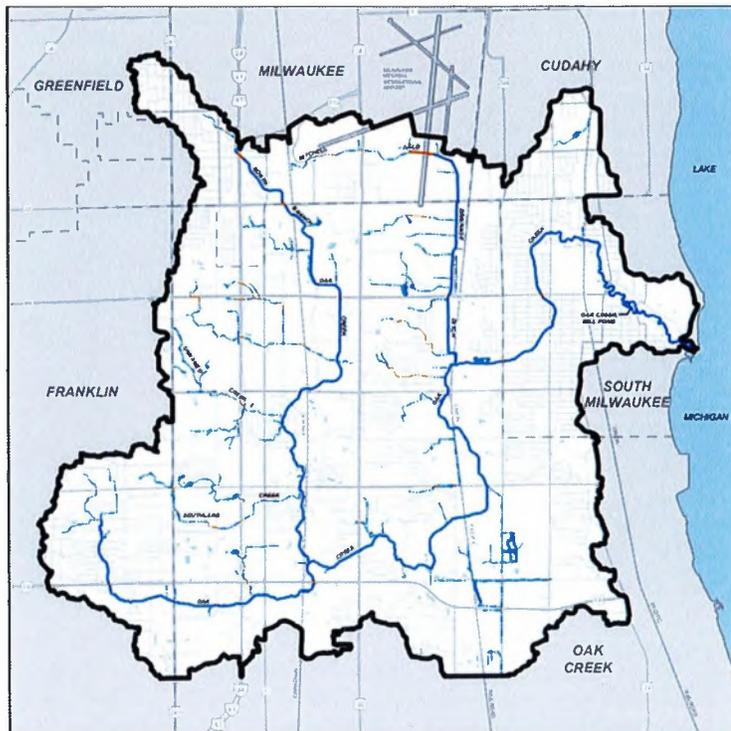
Sandra L. Wesolowski, City Clerk

AYES ____ NOES ____ ABSENT ____

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 15, 2022
Reports & Recommendations	A RESOLUTION TO ADOPT THE OAK CREEK WATERSHED RESTORATION PLAN	ITEM NO. G.10.

BACKGROUND

A portion of Franklin is contained within the Oak Creek watershed. Although the bulk of the watershed is outside of the Franklin corporate limits, this watershed involves Franklin lands as far south as the W. Oakwood Road, as far west as S. 51st Street, and generally extends north to W. Acre Avenue with some portions extending north along the S. 27th Street corridor.



The Southeastern Wisconsin Regional Planning Commission (SEWRPC) recently completed an Oak Creek watershed restoration plan that is a second-level plan developed in the context of the 2007 regional water quality management plan update for the Greater Milwaukee watersheds.

The plan provides specific, targeted recommendations to address four major focus areas: water quality, recreational use and access, habitat conditions, and flooding. In addition, the Mill Pond and dam located on Milwaukee County parkland within the City of South Milwaukee was evaluated using the plan focus areas. The plan is designed to address the nine key elements for watershed plans identified by the U.S. Environmental Protection Agency.

Franklin Staff participated in stakeholder meetings for the plan throughout the process to develop the plan. The final plan is posted on the SEWRPC website at: <https://www.sewrpc.org/SEWRPC/Environment/Restoration-Plan-Oak-Creek-Watershed.htm>.

ANALYSIS

The plan does an in-depth analysis of stream and watershed conditions, existing water qualities, watershed land uses, and point sources and non-point sources of pollution concerns. The goals of this plan are:

1. To improve water quality in surface waters of the watershed.
2. To improve instream, riparian, wetland, and upland habitat conditions in the watershed.
3. To reduce the impacts of flooding and stormwater runoff problems at targeted locations in the watershed.
4. To improve recreational access to and use of surface waters and riparian areas in the watershed.

With a presentation by SEWRPC Staff, the Environmental Commission considered the plan at their February 23, 2022, meeting and adopted a motion to recommend that the Common Council adopt the SEWRPC Oak Creek Watershed Plan.

Adoption of this plan does not commit the City to any obligations, including financial support. The plan may be used to incorporate elements into other City documents, such as the re-write of the Unified Development Ordinance. Adoption of the plan will also be beneficial for obtaining grants should the City seek grant funding for any environmental activities.

OPTIONS:

Adopt the plan, or not.

FISCAL NOTE

There are no fiscal obligations to adopt the plan. Adoption of the plan could aid in the procurement of grants for various projects that occur in the watershed.

RECOMMENDATION

Adopt Resolution 2022-_____ a resolution to adopt the Oak Creek Watershed Restoration Plan.

Department of Engineering GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2022 -

RESOLUTION TO ADOPT THE OAK CREEK WATERSHED RESTORATION PLAN

WHEREAS, the Southeastern Wisconsin Regional Planning Commission, which was duly created by the Governor of the State of Wisconsin in accordance with Section 66.0309(2) of the Wisconsin Statutes on the 8th day of August 1960, upon petition of the Counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha, has the function and duty of making and adopting a master plan for the physical development of the Region; and

WHEREAS, the City of South Milwaukee, Milwaukee County, and the Milwaukee Metropolitan Sewerage District executed an agreement with the Regional Planning Commission on January 5, 2016, for the development of a watershed restoration plan for the Oak Creek watershed leading to recommendations for the management of water resources in the watershed, including recommendation to address issues and problems related to water quality, recreational access and use, habitat conditions, problems related to flooding, and the status of the Oak Creek Mill Pond and Mill Pond dam in the Oak Creek watershed; and

WHEREAS, such plan has been completed, and

WHEREAS, such plan contains recommendations to address issues and problems related to water quality, recreational access and use, habitat conditions, problems related to flooding, and the status of the Oak Creek Mill Pond and Mill Pond dam in the Oak Creek watershed; and

WHEREAS, the aforementioned recommendations, including all studies, data, maps, figures, charts, and tables are set forth in a published report entitled SEWRPC Community Assistance Planning Report No. 330, A Restoration Plan for the Oak Creek Watershed, published in December 2021; and

WHEREAS, the Commission has transmitted copies of the aforementioned SEWRPC Community Assistance Planning Report No. 330, to the local units of government; and

WHEREAS, the Franklin Environmental Commission and the Franklin Common Council has supported and generally concurred in the watershed and other regional planning programs undertaken by the Southeastern Wisconsin Regional Planning Commission and believes that the watershed restoration plan for the Oak Creek watershed prepared by the Commission is a valuable guide to the development of not only the watershed, but the community, and that the adoption of such plan by the Franklin Common Council will assure a common understanding by the several governmental levels and agencies concerned and enable these levels and agencies of government to program the necessary areawide and local plan implementation work.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Section 66.0309(12) of the Wisconsin Statutes, by the Mayor and Common Council of the City of Franklin to adopt the watershed restoration plan for the Oak Creek watershed as set forth in SEWRPC Community Assistance Planning Report No. 330 as a guide for watershed management.

BE IT FURTHER HEREBY RESOLVED that the City Clerk transmit a certified copy of this resolution to the Southeastern Wisconsin Regional Planning Commission.

Introduced at a regular meeting of the Common Council of the City of Franklin the _____ day of _____, 2022, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2022.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

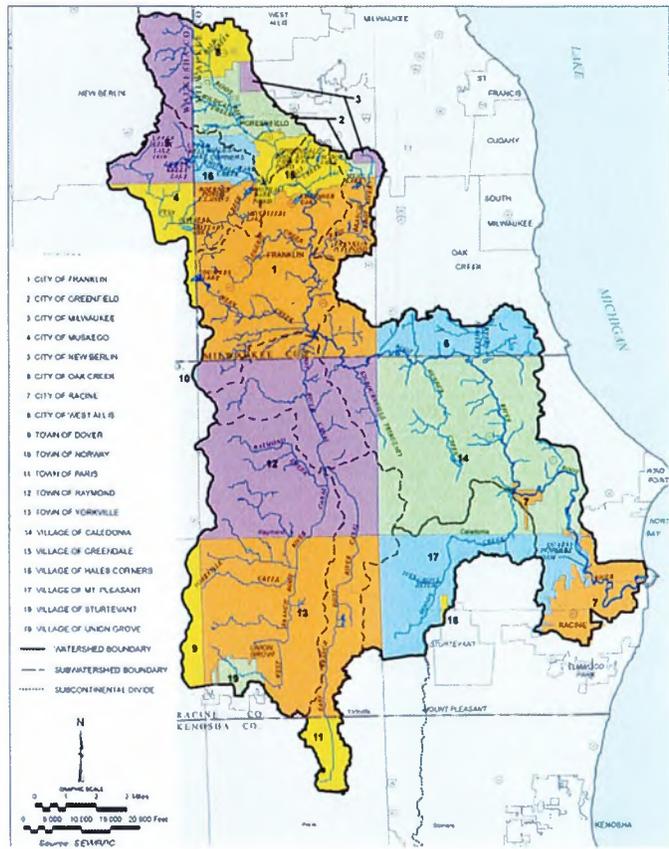
APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 15, 2022
Reports & Recommendations	RESOLUTION TO ADOPT THE ROOT RIVER WATERSHED RESTORATION PLAN	ITEM NO. G.11.

BACKGROUND

The City is currently considering the adoption of a watershed restoration plan for the Oak Creek watershed prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). During the discussion at the Franklin Environmental Commission meeting, it was noted that the City has never adopted a similar watershed restoration plan for the Root River. Upon review, it was discovered that the Root River plan was finished in July 2014. This time was after the retirement of Mr. John M. Bennet, PE, City Engineer and before his replacement was hired.

Most of Franklin is contained within the Root River watershed. The full watershed is shown in the exhibit to the right.

The Southeastern Wisconsin Regional Planning Commission (SEWRPC) completed this watershed restoration plan that is a second-level plan developed in the context of the 2007 regional water quality management plan update for the Greater Milwaukee watersheds. The plan provides specific, targeted recommendations to address four major focus areas: water quality, recreational use and access, habitat conditions, and flooding. The plan was designed to address the nine key elements for watershed plans identified by the U.S. Environmental Protection Agency.



Franklin Staff participated in stakeholder meetings for the plan throughout the process to develop the plan. The final plan is posted on the SEWRPC website at: <https://www.sewrpc.org/SEWRPC/Environment/Root-River-Watershed-Restoration-Plan.htm>

ANALYSIS

The plan does an in-depth analysis of stream and watershed conditions, existing water qualities, watershed land uses, and point sources and non-point sources of pollution concerns. The goals of this plan are:

1. To improve water quality in surface waters of the watershed.
2. To improve instream, riparian, wetland, and upland habitat conditions in the watershed.
3. To reduce the impacts of flooding and stormwater runoff problems at targeted locations in the watershed.
4. To improve recreational access to and use of surface waters and riparian areas in the watershed.

Adoption of this plan does not commit the City to any obligations, including financial support. The plan may be used to incorporate elements into other City documents, such as the re-write of the Unified Development Ordinance.

Adoption of the plan will also be beneficial for obtaining grants should the City seek grant funding for any environmental activities. Specifically, the Root-Pike WIN organization was recently tasked with assisting the City in procurement of grant funding for projects along S. 35th Street and Water Tower Park. Root-Pike WIN noted that all grant opportunities ask if the City has adopted the watershed management plan.

OPTIONS:

Adopt the plan, or not.

FISCAL NOTE

There are no fiscal obligations to adopt the plan. Adoption of the plan could aid in the procurement of grants for various projects that occur in the watershed.

RECOMMENDATION

Adopt Resolution 2022-_____ a resolution to adopt the Root River Watershed Restoration Plan.

Department of Engineering GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2022 -

RESOLUTION TO ADOPT THE ROOT RIVER WATERSHED RESTORATION PLAN

WHEREAS, the Southeastern Wisconsin Regional Planning Commission, which was duly created by the Governor of the State of Wisconsin in accordance with Section 66.0309(2) of the Wisconsin Statutes on the 8th day of August 1960, upon petition of the Counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha, has the function and duty of making and adopting a master plan for the physical development of the Region; and

WHEREAS, Racine County, the Milwaukee Metropolitan Sewerage District, and the Southeastern Wisconsin Watersheds Trust, Inc. executed agreements with the Regional Planning Commission on June 20, 2011 and September 30, 2011; June 17, 2011; and June 28, 2011, respectively, for the development of a watershed restoration plan for the Root River watershed leading to recommendations for the management of water resources in the watershed, including recommendation to address issues and problems related to water quality, recreational access and use, habitat conditions, in the Root River watershed and problems related to flooding in the portion of the watershed located in Racine County; and

WHEREAS, such plan has been completed; and

WHEREAS, such plan contains recommendations to address issues and problems related to water quality, recreational access and use, habitat conditions, in the Root River watershed and problems related to flooding in the portion of the watershed located in Racine County; and

WHEREAS, the aforementioned recommendations, including all studies, data, maps, figures, charts, and tables are set forth in a published report entitled SEWRPC Community Assistance Planning Report No. 316, A Watershed Restoration Plan for the Root River Watershed, published in July 2014; and

WHEREAS, the Commission has transmitted copies of the aforementioned SEWRPC Community Assistance Planning Report No. 316, to the local units of government; and

WHEREAS, the City of Franklin has supported and generally concurred in the watershed and other regional planning programs undertaken by the Southeastern Wisconsin Regional Planning Commission and believes that the watershed restoration plan for the Root River watershed prepared by the Commission is a valuable guide to the development of not only the watershed, but the community, and that the adoption of such plan by the Franklin Common Council will assure a common understanding by the several governmental levels and agencies concerned and enable these levels and agencies of government to program the necessary areawide and local plan implementation work.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Section 66.0309(12) of the Wisconsin Statutes, by the Mayor and Common Council of the City of Franklin to adopt the

watershed restoration plan for the Root River watershed as set forth in SEWRPC Community Assistance Planning Report No. 316 as a guide for watershed management

BE IT FURTHER HEREBY RESOLVED that the City Clerk transmit a certified copy of this resolution to the Southeastern Wisconsin Regional Planning Commission.

Introduced at a regular meeting of the Common Council of the City of Franklin the _____ day of _____, 2022, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2022.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 15, 2022
Reports & Recommendations	A RESOLUTION TO MODIFY THE MASTER PLAN FOR THE SOUTHWEST SANITARY SEWER DISTRICT IN THE VICINITY OF W. RYAN ROAD BETWEEN S. 76 TH STREET AND S. 92 ND STREET	ITEM NO. G.12.

BACKGROUND

The Ryan Creek Interceptor (RCI) was developed with forecasted sewersheds based on likely land uses anticipated by the City at that time. As land within the Southwest Sanitary Sewer District develops contrary to anticipated development, plans need to be updated for consideration of those changes.

Staff noticed several anticipated efforts that justified a thorough analysis of the serving the area of W. Ryan Road and S. 76th Street with sanitary sewer:

1. The RCI anticipated that the Briarwood lift station would be abandoned with a trunkline southward to the RCI along S. 92nd Street.
2. Lands in the vicinity of W. St. Martins Road and W. Ryan Road would flow southeasterly to the RCI through anticipated residential development formerly owned by the Archdiocese of Wisconsin but has now been purchased by the Franklin School District.
3. Lands in the vicinity of S. 76th Street have currently have many considerations of development in the area, including, but not limited to: Carmex headquarters and related proposed development on the northeast corner of S. 76th Street and W. Ryan Road; discussions of mixed use development on the northwest and southeast corners of S. 76th Street and W. Ryan Road; City modifications on the DPW site at 7979 W. Ryan Road that is currently using a sewage holding tank.
4. Wisconsin Department of Transportation (WisDOT) is anticipating a significant road improvement project circa 2024 or 2025. Any significant utility project is better suited to occur prior to the WisDOT project.

Staff had Foth Infrastructure & Environment, LLC analyze the best way to ensure that all lands in this area of Franklin are best served with sanitary sewer considering the above issues.

ANALYSIS

Foth completed the analysis “Ryan Road / S. 76th Street Master Sewer Planning” dated December 2021. The report developed two alternatives with ultimate anticipated costs of \$5,678,000 and \$4,834,000. Staff supports the second alternative that comprises of three projects:

- A. Ryan Road Trunk Sewer (RCI to St. Martins Road) for \$1,538,000
- B. Ryan Road Collector (S. 92nd Street to the East) for \$1,101,000
- C. S. 92nd Street Trunk Sewer (RCI to the Briarwood Lift Station) for \$2,195,000

Project A may be done independently of Projects B and C. Project B is dependent on Project C.

Staff has submitted the report to Milwaukee Metropolitan Sewerage District (MMSD) Staff for comment. MMSD Staff provided several comments including:

- *Changes to the sewershed (sewer basin) boundaries are usually made after construction of the sewers has completed.*
- *Prior to any boundary change, sewer flow allocation requests should be made for each site development... spreadsheet should be filled out and submitted to the District with the*

specifics (e.g commercial area/residential units) of a development or redevelopment is known The flow allocation request is usually submitted prior to the sewer plan submittal

- *For the flow request, the sewershed boundaries from the 2050 Facilities Plan will be used*
- *MMSD will not be responsible for any odor complaints that result due to the reduced flow in the Ryan Creek Interceptor*
- *When new connections to the Ryan Creek Interceptor are made, a new master plan for the revised flows should be submitted*

Most notably above, MMSD will consider changes to the masterplan when projects are developed.

OPTIONS:

Adopt the W. Ryan Road / S. 76th Street Master Planning report for guidance on future projects.
Or other guidance to Staff.

FISCAL NOTE

Projects that are developed will need to consider the same funding issues as was previously envisioned, including funds collected for the Southwest Sanitary Sewer District. Action of adoption of this plan does not authorize any projects.

RECOMMENDATION

Adopt Resolution 2022-_____ a resolution to modify the Master Plan for the Southwest Sanitary Sewer District in the vicinity of W. Ryan Road between S. 76th Street and S. 92nd Street.

Department of Engineering GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2022 - _____

RESOLUTION TO MODIFY THE MASTER PLAN FOR THE
SOUTHWEST SANITARY SEWER DISTRICT IN THE VICINITY OF
W. RYAN ROAD BETWEEN S. 76TH STREET AND S. 92ND STREET

WHEREAS, the Resolution ____ adopted a masterplan for the Southwest Sanitary Sewer District based on land uses at the time; and

WHEREAS, land does not always develop as anticipated, including a parcel of land between S. 80th Street and S. 92nd Street formerly owned by the Archdioceses of Wisconsin and now owned by the Franklin School District; and

WHEREAS, there are several impending developments in the area whose development should consider the optimum trunkline sewers considering the change in anticipated land use; and

WHEREAS, Foth Infrastructure & Environment, LLC has provided an analysis of serving the area between S. 76th Street and S. 92nd Street with sanitary sewers; and

WHEREAS, the City prefers an option that will serve the area with three projects:

- A. Road Trunk Sewer (RCI to St. Martins Road)
- B. Ryan Road Collector (S. 92nd Street to the East)
- C. S. 92nd Street Trunk Sewer (RCI to the Briarwood Lift Station)

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, to adopt a modification to the Master Plan for the Southwest Sewer District.

Introduced at a regular meeting of the Common Council of the City of Franklin the _____ day of _____, 2022, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2022.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

City of Franklin

Ryan Road/S. 76th Street Master Sewer Planning



December 2021

Scope

The City of Franklin retained Foth Infrastructure to evaluate and update previous master planning for the Ryan Road/S. 76th Street area. This area has been studied previously as part of the Ryan Creek Interceptor (RCI) planning effort about ten years ago. Foth was retained to identify changes that have occurred since this RCI planning as well as proposed new developments within the study area. Alternative sewer layouts were identified and evaluated to identify cost effective means of serving this portion of the City.

Study (Sewer Area)

The study area for the Ryan Road/S. 76th Street master planning is shown on Exhibit 1. This area starts on the east near the existing RCI and extends west of the Briarwood Subdivision area. For the most part, except between S. 80th Street and S. 76th Street, the study area is located north of Ryan Road. Due to significant topographic relief, the lands south of Ryan Road will be served from future trunk sewers extending northward from the existing RCI. The study area includes the existing Public Works facility, which is being expanded, as well as the relocated 60th Street Fire Station.

Land Use and Wastewater Flows

Land use within the study area is proposed to be primarily commercial/business/institutional along the STH "100" corridor. The existing single family residential area west of S. 92nd Street currently drains to the 92nd Street lift station. The vacant land west of the Briarwood Subdivision is also proposed to be developed as single-family development. West along St. Martins Road, residential uses will continue.

Using MMSD base flow and clearwater design flow criteria future peak wastewater projections were estimated as follows:

1	S. 92 nd Street	0.70 cfs
2.	S. 80 th Street	0.90 cfs
3	RCI East of S. 76 th Street	1.10 cfs

The projected peak flows used for this study include the planned Public Works expansion and relocated fire station which are currently being designed by others.

Alternative Identification

Several alternatives were identified to serve the Ryan Road/S. 76th Street study area. The previous RCI planning identified a trunk sewer extending north along S. 92nd Street from the RCI to serve adjacent lands and to abandon the existing 92nd Street lift station. In addition, a second trunk sewer was proposed to extend northward from the

RCI west of future S. 82nd Street to serve the large parcels both north and south of Ryan Road Exhibit 2 shows the original RCI basins and proposed trunk sewer. The lands south of Ryan Road have recently been acquired by the Franklin School District so the possibility of actually being able to extend the trunk sewer in this area is doubtful.

The alternatives identified in this study are intended to take into account the previously planned trunk sewer extensions as well as looking at options to these trunk sewers.

Alternative 1

Alternative 1, as shown on Exhibit 3, consists of extending a 15-inch trunk sewer along Ryan Road from the RCI east of S. 76th Street. This sewer would extend westward to S. 92nd Street and enable the abandonment of the existing lift station

The sewer along Ryan Road would need to be 30-35 feet deep due to the stream crossing located just west of the St. Martins Road/Ryan Road intersection.

Alternative 1 includes tunneling under S. 76th Street as well as two tunnel crossings of Ryan Road to accommodate future development. In addition, since Alternative 1 intercepts flows from the existing and proposed residential area west of S. 92nd Street and north of Ryan Road, the proposed trunk sewer on S. 92nd Street south of Ryan Road can instead be constructed as an 8-inch collector sewer rather than the deeper planned 15-inch sewer. This collector sewer is also shown on Exhibit 3.

Alternative 2

Alternative 2, as shown on Exhibit 4, consists of extending a 15-inch trunk sewer west along Ryan Road from the RCI east of S. 76th Street to the Ryan Road/St. Martins Road intersection. This trunk sewer would include tunneling under S. 76th Street as well as two tunneled crossings of Ryan Road to accommodate future development north of Ryan Road. Since Alternative 2 does not extend all the way to S. 92nd Street, a future 8-inch sewer would need to be extended along Ryan Road east from S. 92nd Street to serve the existing residential properties on the north side of Ryan Road. This 8-inch sewer would drain into the proposed 15-inch S. 92nd Street trunk sewer.

Both the 8-inch Ryan Road sewer and the S. 92nd Street trunk sewer are shown on Exhibit 4. Note that the S. 92nd Street trunk sewer would be about 35 feet deep to enable abandonment of the existing lift station and to serve the existing homes on the north side of Ryan Road east of S. 92nd Street.

Alternative Evaluation

Both Alternatives 1 and 2 provide comparable service to the study area. In order to evaluate the alternatives, preliminary cost estimates were prepared for each one based upon their lengths, depths of construction, difficulty of construction, etc

Preliminary cost estimates for Alternative 1 and 2 are included in Appendix A and B respectively. It is anticipated that the various sewer components of each alternative will be constructed at different times depending upon need and budget constraints. However, for the purpose of this study, the preliminary estimates are based on 2021 dollars.

As shown in Appendix A and B, the total cost of Alternative 1 is approximately \$5.7M. The total preliminary cost of Alternative 2 is approximately \$4.8M. The difference in cost is primarily related to the anticipated construction depths. Detailed design considerations should be reflected in subsequent cost estimates.

While the cost of Alternative 1 is about \$0.9M higher than Alternative 2, Alternative 2 reduces the wastewater load on the RCI between S. 92nd Street and S. 76th Street which could provide flexibility for future development in the area south of Ryan Road.

Recommendations

Based on the preliminary costs, similar service characteristics, and other considerations, the following recommendations are made:

1. Alternative 2, with a preliminary cost estimate of \$4.8M should be selected for the Ryan Road/S.76th Street area.
2. Two crossings of Ryan Road, as shown on Exhibit 2 should be included in the Ryan Road trunk sewer to serve vacant lands north of Ryan Road.
3. The S.92nd Street trunk sewer should be constructed when either the existing lift station reaches its useful life or its capacity to handle flows from developing land is exceeded.
4. Both the Wisconsin Department of Transportation and Milwaukee County Public Works should be contacted regarding any special conditions that might be required for construction permits.
5. A preliminary route survey should be conducted to determine the most effective location for the Ryan Road trunk sewer.
6. Preliminary sizing and depth assumptions in this study should be reviewed during the detailed design phase.

Appendix A
City of Franklin
Preliminary Cost Estimate
Alternative 1
Ryan Road/S. 76th Street Sanitary Sewer

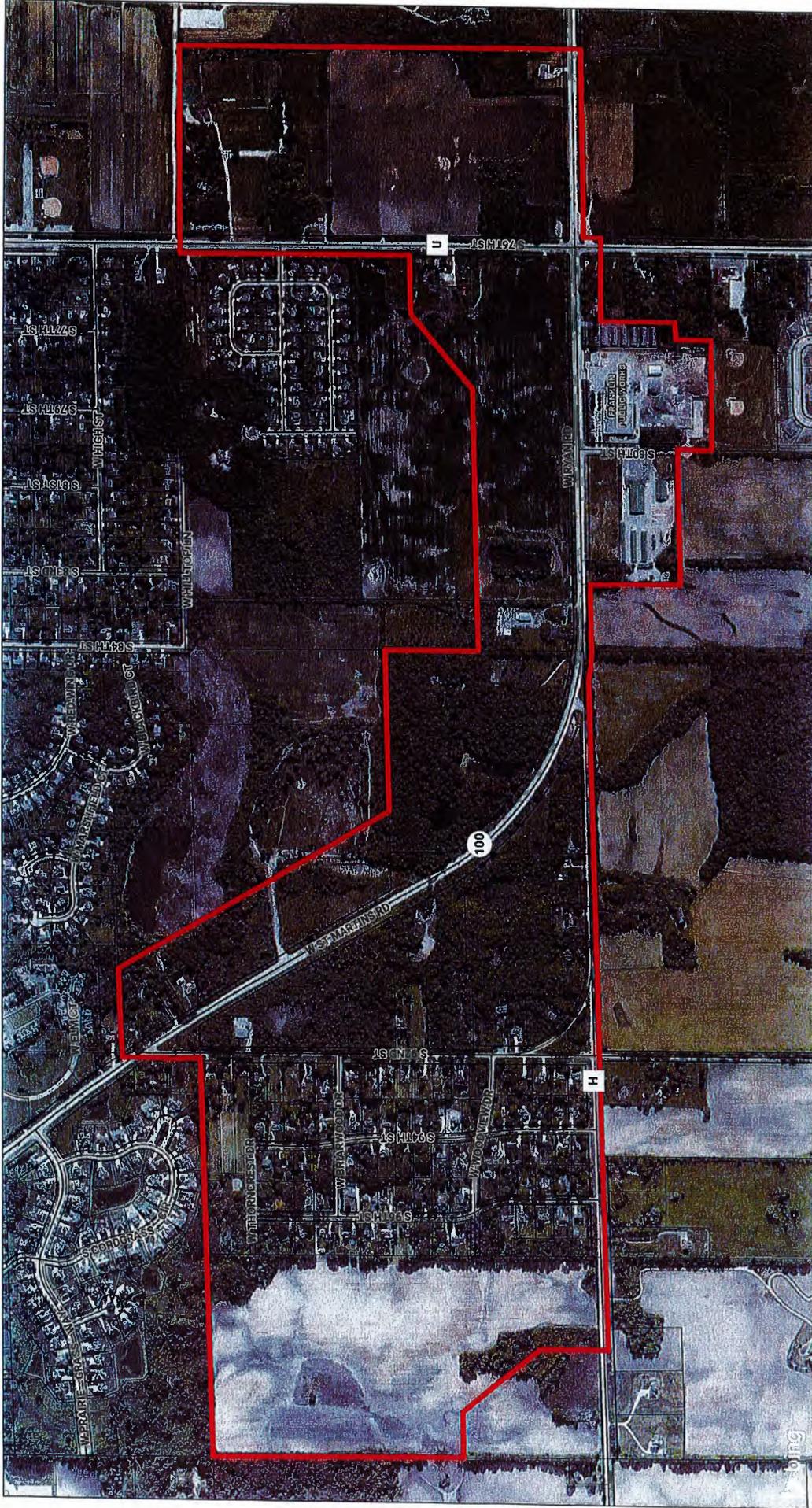
A.	Ryan Road Trunk Sewer (R.C.I. to S92nd S. 92nd St. Lift Station)		
	6800 LF. 15" Sanitary Sewer	\$	3,400,000
	390 VF. Sanitary Manholes	\$	234,000
	280 LF. Tunnel	\$	252,000
	Mobilization	\$	50,000
	Erosion Control	\$	30,000
	Traffic Control	\$	35,000
			Subtotal \$ 3,749,000
			Engineering & Contingencies \$ 1,125,000
			Project Cost \$ 4,874,000
B.	S. 92nd Street Collector Sewer (S. 92nd Street from Ryan Road to R.C.I.)		
	2000 LF 15" Sanitary Sewer	\$	500,000
	75 VF. Sanitary Manholes	\$	45,000
	Mobilization	\$	30,000
	Erosion Control	\$	15,000
	Traffic Control	\$	20,000
			Subtotal \$ 619,000
			Engineering & Contingencies \$ 185,000
			Project Cost \$ 804,000
			Total Cost for Alternative 1 \$ 5,678,000



Appendix B
City of Franklin
Preliminary Cost Estimate
Alternative 2
Ryan Road/S. 76th Street Sanitary Sewer

A. <u>Ryan Road Trunk Sewer (R.C.I. to St. Martins Road)</u>			
3800 LF. 15" Sanitary Sewer		\$	760,000
160 VF. Sanitary Manholes		\$	96,000
280 LF. Tunnel		\$	252,000
Mobilization		\$	40,000
Erosion Control		\$	20,000
Traffic Control		\$	15,000
	Subtotal	\$	1,183,000
	Engineering & Contingencies	\$	355,000
	Project Cost	\$	1,538,000
B. <u>Ryan Road Collector (S. 92nd St. to the East)</u>			
1400 LF. 8" Sanitary Sewer		\$	700,000
120 VF. Sanitary Manholes		\$	72,000
Mobilization		\$	40,000
Erosion Control		\$	20,000
Traffic Control		\$	15,000
	Subtotal	\$	847,000
	Engineering & Contingencies	\$	254,000
	Project Cost	\$	1,101,000
C. <u>S. 92nd Street Trunk Sewer (R.C.I. North to Lift Station)</u>			
2800 LF. 15" Sanitary Sewer		\$	1,400,000
190 VF. Sanitary Manholes		\$	114,000
100 LF. Tunnel		\$	90,000
Mobilization		\$	30,000
Erosion Control		\$	25,000
Traffic Control		\$	30,000
	Subtotal	\$	1,689,000
	Engineering & Contingencies	\$	506,000
	Project Cost	\$	2,195,000
	Total Cost for Alternative 2	\$	4,834,000





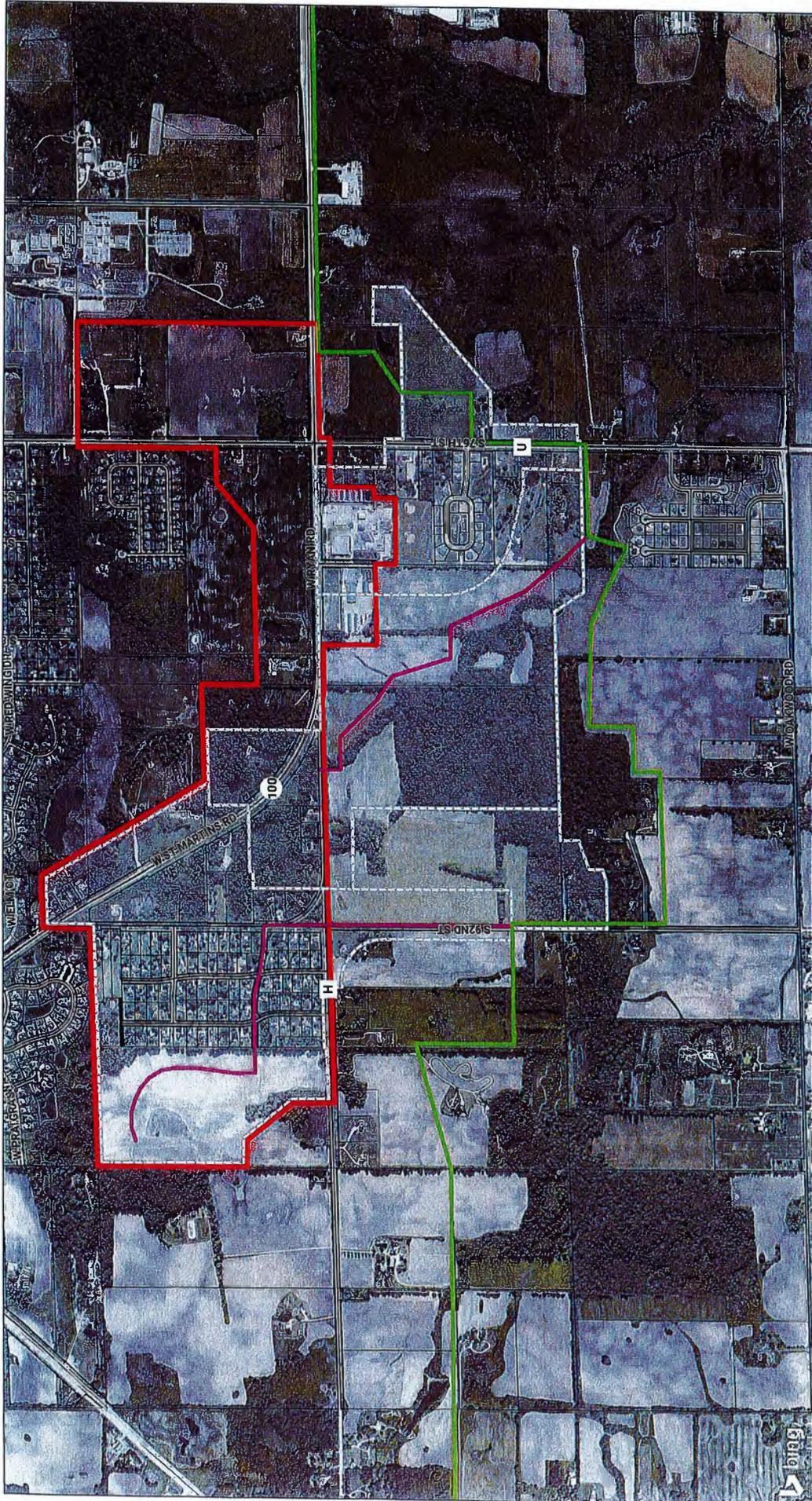
CITY OF FRANKLIN
 RYAN ROAD / S76TH ST MASTER SEWER PLANNING
EXHIBIT 1: STUDY AREA

DECEMBER 2021



STUDY AREA



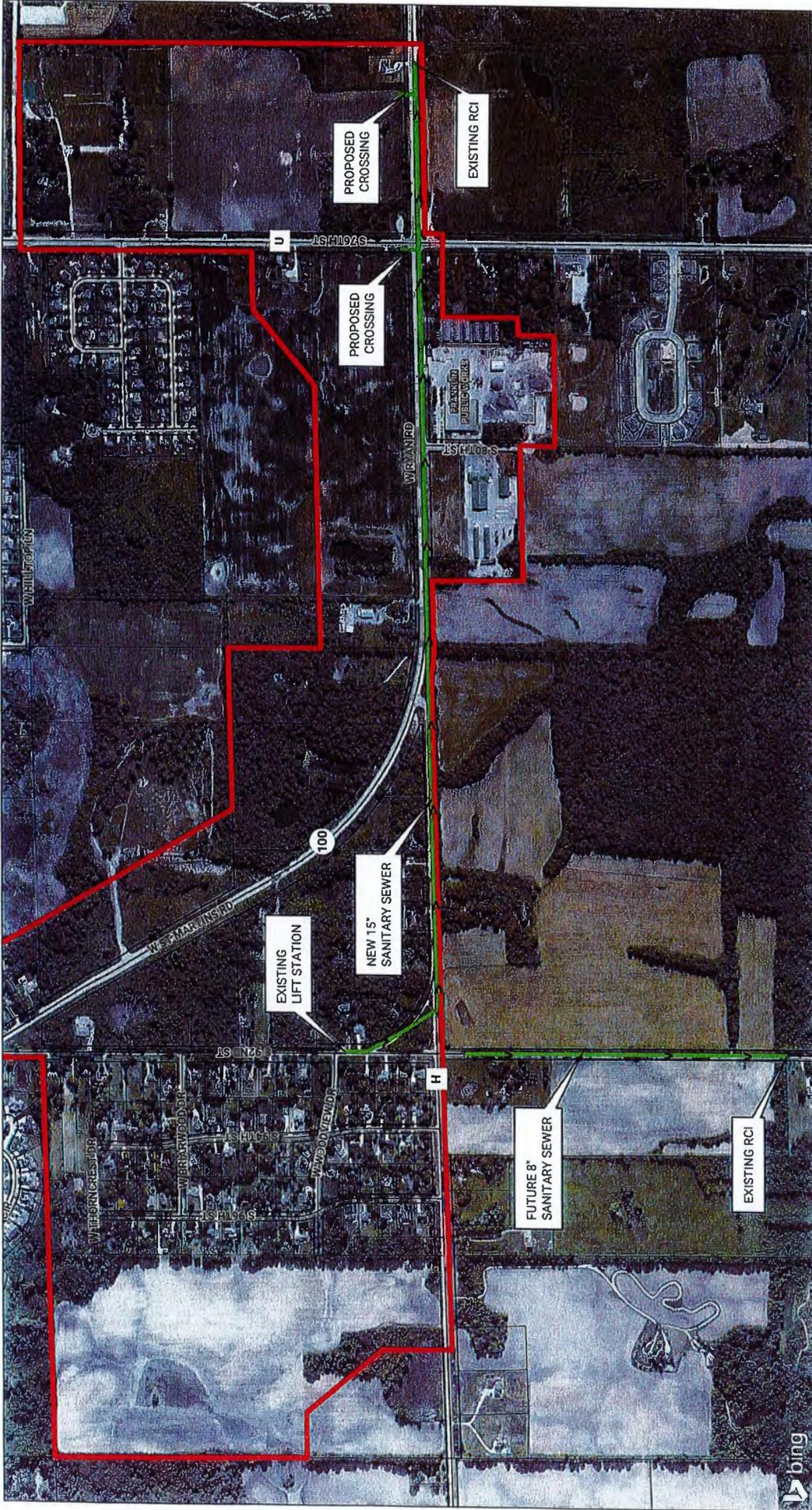


CITY OF FRANKLIN
 RYAN ROAD / S 76TH ST MASTER SEWER PLANNING
EXHIBIT 2: ORIGINAL RCI BASINS

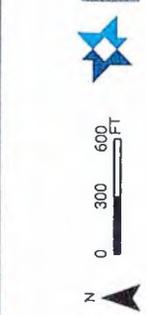
DECEMBER 2021

- STUDY AREA
- EXISTING RCI
- PREVIOUSLY PROPOSED TRUNK SEWER
- SANITARY BASINS





DECEMBER 2021

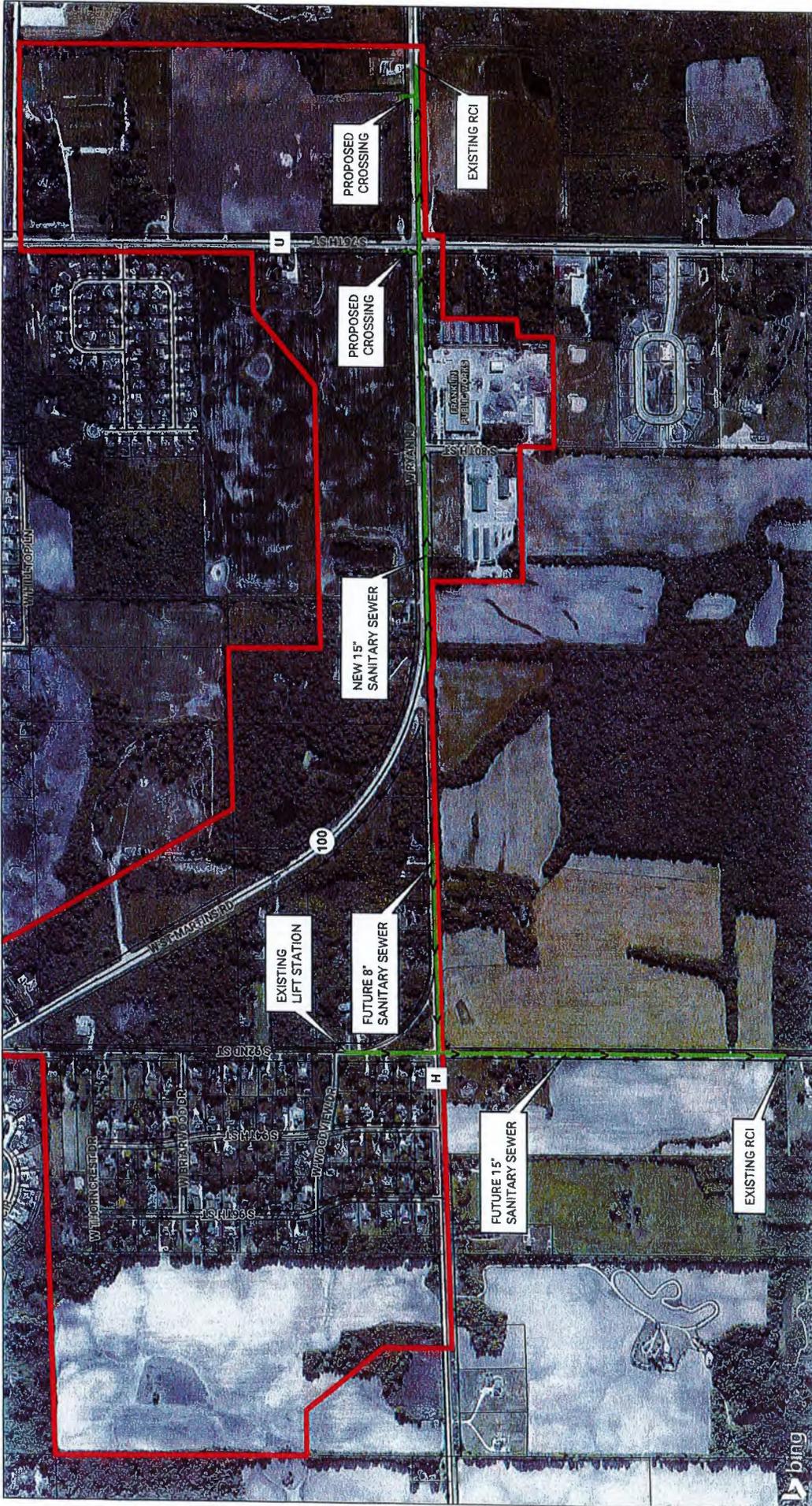


- STUDY AREA
- PROPOSED SANITARY SEWER
- SEWER FLOW DIRECTION



CITY OF FRANKLIN
 RYAN ROAD / S 76TH ST MASTER SEWER PLANNING
EXHIBIT 3: ALTERNATIVE 1
92ND STREET LS CONVEYED EAST IN RYAN ROAD





DECEMBER 2021

CITY OF FRANKLIN
 RYAN ROAD / S 76TH ST MASTER SEWER PLANNING



- STUDY AREA
- PROPOSED SANITARY SEWER
- SEWER FLOW DIRECTION

EXHIBIT 4: ALTERNATIVE 2
92ND STREET LS CONVEYED SOUTH IN 92ND STREET



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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 15, 2022
Reports & Recommendations	AUTHORIZE PURCHASE OF PORTABLE ICE RINK FROM EZ ICE RINKS, INC. FOR \$5,380.50	ITEM NO. G.13.

BACKGROUND

The 2022 budget includes \$6,000 for the purchase of a portable ice rink. This has been discussed at the Parks Commission as a purchase that could be set up at different locations each winter.

ANALYSIS

Staff researched several companies that offer these products and are recommending the purchase of an EZ Ice Rinks. Specifically, Staff has selected a 40' x 80' rink, with rounded corners and foam bumpers. EZ Ice Rinks offers free shipping and a 15% discount for municipalities. The enclosed quote is for a total of \$5,380.50.

This item is expected to be discussed at the Parks Commission on March 14, 2022. Staff will provide the Parks Commission comments to the Common Council on March 15, 2022.

FISCAL NOTE

This item is in the adopted 2022 in the Capital Outlay Fund (41) / Parks (0551) / Nonmotorized Equipment (5814) for \$6,000.

RECOMMENDATION

Direct Staff to purchase a portable ice rink from EZ Ice Rinks for \$5,380.50.

Department of Engineering GEM

Glen Morrow

From: EZ ICE, Inc <customer_experience@ezicerinks.com>
Sent: Wednesday, March 9, 2022 8:22 AM
To: Glen Morrow
Subject: Your EZ ICE Rinks Quote



CUSTOM QUOTE

Welcome to the EZ ICE Family! We are very excited that you are looking to order this EZ ICE Rink. As a reminder, you can start small and easily upgrade your rink in future years to meet the needs of your family. If you have any questions, please let us know!

Hi Glen,

Thanks for reaching out! Here is the quote for the XL 40' x 80' rink with classic height, rounded corners, and foam bumper caps. This also includes our discount of 15% as well. If you are also tax exempt, could you please send over a copy of your exemption certificate so I can go ahead and remove the taxes from the quote as well. Please let me know if you have any questions!

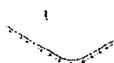
Best,

Ashlie

[Complete your purchase](#)

or Visit our store

[Order summary](#)



EZ ICE PRO Home Arena System™ - 040080CCCRBX x 1 \$6,340

Discount  MUNICIPALITY **-\$951**

Subtotal **\$5,389**

Shipping **\$0**

Wisconsin State Tax ~~\$269~~ $\neq \phi$

Milwaukee County Tax ~~\$27~~ $\neq \phi$

Total **~~\$5,685 USD~~ $\neq 5,389.-$**

You saved \$951

Customer information

Shipping address

Glen Morrow

City of Franklin

Franklin WI 53132

United States

Billing address

Glen Morrow

City of Franklin

Franklin WI 53132

United States

Shipping method

FREE Standard Shipping [\$300 value]

\$0

Quotes are valid for up to 30 days. This email may show MA sales tax as a default, but please continue to checkout to enter your correct state or province. The image shown for your rink may vary slightly from the rink that you have selected. Correct dimensions are included in the product name. If you have any questions, please do not hesitate to contact us at customer_experience@ezicerinks.com

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 15, 2022
Reports & Recommendations	AUTHORIZE BIDDING FOR S. HICKORY STREET PIPE AND RELATED APPURTENANCES	ITEM NO. G.14.

BACKGROUND

Ruekert & Mielke is proceeding on the design for S. Hickory Street between W. Elm Road and W. Oakwood Road as directed by Common Council on November 16, 2021. That direction also included direction to Staff to proceed with bidding out the S. Hickory Street improvements at the earliest possible opportunity. This project is most critical as it is involved in private developments within the Tax Increment District (TID) 8 area.

The current bidding climate is greatly impacted by supply chain issues. To facilitate the completion of the S. Hickory Street construction, Staff recommends that materials made of polyvinyl chloride (PVC), polyethylene (PE), ductile iron (DIP) and related pipe materials (fittings, valves, hydrants, etc) be pre-purchased. If materials are not ordered until the contractor is selected, there is a concern that the project would not be constructed this year.

ANALYSIS

The latest project schedule is attached and anticipates Substantial Completion by November 4, 2022.

The latest construction estimate is also attached and anticipates a total construction contract of \$3.25 million. The total project budgt is \$3.5 million.

Price for materials is expected to be less than \$70,000. For this amount of mateials for a public works project, Staff will solicit bids, not just quotes.

FISCAL NOTE

This project was authorized in the 2022 Budget, and funding has already been secured. The purchase will be charged to Account Number 40-0331-5823, TID 8 Fund, Street Extensions/Improvements/Construction. The pipe materials are estimated to be less than \$70,000.

RECOMMENDATION

Direct Staff to bid pipe and related appurtenances in advance of the construction contract.

Department of Engineering GEM

Franklin Corporate Park - Hickory Street Pavement Improvements			
Preliminary Project Schedule			
			Date Modified: 2/16/2022
Schedule Dates		Event	Notes
11/16/2021	√	City Council Approve Amendment 4 to Task Order No 5 (Final Design and Bidding)	
12/1/2021	√	Initial Design Review Meeting with City Staff	
12/23/2021		Locations for Wetland and Buffer Compensatory Mitigation from City	
1/4/2021	√	DNR Pre-application Meeting	
1/7/2022	√	Wetland Delineation Report from SEWRPC	
1/14/2022	√	NRPP to City	
2/11/2022	√	70% Design Submittal to Utilities and City Staff for Review	
2/13/2022	√	70% Design Submittal to Developer's Engineers (Kapur Engineering and Pinnacle Engineering)	
2/21/2022		Draft Natural Resource Special Exemption (NRSE) Application, Mitigation Plan, and WDNR / USACE Wetland and Waterway Permit Application to City	
2/21/2022		70% Design Review Comments Back from City	
2/25/2022		WDNR / USACE Wetland and Waterway Permit Application Review Comments Back from City	
2/28/2022		WDNR / USACE Wetland and Waterway Permit Application to WDNR and USACE	
2/28/2022		NRPP, NRSE Application, Mitigation Plan Review Comments Back From City	
3/4/2022		90% Design Submittal to Utilities, City Staff and Developer	
3/11/2022		Final NRPP, NRSE Application, Mitigation Plan to City	
3/11/2022		90% Design Review Comments Back from City	
3/24/2022		Send Advertisement to City	
3/25/2022		Send Advertisement to South Now Newspaper by 10:00 a.m.	
3/29/2022		Bidding Documents Complete	
3/29/2022		Bidding Documents To Quest	
3/30/2022		1st Publication	Wednesdays Only
4/6/2022		2nd Publication	At Least 7 Days after 1st Publication
4/15/2022		Wetland Permit Application from USACE and WDNR (Estimated)	
4/13/2022		Bid Opening	At Least 7 Days after 2nd Publication
4/14/2022		Recommend Award	
4/19/2022		Award of Construction Contract (Council Action)	Council Meets on 1st and 3rd Tuesdays
4/21/2022		Send Contracts and Notice of Award to Contractor	
4/21/2022		Submit Construction Staking Request with Final Plan Drawings to Field Services	
4/29/2022		Send Preconstruction Conference Announcement	
5/5/2022		Construction Contracts Signed by Contractor and Returned to R/M	
5/12/2022		Construction Contracts Fully Executed	Note Duration Bids are Subject to Acceptance
5/12/2022		Preconstruction Conference	
5/16/2022		Construction Staking	
5/16/2022		Contract Time Start / Issue Notice To Proceed	
5/16/2022		Start Construction	
11/4/2022		Substantial Completion Deadline	
6/1/2023		Ready for Final Payment Deadline	

ESTIMATED CONSTRUCTION COST

Project Name: Franklin Corporate Park - South Hickory Street Pavement Improvements

Client Name: City of Franklin

Project # 58-10013.204

Date Modified: 2/7/2022

Item No.	Description	Unit	Quantity	Unit Price	Total
Contract A - South Hickory Street					
1	Traffic Control	L.S.	1	\$ 5,000.00	\$ 5,000.00
2	Clearing, Grubbing and Tree Removal	L.S.	1	\$ 500.00	\$ 500.00
3	Full Depth Pavement Saw Cutting	L.F.	500	\$ 2.00	\$ 1,000.00
4	Demolition of Farmstead	L.S.	1	\$ 100,000.00	\$ 100,000.00
5	Barrier Fence	L.F.	2,000	\$ 2.00	\$ 4,000.00
6	Manufactured Slope Interruption Device (Silt Fence)	L.F.	2,500	\$ 2.00	\$ 5,000.00
7	Manufactured Perimeter Control Device (Erosion Logs)	L.F.	1,000	\$ 5.00	\$ 5,000.00
8	Tracking Pad	S.F.	5,150	\$ 5.00	\$ 25,750.00
9	Manufactured Ditch Check (Erosion Logs)	L.F.	300	\$ 5.00	\$ 1,500.00
10	Inlet Protection, Type C	Ea.	60	\$ 60.00	\$ 3,600.00
11	Grading	L.S.	1	\$ 515,000.00	\$ 515,000.00
12	Imported Fill	L.S.	1	\$ 70,000.00	\$ 70,000.00
13	Adjust Gravity Sanitary Manhole Rim Elevation	Ea.	8	\$ 1,500.00	\$ 12,000.00
14	Adjust Air Release Structure Rim Elevation	Ea.	1	\$ 2,500.00	\$ 2,500.00
15	Adjust Force Main Valve Box and Actuator	Ea.	2	\$ 250.00	\$ 500.00
16	Sanitary Lateral, 6-Inch Pressure Rated C-900 DR18 PVC Pipe w/ Granular Backfill	L.F.	90	\$ 200.00	\$ 18,000.00
17	Water Main, 16-Inch w/ Granular Backfill	L.F.	40	\$ 275.00	\$ 11,000.00
18	Water Main, 12-Inch w/ Granular Backfill	L.F.	36	\$ 250.00	\$ 9,000.00
19	Water Main, 8-Inch w/Granular Backfill	L.F.	100	\$ 125.00	\$ 12,500.00
20	Hydrant Lead, 6-Inch w/Granular Backfill	L.F.	75	\$ 100.00	\$ 7,500.00
21	Relocate Existing Hydrant Assembly	Ea.	6	\$ 2,000.00	\$ 12,000.00
22	16-Inch x 6-Inch Cut In Tee Connection to Existing Water Main	Ea.	3	\$ 1,500.00	\$ 4,500.00
23	16-Inch x 8-Inch Cut In Tee Connection to Existing Water Main	Ea.	2	\$ 1,500.00	\$ 3,000.00
24	Adjust Hydrant Nozzle Elevation	Ea.	7	\$ 1,000.00	\$ 7,000.00
25	Adjust Water Main Valve Box and Actuator	Ea.	23	\$ 750.00	\$ 17,250.00
26	Water Main Valve, 8-Inch	Ea.	4	\$ 2,500.00	\$ 10,000.00
27	Pipe Insulation (If Required)	L.F.	100	\$ 10.00	\$ 1,000.00
28	Storm Sewer, 38-Inch x 60-Inch RCEP CL III w/ Granular Backfill	L.F.	61.5	\$ 250.00	\$ 15,375.00
29	Storm Sewer, 30-Inch RCP CL IV w/ Granular Backfill	L.F.	230	\$ 150.00	\$ 34,500.00
30	Storm Sewer, 12-Inch RCP CL V w/ Granular Backfill	L.F.	1,460	\$ 75.00	\$ 109,500.00
31	Storm Sewer, 8-Inch C-900 PVC w/ Granular Backfill	L.F.	55	\$ 50.00	\$ 2,750.00
32	Storm Sewer, 6-Inch PVC SDR-35 w/ Granular Backfill	L.F.	2,600	\$ 25.00	\$ 65,000.00
33	Storm Sewer, 4-Inch PVC SDR-35 w/ Granular Backfill	L.F.	400	\$ 20.00	\$ 8,000.00
34	Flared End Section, 38-Inch x 60-Inch RCEP CL III	Ea.	1	\$ 3,000.00	\$ 3,000.00
35	Flared End Section, 30-Inch RCP CL IV	Ea.	1	\$ 2,000.00	\$ 2,000.00
36	Flared End Section, 12-Inch RCP CL V	Ea.	26	\$ 1,500.00	\$ 39,000.00
37	Storm Manhole, 96-Inch	V.F.	5	\$ 750.00	\$ 3,750.00
38	Storm Manhole, 72-Inch	V.F.	17	\$ 500.00	\$ 8,500.00
39	Storm Manhole, 60-Inch	V.F.	8	\$ 350.00	\$ 2,800.00
40	Storm Manhole, 48-Inch Bioretention Control Structure	V.F.	85	\$ 250.00	\$ 21,250.00
41	Catch Basins	Ea.	52	\$ 2,500.00	\$ 130,000.00
42	Underdrain System, 4-Inch Perforated HDPE (Hickory Street)	L.F.	3,000	\$ 18.00	\$ 54,000.00
43	Underdrain, 4-Inch Perforated PVC SDR-35 (Bioretention Facilities)	L.F.	2,200	\$ 10.00	\$ 22,000.00

ESTIMATED CONSTRUCTION COST

Project Name: Franklin Corporate Park - South Hickory Street Pavement Improvements

Client Name: City of Franklin

Project # 58-10013.204

Date Modified: 2/7/2022

Item No.	Description	Unit	Quantity	Unit Price	Total
44	Medium Rip-Rap Over Geotextile	Tons	200	\$ 75.00	\$ 15,000.00
45	Clear Crushed Limestone Layer Under Bioretention Facilities	Tons	450	\$ 15.00	\$ 6,750.00
46	Sand Layer Under Bioretention Facilities	Tons	450	\$ 20.00	\$ 9,000.00
47	Geotextile Fabric Wrap Under Bioretention Facilities	S.Y.	4,000	\$ 5.00	\$ 20,000.00
48	Engineered Bioretention Topsoil	S.Y.	1,600	\$ 10.00	\$ 16,000.00
49	ADS StormTech Underground Storage System - Bioretention Cell 12	L.S.	1	\$ 50,000.00	\$ 50,000.00
50	ADS StormTech Underground Storage System - Bioretention Cell 17	L.S.	1	\$ 50,000.00	\$ 50,000.00
51	Concrete Modular Block Retaining Wall	S.F.	400	\$ 50.00	\$ 20,000.00
52	Excavation Below Subgrade in Cut Sections (If Required)	C.Y.	500	\$ 25.00	\$ 12,500.00
53	Geogrid Stabilization in Cut Sections (If Required)	S.Y.	1,500	\$ 5.00	\$ 7,500.00
54	Excavation Below Subgrade Backfill in Cut Sections (If Required)	Ton	1,000	\$ 20.00	\$ 20,000.00
55	Crushed Aggregate Base Course, 10-Inch	Ton	12,100	\$ 15.00	\$ 181,500.00
56	Concrete Curb and Gutter, 30-Inch (South Hickory Street)	L.F.	5,400	\$ 25.00	\$ 135,000.00
57	Remove and Replace Concrete Curb and Gutter, 30-Inch (West Oakwood Road)	L.F.	425	\$ 30.00	\$ 12,750.00
58	Driveway Concrete Curb and Gutter, 30-Inch	L.F.	540	\$ 30.00	\$ 16,200.00
59	Concrete Island Nose	Ea.	1	\$ 350.00	\$ 350.00
60	Concrete Surface Drain	Ea.	1	\$ 1,200.00	\$ 1,200.00
61	Asphaltic Concrete Binder Course, 4-Inch	Ton	3,170	\$ 70.00	\$ 221,900.00
62	Asphaltic Concrete Surface Course, 2-Inch	Ton	1,515	\$ 85.00	\$ 128,775.00
63	Asphaltic Driveway Replacement, 4-Inch Binder Course	Ton	155	\$ 75.00	\$ 11,625.00
64	Asphaltic Driveway Replacement, 2-Inch Surface Course	Ton	75	\$ 90.00	\$ 6,750.00
65	Asphaltic Pedestrian Pathway, 3-Inch Surface Course	Ton	460	\$ 110.00	\$ 50,600.00
66	Concrete Pedestrian Ramp, 6-Inch	S.F.	3,230	\$ 6.00	\$ 19,380.00
67	Detectable Warning Fields	S.F.	480	\$ 40.00	\$ 19,200.00
68	Street Lighting System	L.S.	1	\$ 250,000.00	\$ 250,000.00
69	Pavement Marking, 4-Inch White 12.5' Dash, 37.5' Space	L.F.	200	\$ 1.00	\$ 200.00
70	Pavement Marking, 6-Inch, White	L.F.	100	\$ 1.00	\$ 100.00
71	Pavement Marking, 8-Inch, White	L.F.	185	\$ 1.00	\$ 185.00
72	Pavement Marking, 18-Inch, White	L.F.	100	\$ 1.00	\$ 100.00
73	Pavement Marking, Arrows, Type 2, White	Ea.	1	\$ 30.00	\$ 30.00
74	Pavement Marking, Words, ONLY, White	Ea.	1	\$ 50.00	\$ 50.00
75	Pavement Marking, Median Nose, Yellow	Ea.	1	\$ 25.00	\$ 25.00
76	Pavement Marking, Curb Head, Yellow	L.F.	95	\$ 2.00	\$ 190.00
77	Seed, Fertilizer and Class 1, Type A Erosion Mat	S.Y.	3,000	\$ 5.00	\$ 15,000.00
78	Seed, Fertilizer and Class 2, Type B Erosion Mat	S.Y.	8,100	\$ 7.00	\$ 56,700.00
79	Turf Reinforcement Mat, Topsoil, Seed, Fertilizer and Class 2, Type B Erosion Mat	S.Y.	900	\$ 12.00	\$ 10,800.00
80	Bioretention Facility Plantings	S.F.	14,100	\$ 5.00	\$ 70,500.00
Subtotal Contract A Construction =					\$2,821,385.00
Contingency (10%) =					\$ 282,139.00
Estimated Total Project Cost - Contract A =					\$ 3,103,524.00

ESTIMATED CONSTRUCTION COST

Project Name: Franklin Corporate Park - South Hickory Street Pavement Improvements

Client Name: City of Franklin

Project # 58-10013.204

Date Modified: 2/7/2022

Item No.	Description	Unit	Quantity	Unit Price	Total
Contract B - Oakwood Median Improvements East of South Hickory Street					
1	Traffic Control	L.S.	1	\$ 5,000.00	\$ 5,000.00
2	Full Depth Pavement Saw Cutting	L.F.	985	\$ 2.00	\$ 1,970.00
3	Inlet Protection, Type B	Ea.	4	\$ 60.00	\$ 240.00
4	Inlet Protection, Type C	Ea.	14	\$ 60.00	\$ 840.00
5	Storm Sewer, 12-Inch RCP CL V w/ Granular Backfill	L.F.	45	\$ 75.00	\$ 3,375.00
6	Adjust Existing Catch Basin	Ea.	3	\$ 1,200.00	\$ 3,600.00
7	Catch Basins	Ea.	3	\$ 2,500.00	\$ 7,500.00
8	Underdrain System, 4-Inch Perforated HDPE (Oakwood Road)	L.F.	500	\$ 15.00	\$ 7,500.00
9	Excavation Below Subgrade (If Required)	C.Y.	50	\$ 25.00	\$ 1,250.00
10	Geogrid (If Required)	S.Y.	150	\$ 5.00	\$ 750.00
11	Excavation Below Subgrade Backfill (If Required)	Ton	100	\$ 20.00	\$ 2,000.00
12	Crushed Aggregate Base Course, 10-Inch	Ton	1,000	\$ 15.00	\$ 15,000.00
13	Remove and Replace Concrete Curb and Gutter, 30-Inch (West Oakwood Road)	L.F.	390	\$ 30.00	\$ 11,700.00
14	Concrete Island Nose	Ea.	1	\$ 350.00	\$ 350.00
15	Concrete Median Sloped Nose	Ea.	1	\$ 350.00	\$ 350.00
16	Concrete Corrugated Median	S.F.	270	\$ 15.00	\$ 4,050.00
17	Asphaltic Concrete Binder Course, 4-Inch	Ton	320	\$ 70.00	\$ 22,400.00
18	Asphaltic Concrete Surface Course, 2-Inch	Ton	155	\$ 85.00	\$ 13,175.00
19	Street Lighting System	L.S.	1	\$ 25,000.00	\$ 25,000.00
20	Pavement Marking, 4-Inch White 12.5' Dash, 37.5' Space	L.F.	290	\$ 1.00	\$ 290.00
21	Pavement Marking, 6-Inch, White	L.F.	80	\$ 1.00	\$ 80.00
22	Pavement Marking, 8-Inch, White	L.F.	270	\$ 1.00	\$ 270.00
23	Pavement Marking, Arrows, Type 2, White	Ea.	2	\$ 30.00	\$ 60.00
24	Pavement Marking, Arrows, Type 3, White	Ea.	1	\$ 50.00	\$ 50.00
25	Pavement Marking, Words, ONLY, White	Ea.	2	\$ 50.00	\$ 100.00
26	Pavement Marking, Median Nose, Yellow	Ea.	2	\$ 25.00	\$ 50.00
27	Pavement Marking, Curb Head, Yellow	L.F.	200	\$ 2.00	\$ 400.00
28	Pavement Marking, 4-Inch, Yellow	L.F.	330	\$ 1.00	\$ 330.00
29	Pavement Marking, 4-Inch, Yellow 4' Dash, 12' Space	L.F.	50	\$ 1.00	\$ 50.00
30	Topsoil, Seed, Fertilizer and Class I, Type A Erosion Mat	S.Y.	200	\$ 10.00	\$ 2,000.00
Subtotal Contract B Construction =					\$129,730.00
Contingency (10%) =					\$ 12,973.00
Estimated Total Project Cost - Contract B =					\$ 142,703.00
Contracts A and B Combined					
Subtotal Contract A and B Construction =					\$2,951,115.00
Contingency (10%) =					\$ 295,112.00
Estimated Total Project Cost - Contract A and B =					\$ 3,246,227.00

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 15, 2022
Reports & Recommendations	AUTHORIZE BIDDING AND BUDGET FOR W. RYAN ROAD WATERMAIN PIPE AND RELATED APPURTENANCES	ITEM NO. G.15.

BACKGROUND

RASmith is proceeding on the design of a W. Ryan Road watermain project serving Tax Increment District No. 6 as directed by Common Council on January 18, 2022. That direction also included direction to Staff to proceed with bidding in 2022. This project is most critical as it involves two developments that are anticipated to be building homes later this year.

The current bidding climate is greatly impacted by supply chain issues. To facilitate the completion of the W. Ryan Road watermain construction, Staff recommends that materials made of polyvinyl chloride (PVC), polyethylene (PE), ductile iron (DIP) and related pipe materials (fittings, valves, hydrants, etc) be pre-purchased. If materials are not ordered until the contractor is selected, there is a concern that the project would not be constructed this year.

ANALYSIS

RASmith has met with Staff with about 80% plans and anticipates that the construction bids will be opened on April 14, 2022, and Common Council could potentially award the project as early as April 19, 2022.

FISCAL NOTE

The current cost estimate for the construction is under development considering the recent plan comments by Staff. The cost of the materials are expected to around \$200,000. The design contract previously awarded to RASmith was for \$142,900.

These costs are considered in the expenditures for TID 6 projects with a budget of \$1.5 million that includes water/sewer in the condominium developemnt. This project was authorized in the 2022 Budget; however, funding has not yet been secured. The borrowing will occur through a borrowing later in 2022, but the Council approved, on February 1, 2202, a resolution declaring official intent to reimburse expenditures for this and other projects from proceed of future borrowing. This means that other City funds will cashflow the invoices to be paid through the borrowing, and the borrowing proceeds will reimburse those funds when obtained. The purchase will be charged to Account Number 44-0331-5823, TID 6 Fund, Street Extensions/ Improvements/ Construction.

RECOMMENDATION

Direct Staff to bid pipe and related appurtenances in advance of the Ryan Road Watermain construction contract.

Department of Engineering GEM

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">3/15/2022</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Approve the Fiber Internet Construction Project for City of Franklin Municipal Business Operations in an Amount Not to Exceed \$1,239,455 for Capital Construction, Including Partnerships with Other Public Entities</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.16.</p>

The Technology Commission reviewed this proposal in detail at their January 26, 2022 Meeting and their February 28, 2022 Meeting, including: a presentation from MCE, the City's consultant who performed the original study and is working with the City on the project implementation; two in-depth discussions regarding project details such as benefits of the new service, the need for the service, capital and operational costs associated with the project in comparison to the City's current costs for its existing service, potential drawbacks, WiscNet as an ISP (internet service provider), comparisons to other municipalities; and a number of follow-up questions/answers. Following those discussions, at the February 28, 2022 Meeting, the Technology Commission made a recommendation to forward the project to the Common Council for approval.

BACKGROUND

The City has been obtaining its internet services, using coaxial technology, from Charter/Spectrum/Time Warner Cable for quite some time. This technology is antiquated and causes a host of issues for the City including: unreliability, frequent outages, and slow connection speeds. This is not a best practices technology and truly puts the City behind most cities and businesses technology wise. The City has done a lot of research on potential solutions including: being a customer of a business who has or is building out a fiber network in the area, contracting with a company to build out a dark fiber network that the City would own so it can obtain service from an existing ISP (internet service provider), 'renting' dark fiber from another entity, and even looked into the possibility of becoming it's own ISP. Also, City staff reached out to IT professionals from WiscNet, a very successful and desirable ISP due to reliability and affordability. WiscNet provides networking services to the vast majority of entities, including: public and private higher education institutions, K-12 school districts, libraries, municipalities, and hospitals throughout Wisconsin. WiscNet staff assisted City staff in reviewing the proposals and outlining a path forward.

In January of 2021, The Common Council authorized a study to determine the cost and feasibility of getting on a fiber network so that the reliability and connection speeds are greatly improved. That study was completed in August of 2021. Since then, staff has been working with the consultant and other potential public entities to determine where shared services may make sense and provide benefits to all parties.

ANALYSIS

Because the City relies heavily on its internet connection now and it will only grow more reliant on it in the future, it is imperative that we seriously consider our options at this time so that we may move toward a permanent solution sooner rather than later. Some needs that exist today are the mandated implementation of governmental shared services; a migration from on-premise systems to shared government clouds. Currently, the Milwaukee County LandNav and OEM Tellus system are in the process of being implemented, both requiring highly reliable bandwidth, as core government operations are moved to a multi-agency cloud

hosted system. The movement of systems to offsite services increases the need for reliable and redundant bandwidth, as this trend is expected to increase in the near future.

With MCE's intimate knowledge of the current status of fiber infrastructure in the area which has been instrumental to the City in regards to already existing infrastructure, in some cases, rather than having to build the entire network on its own. The attached map illustrates the placement of the fiber network as well as estimated costs to complete the network. Please note that the map shows two sets of costs, one if the City chooses to build a network completely independent of other public entities, and one if the City partners with other entities to share costs yet maintain a secure fiber network.

Very preliminary discussions have been had with potential partners, however staff needs Council approval to move forward with those discussions and create draft MOUs (Memorandums of Understanding) with those potential partners for Council consideration.

In reviewing this project and the details surrounding it, please see the attached documents that detail what was discussed at the Technology Commission. The question/answers address the following:

- Identification of the estimated costs including both the expected, initial capital outlay and the expected, ongoing operational costs;
- Explanation of the City's current environment with regard to its internet connection;
- Details on the value of a 10GB Connection (versus the 1GB connection, or less in some locations, currently);
- Details on the future utilization projections;
- A list of other WiscNet users (also attached),
- Details on the budget/actual costs for a project coordinated by MCE in the past, and
- Details regarding what the City gains by completing this project/transition.

FISCAL IMPACT

Funding for this project was included in the 2022 budget, in the amount of \$1,371,200, being sourced with the American Rescue Plan Act (ARPA) Funding being the catalyst for the capital portion of the project (Account Number 46-0181-5846.9650), and the existing budgeted operational costs covering the ongoing operational needs (various departmental accounts). Combined in those two budgets is funding sufficient to cover the cost of this project in 2022 and beyond.

RECOMMENDATION

The Technology Commission and staff recommend that the Common Council approve the Fiber Internet Construction Project for the City of Franklin Municipal Business Operations in an amount not to exceed \$1,239,455 for capital construction, including partnerships with other public entities; and authorize staff to work with other public entities to establish draft MOUs between the entities to share the cost burden while maintaining a secure private network. All MOUs drafted would come back to the Council for formal consideration. And, all cost variances, compared to the estimates, will also come back to Council.

COUNCIL ACTION REQUESTED

Motion to approve the Fiber Internet Construction Project for the City of Franklin Municipal Business Operations in an amount not to exceed \$1,239,455 for capital construction, including partnerships with other public entities; and, authorize the Director of Administration to work with potential public entity partners to establish draft MOUs to share the cost burden while maintaining a secure private network.



PHASE 1
\$96,218.90

Two Additional 2" Ducts
Add \$40,975

PHASE 1 - FPSD \$115,000 Connection Fee Required to use Schools Fiber Optic Cable for WiscNet Connection

PHASE 4
\$299,340.87

Estimate Using Existing FPSD
Duct = \$185,598.66

PHASE 2
\$596,612.72

Two Additional 2" Duct
Add \$410,553.11
Estimate Using New Waukesha
Duct = \$521,554.55

PHASE 3
\$376,276.70

Two Additional 2" Ducts
Add \$258,798.10
Estimate Using Existing FPSD
Duct = \$313,381.91

TOTAL FOR ALL PHASES
1,363,501.22

TOTAL FOR ALL PHASES USING EXISTING DUCT PATHS
1,116,754.01*
*Costs maybe incurred from duct owners and must be negotiated directly with the owner.

<p>Date: 12/2/21</p>		<p>Multimedia Communications & Engineering, Inc. PO Box 11064 Green Bay, WI 54307 P: 877.870.6968 920.301.7900 I www.mcewi.com</p>	<p>City of Franklin Fiber Optic Network Connectivity Estimates</p>
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2/23/2022 – PS

Questions/Answers Regarding the Fiber Project – Requested by the Technology Commission on 1/26/2022

Q1. Please provide a better cost representation (including new costs to the City, cost breakdown of operating versus capital, ongoing versus one-time, monthly cost now versus in the future)

A1: Capital Costs (10 Gbps Service):

Estimated Phase 1: \$211,219 (includes \$115,000 to Franklin School District-covers 40 years) *

Estimated Phase 2: \$521,555

Estimated Phase 3: \$313,382 **

Estimated Phase 4: \$185,599 ***

Initial WiscNet Investment: \$7,700

TOTAL: \$1,239,455 (a savings of approximately \$247,000 by collaborating with other municipal partners)

(Options below would allow City to sell duct space to other providers in the future and keep them separate from the City infrastructure – Not being recommended at this time as it would add \$503,009 or ~41% to the project with an uncertain return)

* Option to add two additional 2” ducts - \$40,975

** Option to add two additional 2” ducts - \$258,798

*** Option to add two additional 2” ducts - \$203,236

Funding Source for Capital Project – American Rescue Plan Funds - As approved in the 2022 Adopted Budget - \$1,371,200

Operational Costs (10 Gbps Service):

Annual WiscNet Costs:	\$8,700
WECAN Membership:	\$3,854
FPSD Annual Maintenance Costs:	\$4,000
Locating/Maintenance/Mandated Moves/Support:	<u>\$19,764</u>
TOTAL:	<u>\$36,318</u>

(Compared to current annual citywide costs: \$43,020 (difference of: -\$6,702)

**** Fiber maintenance costs – Assume 1 break per 5 years / would likely either be paid for by negligent 3rd party or a City insurance claim (if City responsibility with a \$5,000 deductible)

***** Optional redundant POP to Muskego-Norway School District – One-time cost of either \$500 or \$2,000, depending on the Gbps, and \$1,200 Annually

Note: Other pricing obtained by the City in the past 18 months

- **City Everstream Option – Fall 2020 – Lease option – 1 Gbps Service - \$100,800 per year – Pricing good for 7 years**
- **Leased 10 Gbps Services – one-time cost of \$164,050 / annual costs of ~\$221,700**
- **MCE Comparable #1: \$3,695/month = \$44,340/year = \$1,108,500 over 25 years (Leased 10Gbps ISP Service)**
- **MCE Comparable #2: \$32,810/One Time + \$69,120 per year = \$1,760,810 over 25 years (Leased 10Gbps ISP Service)**

Q2: For background information, what is the current environment and utilization at the City of Franklin?

A2: Current City of Franklin analog internet services do not have the ability to track bandwidth utilization or historical capacity analysis, as the vendor does not provide these tools for non-fiber-based services. Although the circuits are designated as Spectrum Business Class, the vendor does not provide a portal or analysis/troubleshooting tools as part of the service. Available tools are similar to that of Spectrum residential services. The asymmetrical nature of the bandwidth, where upload speeds are 10-20% download speeds, also makes capacity analysis more difficult.

City Hall currently has two 1GB circuits to the Internet, with one router primarily being dedicated for hub-and-spoke VPN connections to the four remote offices. Fire Station 2, Fire Station 3, and DPW have 200 Mbps router connections, while the Water Utility has a 400 Mbps connection. In a hub-and-spoke configuration over an asymmetrical connection (where a maximum of 200 Mbps upload bandwidth can be multiplexed between four remote office connections), it is estimated that the bandwidth does peak at maximum capacity between business hours. The second router at City Hall is used for Internet services, cloud-based applications, and email. All Internet browsing between City Hall and Fire Station 1 goes over this connection.

The Police Department has only a single 1GB Spectrum router. This is used for NetMotion VPN connections to the squad vehicles, streaming surveillance video from Kayla's park, CAD status uploads to Milwaukee County Tellus, and upload and file transfers to the Madison Department of Justice systems via the Greenfield PD site-to-site VPN connection. Utilization on the single circuit is normally quite heavy, especially with the growing usage and transfer of video-based evidence collection. The PD has very strong interest in building out additional video surveillance systems throughout Franklin, which will continue to further tax existing bandwidth further.

Q3: Value of 10 GB Service? (Compare it to what we have/experience at this time.)

A3: Initially it is being planned that the existing firewalls will be used and potentially upgraded over time. All Palo Alto firewalls are equipped with 1GB connections. Fiber planning will assume growth towards 10GB of bandwidth when necessary, but it is recognized that the 10GB networking and security equipment is a significant capital investment. It is anticipated that over the next three to five years, bandwidth will increase beyond current 1GB capacity due to the following factors:

- **Increased use of cloud-based services. This may include Email, Microsoft Office, security with SOC, SIEM, and remote user collaboration/communication tools (e.g. Zoom, Slack, etc.).**
- **Increased use of shared-based governmental services. Both Tellus and GCS/LandNav are being consolidated into multi-agency systems. This trend is expected at the County, State, and Federal level. Often these systems are mandated and determined by other governmental agencies.**
- **Disaster Recovery / Data Backups – Offsite or cloud-based hosted VMs are not being utilized for disaster recovery purposes, due to current restrictions in current bandwidth capacity. The City of Franklin is susceptible to outages for a site-wide system failure/disaster. Long-term data retention is currently being done to LTO tape and stored offsite at the Fire Department. Although this legacy backup method is sufficient, it is extremely slow and cannot be used for cloud-based systems. Cloud-based backup and storage will become a prevalent and growing need.**
- **Increase use of video surveillance. This includes perimeter cameras, cameras in schools, high resolution squad cameras, ALPR cameras/readers, and potentially officer body cameras. The transfer of the video not only has to occur between the camera and the recording device, but also between the short- and long-term storage systems for evidence collection. Often the evidence is needed by multiple governmental agencies for different purposes. It is quite common that the video evidence has to be transferred between agencies across secure Internet links. This is an area that it is expected there may be significant demand.**

- **911 Dispatch / VoIP – Station Alerting is currently performing automated dispatches between on-campus and remote fire station office. A failure in the WAN could potentially create a scenario of a dropped dispatch call (there are alternative routing methods). It is expected that VoIP for PD, FD, and governmental services will run over the exact same communication links, hence it is extremely important that the connections be of the highest quality and have full QoS enabled. It is expected that legacy “Bell” system phone wiring and systems will be fully modernized with IP based telephony. The reliability of the network for VoIP calls has to be the highest grade possible.**

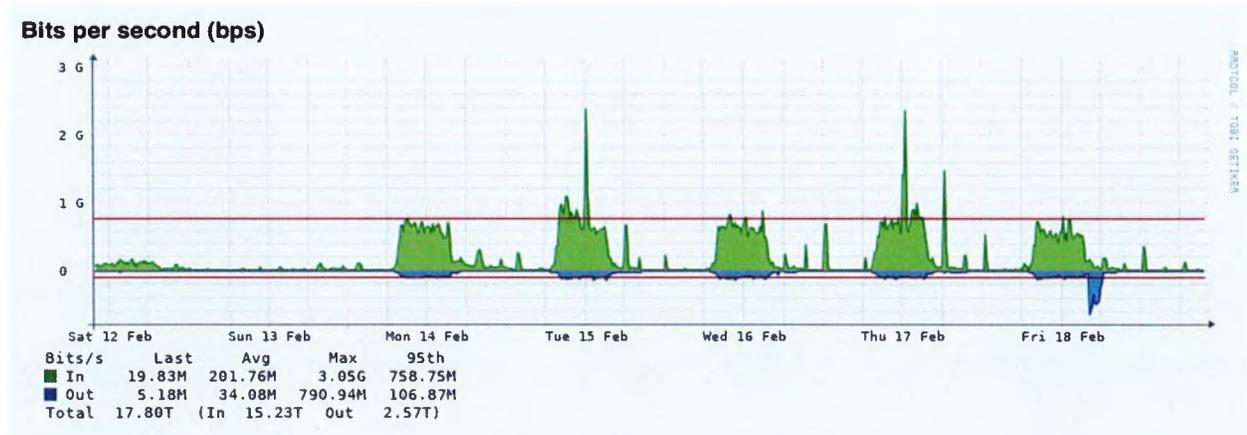
Q4: What is the future utilization projection for the expanded bandwidth? (Use experience from another City to illustrate)

A4: *There is information on WiscNet’s site, at this link: <https://graphs.wiscnet.net>, which allows accessing the usage history of any organization with a WiscNet connection to see their usage for up to the past four years.*

Janesville School District example (Internet services only) is noted below

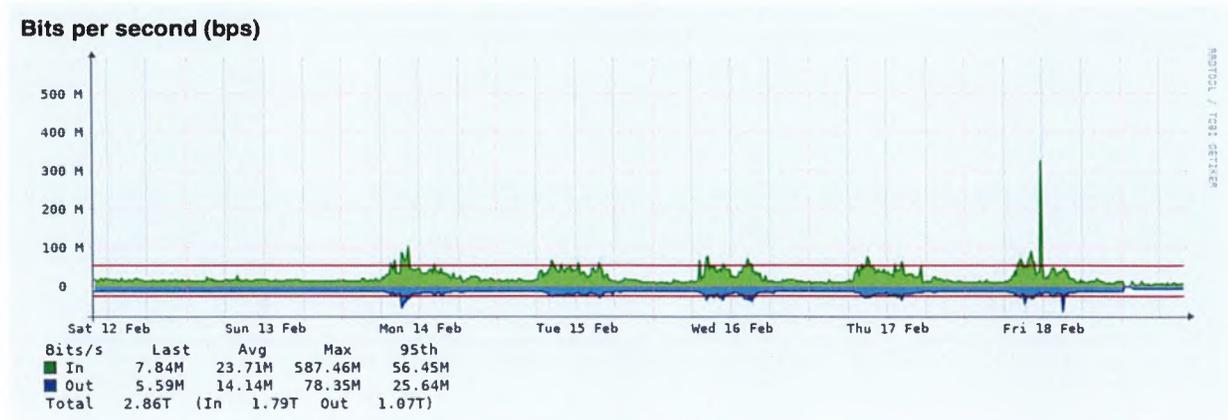
Janesville SD (Peaking at about 2.5 Gbps / Average about 800 Mbps):

WiscNet Circuit ID : 401000 via r-janesville-hub xe-0/0/5.0



City of Janesville (Peaking at about 310 Mbps / Average about 100 Mbps):

WiscNet Circuit ID : 400982 via r-janesville-hub ge-0/0/3.0



Q5: What other entities are part of WiscNet?

A5: *Please see the attached WiscNet Member Organizations*

Q6 Show the details of a project that already occurred What was the budget? What was the actual costs? Timeframes?

A6: Please see the details below for a project in the City of Janesville. Please note that current projects may not yield the same results as it is more likely that delays in materials and permitting may impact the timeline in today's environment.

25 Mile Project

Budget/Estimate: \$2,988,271.91

Low Bidder: \$2,158,103.90

Change Order #1: \$2,500.00

Change Order #2: \$15,621.25

Change Order #3: \$23,705.00

Change Order #4: \$8,710.00

Change Order #5: \$6,465.00

Change Order #6: \$12,280.00

Change Order #7: \$14,618.00

Change Order #8: \$19,463.50

Project Total: \$2,261,466.65 (\$726,805.26 under budget)

Project Timeline:

Project approved (estimate was 330-day project):	January 1, 2018
Substantial project completion (fiber ready for use) (actual was 345 days):	December 12, 2018
Full project completion, including restoration and additional connections:	March 22, 2019

Q7: Provide an accurate picture of what the City gains by completing this project/transition. (Why do it and what can't the City do now that it will be able to do in the future due to the project?)

A7: The City gains the ability to execute the following:

- **Access and utilize reliable, consistent, high-speed, high-security Internet services**
- **Establish secure point-to-point connections with external partners also on the WiscNet network (especially public safety and security related agencies)**
- **Separation between government entities and all private users – City not affected by variable, time demand use**
- **Expand bandwidth**
- **Use advanced disaster recovery, site-to-site and offsite**
- **Obtain redundancy in services for all City buildings**
- **Eliminate the need to use separate equipment/systems for City facilities across the City**
- **Facilitate strong building-to-building communications across the City**
- **Utilize Office 365 with confidence that there will be stable, consistent access**
- **Upgrade security cameras, again using cloud functionality**
- **Utilize cloud storage where appropriate across City operations**
- **Allow for VoIP technology for the City's phone system**
- **Allow for a cloud telephone system if desired**
- **Implement traffic/security cameras throughout the City, on the City's network, with accessibility by appropriate staff members on the network**
- **Access school related cameras on an as needed basis**



Multimedia Communications & Engineering, Inc.
 PO Box 11064 Green Bay, WI 54307
 P: 877.870.6968 | 920.301.7900 | www.mcewi.com

Date: 2/28/2022
 Name: City of Franklin ISP and WAN ROI
 Contact: Glen Morrow
 Address: 9229 W. Loomis Rd.
 City/State/Zip: Franklin / WI / 53132

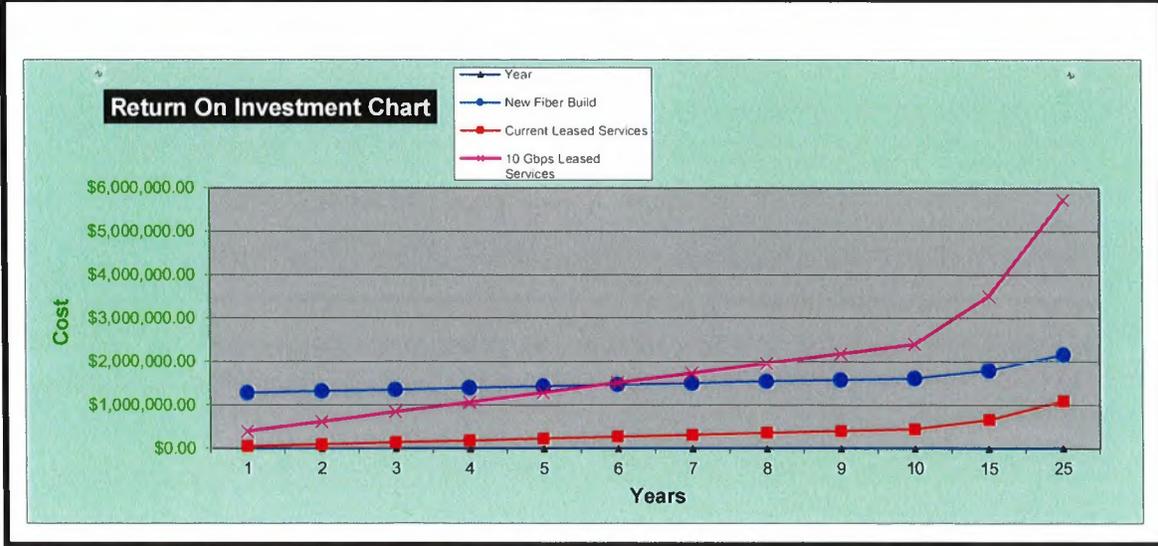
Prepared By:
 Joel Mikulsky
 Civil Engineering Technician
jmikulsky@mcewi.com
 Phone: (920) 301-7901

Current Leased Services	
One-Time Costs	
One Time Special Construction Costs	\$0.00
Total	\$0.00
On-Going Monthly Costs	
Leased Circuit Cost	\$3,585.07
Total	\$3,585.07

10 Gbps Leased Services	
One-Time Costs	
One Time Special Construction Costs	\$164,050.00
Total	\$164,050.00
On-Going Monthly Costs	
Leased Fiber Cost	\$18,475.00
Total	\$18,475.00

New Fiber Build	
One-Time Costs	
Construction, Installation, Materials, & Splicing (Include FPSD \$115,000 one-time)	\$1,239,455.00
Total	\$1,239,455.00
On-Going Monthly Costs	
Estimated Maintenance Costs / Locating / Support (Include FPSD and WN Costs)	\$3,026.40
Total	\$3,026.40

25 Year Return on Investment Calculations				
Year	Current Leased Services	10 Gbps Leased Services	New Fiber Build	Notes
1	\$43,020.84	\$385,750.00	\$1,275,771.80	
2	\$86,041.68	\$607,450.00	\$1,312,088.60	
3	\$129,062.52	\$829,150.00	\$1,348,405.40	
4	\$172,083.36	\$1,050,850.00	\$1,384,722.20	
5	\$215,104.20	\$1,272,550.00	\$1,421,039.00	
6	\$258,125.04	\$1,494,250.00	\$1,457,355.80	-<Break Even Point Approx 5 Years 11 months (10GB)
7	\$301,145.88	\$1,715,950.00	\$1,493,672.60	
8	\$344,166.72	\$1,937,650.00	\$1,529,989.40	
9	\$387,187.56	\$2,159,350.00	\$1,566,306.20	
10	\$430,208.40	\$2,381,050.00	\$1,602,623.00	
15	\$645,312.60	\$3,489,550.00	\$1,784,207.00	
25	\$1,075,521.00	\$5,706,550.00	\$2,147,375.00	





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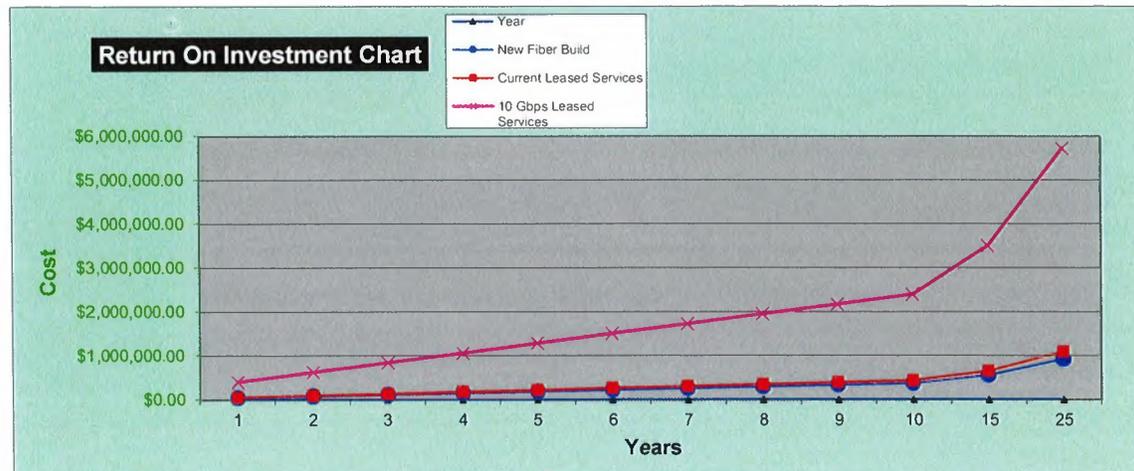
Prepared By:
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 Civil Engineering Technician
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 Phone: (920) 301-7901

Current Leased Services	
One-Time Costs	
One Time Special Construction Costs	\$0.00
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On-Going Monthly Costs	
Leased Fiber Cost	\$18,475.00
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New Fiber Build	
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Construction, Installation, Materials, & Splicing (Include FPSD \$115,000 one-time)	\$0.00
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On-Going Monthly Costs	
Estimated Maintenance Costs / Locating / Support (Include FPSD and WN Costs)	\$3,026.40
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25 Year Return on Investment Calculations				
Year	Current Leased Services	10 Gbps Leased Services	New Fiber Build	Notes
1	\$43,020.84	\$385,750.00	\$36,316.80	Year 1 ROI
2	\$86,041.68	\$607,450.00	\$72,633.60	
3	\$129,062.52	\$829,150.00	\$108,950.40	
4	\$172,083.36	\$1,050,850.00	\$145,267.20	
5	\$215,104.20	\$1,272,550.00	\$181,584.00	
6	\$258,125.04	\$1,494,250.00	\$217,900.80	
7	\$301,145.88	\$1,715,950.00	\$254,217.60	
8	\$344,166.72	\$1,937,650.00	\$290,534.40	
9	\$387,187.56	\$2,159,350.00	\$326,851.20	
10	\$430,208.40	\$2,381,050.00	\$363,168.00	
15	\$645,312.60	\$3,489,550.00	\$544,752.00	
25	\$1,075,521.00	\$5,706,550.00	\$907,920.00	





About WiscNet WiscNet Support
WiscNet Membership Services
WiscNet Network Services WiscNet Security Services
Get Involved

WiscNet Member Organizations

Abbotsford School District	Hamilton School District	Rib Lake School District
Adams-Friendship Area School District	Hartford JI School District	Rice Lake Area School District
Albany School District	Hartford UHS School District	Richmond School District
Algoma School District	Hartland-Lakeside J3 School District	Rio Community School District
Almond-Bancroft School District	Hayward Community School District	Ripon Area School District
Altoona School District	Herman-Neosho-Rubicon School District	Ripon College
Altra Federal Credit Union	Highland School District	River Ridge School District
Alverno College	Hilbert School District	River Valley School District
Antigo Unified School District	Holmen School District	Riverdale School District
Appleton Area School District	Holy Apostles School	Rock County
Argyle School District	Holy Family College	Rock Prairie Montessori School
Arrowhead Library System	Holy Hill Area School District	Rosendale-Brandon School District

Arrowhead UHS School District	Horicon School District	Rosholt School District
Ashwaubenon School District	Hortonville Area School District	Royal Credit Union
Auburndale School District	Housing Authority of the City of Milwaukee	Royall School District
Augusta School District	Howard-Suamico School District	Rural Wisconsin Health Cooperative Information Technology Netw
Bangor School District	Howards Grove School District	Rural Wisconsin Health Cooperative Information Technology Netw
Baraboo School District	Hurley School District	Rural Wisconsin Health Cooperative Information Technology Netw
Barneveld School District	Hustisford School District	Rural Wisconsin Health Cooperative Information Technology Netw
Barron Area School District	Illinois State University	Sacred Heart of Jesus and Mary School
Bayfield School District	Independence First	Sacred Heart Seminary and School of Theology
Beaver Dam Unified School District	Indianhead Federated Library System	Saint Croix Central School District
Beecher-Dunbar-Pembine School District	Iola-Scandinavia School District	Saint Croix Falls School District
Belleville School District	Iowa State University	Saint Marys Springs Academy School System
Bellin College Inc	Iowa-Grant School District	Salem School District
Belmont Community School District	Ithaca School District	Sauk Prairie School District
Beloit College	Jackson County	School District of Ladysmith
Beloit School District	Janesville School District	School District of Marinette
Beloit Turner School District	Jefferson County	
Benton School District	Jefferson School District	
Berlin Area School District	Johnson Creek School District	

Big Foot UHS School District	Kaukauna Area School District	School District of Wild Rose
Big Ten Academic Alliance	Kenosha County	Sevastopol School District
Birchwood School District	Kenosha County Public Library System	Sharon JII School District
Black Hawk School District	Kenosha Unified School District	Shawano School District
Blackhawk Technical College	Kettle Moraine Lutheran High School	Sheboygan Area School District
BloodCenter of Wisconsin	Kettle Moraine School District	Sheboygan County
Bonduel School District	Kewaskum School District	Sheboygan Falls School District
Boscobel Area School District	Kewaunee School District	Shell Lake School District
Bowler School District	Kiel Area School District	Shiocton School District
Boyceville Community School District	Kimberly Area School District	Shoreland Lutheran High School
Bridges Library System	KINBER	Shorewood School District
Brighton #1 School District	Kohler School District	Shullsburg School District
Brillion School District	La Crosse School District	Silver Lake JI School District
Bristol School District #1	Lac Courte Oreilles Ojibwa Community College	Siren School District
Brown County	Lac du Flambeau #1 School District	Slinger School District
Burlington Area School District	Lake Country School District	Solon Springs School District
Butternut School District	Lake Mills Area School District	South Central Library System
Cadott Community School District		Southern Door County School District
Calumet County		

Cambria-Friesland School District	Lakeland UHS School District	Southwest Library System
Cambridge School District	Lakeland University	Southwest Wisconsin Technical College
Cameron School District	Lakeshore Technical College	Southwestern Wisconsin School District
Campbellsport School District	Lakeshores Library System	Sparta Area School District
Carroll University	Laona School District	Spencer School District
Carthage College	Lawrence University	Spooner Area School District
Cassville School District	Lena School District	Spooner Health System
Catholic Memorial High School	Lincoln County	Spring Valley School District
CESA 1	Linn J6 School District	St. Augustine University Parish
CESA 2	Little Chute Area School District	ST Mary's Hospital Medical Center
CESA 3	Lodi School District	St. Catherines High School
CESA 4	Lomira School District	St. Francis Xavier Catholic School Systems
CESA 5	Loyal School District	St. Mary Catholic Schools
CESA 6	Luther High School	St. Norbert College
CESA 7	Luxemburg-Casco School District	St. Vincent Hospital
CESA 8	Madison Area Technical College	Stanley-Boyd Area School District
CESA 9	Madison Metropolitan School District	State of Wisconsin
CESA 10	Manawa School District	
CESA 11	Manitowoc Public Utilities	
CESA 12		

Chequamegon School District	Manitowoc School District	State of Wisconsin Dept of Public Instruction
Chetek-Weyerhaeuser School District	Maple Dale-Indian Hill School District	State of Wisconsin Investment Board
Children's Hospital and Health System	Maple School District	Stevens Point Area Public School District
Chilton School District	Marathon City School District	Stone Bank School District
Chippewa County	Marathon County Special Education	Stoughton Area School District
Chippewa Falls Area Unified School District	Marian University of Fond du Lac	Stratford School District
Chippewa Valley Technical College	Marinette County	Sturgeon Bay School District
City of Altoona	Marion School District	Sun Prairie Area School District
City of Appleton	Markesan School District	Superior School District
City of Beloit	Marquette University	Suring Public School District
City of Brookfield	Marquette University High School	Swallow School District
City of DePere	Marshfield Unified School District	Thorp School District
City of Eau Claire	Mayville School District	Three Lakes School District
City of Fond du Lac	McDonell Area Catholic School District	Tigerton School District
City of Green Bay	McFarland School District	Tomahawk School District
City of Greenfield	Medford Area Public School District	Tomorrow River School District
City of Janesville	Medical College of Wisconsin	Town of Grand Chute
City of La Crosse	Mellen School District	

City of Marshfield	Menasha Joint School District	Tri-County Area School District
City of Menasha	Menominee Indian School District	Turtle Lake School District
City of Menasha : Menasha Utilities	Menominee Nation, College of the	Twin Lakes #4 School District
City of Milwaukee	Menomonie Area School District	Two Rivers Public School District
City of Neenah	Merrill Area School District	Union Grove JI School District
City of New Berlin	Mequon-Thiensville School District	Union Grove UHS School District
City of Oshkosh	Mercer School District	University of Iowa
City of Platteville	Merton Community School District	University of Minnesota
City of Sheboygan	Messmer Catholic	UW Platteville Real Estate Foundation
City of Stevens Point	Mid-State Technical College	Verona Area School District
City of Sturgeon Bay	Middleton-Cross Plains Area School District	Victory Christian Academy
City of Superior	Milton School District	Village of Allouez
City of Watertown	Milwaukee Area Technical College	Village of Ashwaubenon
City of Waukesha	Milwaukee Art Museum	Village of Bellevue
City of Wauwatosa	Milwaukee County Federated Library System	Village of Fox Crossing
City of West Allis	Milwaukee Institute of Art and Design	Village of Howard
City of Whitewater		Village of Little Chute
Clinton Community School District		Village of Suamico
Cochrane-Fountain City School District		Viterbo University
Colby School District		
Coleman School District		
Colfax School District		

Columbus School District	Milwaukee Public Museum	Wabeno Area School District
Concordia University	Milwaukee School of Engineering	Walworth JI School District
Cornell School District	Mineral Point Unified School District	Washburn County
Crivitz School District	Minocqua JI School District	Washburn School District
Cuba City School District	Mishicot School District	Washington School District
D C Everest Area School District	Monarch Library System	Washington-Caldwell School District
Dane County	Mondovi School District	Waterford Graded JI School District
Darlington Community School District	Monona Grove School District	Waterford UHS School District
De Forest Area School District	Monroe School District	Waterloo School District
De Pere School District	Monticello School District	Watertown Unified School District
Deerfield Community School District	Moraine Park Technical College	Waukesha County
Delavan-Darien School District	MOREnet	Waukesha County Technical College
Denmark School District	Mosinee School District	Waukesha School District
Department of Natural Resources	Mount Mary University	Waunakee Community School District
Discovery World	Mukwonago School District	Waupaca County
Dodgeland School District	Muskego-Norway School District	Waupaca School District
Dodgeville School District	Necedah Area School District	Waupun School District
Door County		
Dove HealthCare		

Dunn County	Neenah Joint School District	Wausau City-County Information Technology Commission
East Troy Community School District	Neillsville School District	Wausau School District
Eau Claire Area School District	New Berlin School District	Wausaukee School District
Eau Claire Catholic Schools	New Glarus School District	Wautoma Area School District
Eau Claire County	New London School District	Wauzeka-Steuben School District
Edgar School District	New Richmond School District	Webster School District
Edgerton School District	Newman Catholic Schools	West Allis-West Milwaukee School District
Edgewood High School	Niagara School District	West De Pere School District
Educators Credit Union	Nicolet Area Technical College	West Salem School District
Elcho School District	Nicolet Federated Library System	Western Technical College
Elk Mound Area School District	Nicolet UHS School District	Westfield School District
Elkhart Lake-Glenbeulah School District	Norris Academy	Weyauwega-Fremont School District
Elkhorn Area School District	North Fond du Lac School District	White Lake School District
Ellsworth Community School District	North Lakeland School District	Whitefish Bay Dominican High School
Elmbrook School District	Northcentral Technical College	Whitefish Bay School District
Elmwood School District	Northeast Wisconsin Technical College	
Erin School District		
Fall Creek School District		
Fall River School District		

Flambeau School District	Northern Ozaukee School District	Whitewater Unified School District
Florence County School District	Northern Waters Library Service	Whitnall School District
Fond du Lac Band Reservation Business Committee	Northland College	Winding Rivers Library System
Fond du Lac County	Northland Pines School District	Winnebago County
Fond du Lac School District	Northwood School District	Winnebago Lutheran Academy
Fontana J8 School District	Norwalk-Ontario-Wilton School District	Winneconne Community School District
Forest County	Oconomowoc Area School District	Winnefox Library System
Fort Atkinson School District	Oconto Falls Public School District	Winter School District
Fox Point J2 School District	Oconto Unified School District	Wisconsin Center for the Blind and Visually Impaired
Fox Valley Lutheran High School	Omro School District	Wisconsin Dells School District
Fox Valley Technical College	Onalaska School District	Wisconsin Department of Military Affairs
Franklin Public School District	Oregon School District	Wisconsin Department of Transportation
Frederic School District	Osceola School District	Wisconsin Economic Development Corporation
Freedom Area School District	Oshkosh Area School District	Wisconsin Heights School District
General Mitchell International Airport	Osseo-Fairchild School District	Wisconsin Indianhead Technical College
Geneva J4 School District	Our Lady Queen of Peace School	
	Outagamie Waupaca Library System	

Genoa City J2 School District	Owen-Withee School District	Wisconsin Lutheran College
Gillett School District	Palmyra-Eagle Area School District	Wisconsin Lutheran High School
Gilman School District	Pardeeville Area School District	Wisconsin School for the Deaf
Gilmanton School District	Paris JI School District	Wisconsin Technical College System
Glenwood City School District	Parkview School District	Wisconsin Valley Library Service
Good Shepherd Lutheran School	Pecatonica Area School District	Wonewoc-Union Center School District
Goodman-Armstrong Creek School District	Pepin Area School District	Woodruff JI School District
Grafton School District	Peshtigo School District	
Granton Area School District	PESI	
Grantsburg School District	Pewaukee School District	Wrightstown Community School District
Great Plains Network	Phelps School District	
Green Bay Area Public School District	Phillips School District	
Green Lake County	Pittsville School District	
Green Lake School District	Platteville School District	
Greendale School District	Plum City School District	
Greenfield School District	Plymouth Joint School District	
Greenwood School District	Port Edwards School District	
Gresham School District	Port Washington-Saukville School District	
	Portage Community School District	

Portage County

Poynette School District

Prairie du Chien Area
School District

Prairie Farm Public School
District

Prentice School District

Prescott School District

Princeton School District

Pulaski Community
School District

Racine Lutheran High
School

Racine Unified School
District

Randall JI School District

Randolph School District

Raymond #14 School
District

Reedsburg School District

Reedsville School District

Rhineland School
District

WiscNet

(608) 442-6761 support@wiscnet.net
605 Science Drive Madison, WI 53711

WiscNet is a membership organization that provides research and education networking services to public and private higher education, K12 school districts, libraries, municipalities, and hospitals throughout Wisconsin. We connect people and strategies to solve common technology challenges, and to develop innovative solutions in support of educational, research, and community service missions.

[About
WiscNet](#)

[Get
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[WiscNet
Strategic
Plan](#)

[WiscNet Member
Organizations](#)

[WiscNet Board of
Directors](#)

[Bylaws](#)

[Articles of
Association](#)

[Acceptable Use
Policy](#)

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">3/15/2022</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Interview of Candidate for Position of Economic Development Director. The Common Council may enter closed session pursuant to Wis. Stats. §19.85(1)(c) and (f), to consider employment, promotion, compensation, or performance evaluation data of a public employee over which the Common Council has jurisdiction or exercises responsibility and to consider financial, social or personal histories of specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories and may re-enter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.17.</p>
<p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>The Common Council may enter closed session pursuant to Wis. Stats. §19.85(1)(c) and (f), to consider employment, promotion, compensation, or performance evaluation data of a public employee over which the Common Council has jurisdiction or exercises responsibility and to consider financial, social or personal histories of specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories and may re-enter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.</p>		

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 15, 2022
Reports & Recommendations	RESOLUTION TO ENTER INTO A TRANSMISSION FACILITY RELOCATION AGREEMENT WITH AMERICAN TRANSMISSION COMPANY, LLC FOR WORK ACROSS 3617 W OAKWOOD ROAD (TKN 950-9997-002) FOR \$1,660,000	ITEM NO. G.18.

BACKGROUND

On November 16, 2021, Common Council adopted Resolution 2021-7803 a resolution to enter into a Transmission Relocation Agreement with American Transmission Company, LLC for work across 3617 W Oakwood Road (TKN 950-9997-002) for \$60,000. The work associated with that work involved a study report and that report has been completed.

This effort is to accommodate development in Tax Increment District No. 8. Specifically, there are some transmission power lines that need to be relocated across the “3617 W. Oakwood Road Wendt property” aka the “Wangard Development” in the vicinity of W. Elm Road and S. Hickory Street (south of W. Oakwood Road).

ANALYSIS

American Transmission Company, LLC (ATC) is the owner of the power lines. The enclosed Transmission Facility Relocation Agreement includes the previously authorized report in Exhibit B. Prior to the study, Staff was told the cost may range from \$1.2 million to \$1.76 million. Upon completion of the study, the total project cost is now expected to be \$1,720,000. Franklin has paid \$60,000 to start the study so the remainder of the project cost is \$1,660,000.

ATC will need to procure engineering services and all materials long before January 2023. They will need 40% of the estimated project cost secured by June 1, 2022 to allow them to fund engineering and the materials required to meet the project schedule. ATC will not move forward without that funding in place. The remaining 60% would be required by May 1, 2023, to cover the construction phase of the project. The remainder of the actual costs after the construction would be due when the project is completed as per the agreement.

The schedule has moved a little due to material lead times continuing to move out (steel, conductor, etc.). ATC Staff has stated that they need to procure the materials in a timely manner and get the Relocation Agreement finalized by April 1st or sooner so that we can meet the July 31, 2023, timeframe.

FISCAL NOTE

These costs are considered in the financing of Tax Increment District No. 8.

RECOMMENDATION

Adopt Resolution 2022-_____ a resolution to enter into a Transmission Facility Relocation Agreement with American Transmission Company, LLC for work across 3617 W Oakwood Road (TKN 950-9997-002) for \$1,660,000.

Engineering Department: GEM

**RESOLUTION TO ENTER INTO A
TRANSMISSION FACILITY RELOCATION AGREEMENT WITH
AMERICAN TRANSMISSION COMPANY, LLC FOR WORK ACROSS
3617 W OAKWOOD ROAD (TKN 950-9997-002) FOR \$1,660,000**

WHEREAS, the City is developing Franklin Corporate Park in the southeast corner of the City as part of Tax Increment District No. 8; and

WHEREAS, many improvements are needed to accommodate development, including relocation of some transmission power lines across the “3617 W. Oakwood Road Wendt property” aka the “Wangard Development” in the vicinity of W. Elm Road and S. Hickory Street (south of W. Oakwood Road); and

WHEREAS, ATC has prepared a study report authorized with Resolution 2021-7803 that determined the total amount needed for this project is \$1,720,000 that includes Franklin’s initial payment of \$60,000 made in November 2021.

WHEREAS, this effort is included in the April 3, 2020, project plan for Tax Increment No. 8; and

WHEREAS, this effort is included in a development agreement with Wangard Partners Inc.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, Wisconsin, that the City enter into a Transmission Relocation Agreement with American Transmission Company, LLC for work across 3617 W Oakwood Road (TKN 950-9997-002) for \$1,660,000.

Introduced at a regular meeting of the Common Council of the City of Franklin the _____ day of _____, 2022, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2022

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____ GEM _____



MAILING ADDRESS P O Box 47 • Waukesha WI 53187-0047
(262) 506-6700 • Toll Free 866 899 3204 • www.atllc.com

March 14, 2022

Dear Mr Morrow,

This letter provides the terms and conditions for the Transmission Facility Relocation Agreement between American Transmission Company LLC (ATC) and Requestor (copy enclosed) and establishes the amount of money required to proceed with the Transmission Facility Relocation See Exhibit B Transmission Line Relocation Study Report for the payment amount and details of the project.

The payment section of the agreement will be updated to reflect the requesters funding choice and payment schedule when both parties come to agreement Payment obligations must be agreed to prior to ATC taking on additional work on the project.

Changes to the relocation project scope or schedule caused by the Requestor may affect ATC's cost and overall construction date of the Transmission Line Facility Relocation. Please bring changes to our attention as soon as possible.

Regards,

Ben Laurin, PE
Senior Transmission Line Engineer
American Transmission Company
(262) 832-8635

Enclosures

- Transmission Facility Relocation Agreement
- Exhibit A: Project Map
- Exhibit B: Relocation Study Report
- Exhibit C: Easement and Right-of-Way Requirements

	Form	Department	Asset Management (Asset Maintenance)
		Document No	00
Title: TRANSMISSION LINE RELOCATION AGREEMENT		Revision No	00

Transmission Facility Relocation Agreement

THIS AGREEMENT is entered into as of _____, 20__ between American Transmission Company LLC (hereinafter "ATC"), whose principal place of business is W234 N2000 Ridgeview Parkway Court, Waukesha, Wisconsin 53188-1022, and City of Franklin whose principal place of business is 9229 West Loomis Road, Franklin, WI 53132 (hereinafter "Requestor"). ATC and Requestor may be referred to as "Party" or "Parties" as the context may require.

WHEREAS:

- A. ATC is the owner and operator of electric transmission facilities located and further described and depicted in the attached Exhibit A, attached hereto and incorporated by reference herein (hereinafter the "Existing Facility"), and
- B. Requestor has requested that ATC relocate the Existing Facility to the location as described and depicted on Exhibit A. The relocated facility shall hereinafter be referred to as the "New Facility", and
- C. ATC does not have a transmission system related justification for relocating or replacing the Existing Facility, and
- D. Requestor is willing to pay for the costs of relocating the Existing Facility and will grant or procure all necessary temporary and permanent easement rights for the relocation, operation and future maintenance of the New Facility, and
- E. ATC is willing to relocate the Existing Facility at Requestor's expense to accommodate Requestor's needs on the following terms and conditions.

NOW THEREFORE, the Parties agree the relocation shall be accomplished on the following terms and conditions:

Article I

1.0 RE-LOCATION AND PAYMENT

1.1 Relocation. ATC shall dismantle and remove the Existing above ground Facility and all appurtenances, abandon in place any below ground facilities and perform all design, material procurement, construction, installation and operation of the New Facility to the locations and in the configuration as set forth and further shown on Exhibit A.

1.2. Payment. Requestor shall pay to ATC, ATC's actual costs for re-locating the Existing Facility. Exhibit B, attached hereto and incorporated by reference herein, sets forth ATC's best estimate of the costs to relocate the Existing Facility, and the projected construction schedule, therefore. Payment by Requestor to ATC shall be structured such that a payment in the amount of forty percent (40%) of the estimate described in Exhibit B (the "Initial Payment") shall be made to ATC no later than June 1, 2022, and payment in the amount of sixty percent (60%) of the estimate described in Exhibit B (the "Final Payment") shall be made to ATC no later than May 1, 2023. ATC shall proceed to re-locate the Existing Facility after: (a) execution of this Agreement, (b) receipt of all required permits and regulatory approvals, (c) payment to ATC of the Initial Payment, and (d) receipt of satisfactory access rights for construction. Final Payment shall be made upon the first to occur of (i) completion of the relocation contemplated by this Agreement, or (ii) May 1, 2023. In the event that unforeseen circumstances beyond either Party's reasonable control and contemplation arises that will have the effect of changing the transmission relocation scope, ATC may stop work on the relocation until the Parties are able to meet and agree to any modifications in Exhibit B required to respond to the circumstances, and the associated cost and schedule changes.

1.3 True up of Costs. Requestor hereby agrees to pay ATC the actual dollar amount paid by ATC to relocate its facilities. Within 90 days of completion of the work or project cancellation by the Requestor, ATC will provide Requestor with final project expenses. If final project expenses exceed estimated amount already paid by Requestor, then Requestor must pay outstanding amount to ATC within 30 days of receipt of final invoice. If overall expenses are less than the paid amount, then ATC will pay Requestor that overage within 30 days of receipt of final expenses.

1.4. Construction Schedule Estimate. ATC shall use all reasonable commercial effort to re-locate the Existing Facility in accordance with Exhibit B. ATC makes no warranty of any kind or character that the Existing Facility will be relocated in accordance with the schedule in Exhibit B.

Article II

2.0 EASEMENTS AND ACCESS

2.1 Construction Access. Requestor shall provide ATC's contractors, consultants, officers, directors, agents and employees reasonable access necessary for ATC to perform under this Agreement. Requestor shall grant, or procure for ATC, and any of its contractors, consultants, officers, directors, agents and employees, at all times, the right of free ingress and egress to the property where the Existing Facility is located and the New Facility will be located for the purpose of design, study, evaluation, construction, installing, testing, reading, inspecting, repairing, operating, altering, removing any of ATC's property or anything else ATC deems necessary.

2.2. Creation of New Easements. In addition, Requestor shall grant to, procure for, and record on ATC's behalf all necessary easement rights, satisfactory to ATC, for the operation, and maintenance of the New Facility and any appurtenances. These terms will include, at a minimum, the terms set forth in Exhibit C. Requestor will procure lender consent, if necessary, for any outstanding mortgages existing on the property title.

2.3. Release of Existing Easement or other Rights. Once the New Facility is completed, and satisfactory easements under this Article are recorded, ATC shall release any easements related solely to the Existing Facility and no longer required to operate or maintain the New Facility.

2.4 Permitting and Regulatory. Requestor shall be responsible for obtaining all necessary permits and assisting ATC with any regulatory approvals. Requestor shall represent itself and present its development plans to permitting and regulatory authorities if necessary, to explain the necessity to re-locate the existing facility. Requestor agrees to accept all risk of proceeding with the costs related to the relocation prior to receiving any final permitting.

3.0 ARTICLE III

General Provisions.

3.1 Entire Agreement. This Agreement contains the entire understanding between the Parties concerning the evaluation requested by Requestor, and all other prior arrangements, whether oral or written are merged into this Agreement. This Agreement may be modified only by another instrument in writing endorsed by both Parties.

3.2 Governing Law. This Agreement is subject to the laws of the State of Wisconsin and may be enforced in any court of competent jurisdiction having jurisdiction over the Parties. Each Party, to the extent permitted by law, waives the right to a trial by jury.

3.3 Relationship between Parties. This Agreement is not intended to create any relationship between the Parties other than a contractual relationship, and no partnership, joint venture or principal and agent relationship is created or intended.

3.4 Severability. The Parties intend that the terms of this Agreement be broadly construed to effectuate the Parties intent. If any provision of this Agreement is found to be invalid or unenforceable, then the remaining provisions are to be construed broadly, to the greatest extent possible.

3.5 Binding Agreement and Assignability. This Agreement is binding upon the heirs, successor and assigns, and may not be transferred, assigned or otherwise conveyed to any party without the written consent of the other Party, which shall not be unreasonably withheld or delayed.

3.6 Notices. All notices and communications under this Agreement shall be delivered to the Parties at the addresses set forth below:

<u>To ATC:</u>	<u>To Requestor:</u>
Attn: Ben Laurin	
ATC	
W234 N2000 Ridgeview Pkwy. Ct. Waukesha, WI 53188-1022	
	Attn:
Phone: (262) 832-8635	Phone:
e-mail: blaurin@atcllc.com	e-mail:

Either Party may change the address set forth above by providing written notice of such change to the other Party at the then effective address for such Party.

A notice required under this Agreement shall be deemed delivered (i) upon delivery, when personally delivered; (ii) 48 hours after mailing, when sent via certified mail Return Receipt Requested (RRR); (iii) the next business day, when sent via overnight courier; and (iv) upon transmittal, when sent via e-mail.

THIS AGREEMENT IS ENTERED INTO AS OF THE DATE SET FORTH ABOVE BY THE AUTHORIZED REPRESENTATIVES OF THE PARTIES WHOSE SIGNATURES ARE SET FORTH BELOW.

REQUESTOR

Stephen R. Olson, Mayor

Date:

Sandra L. Wesolowski, City Clerk

Date:

Paul Rotzenberg, Director of Finance
& Treasurer

Date:

APPROVED AS TO FORM:

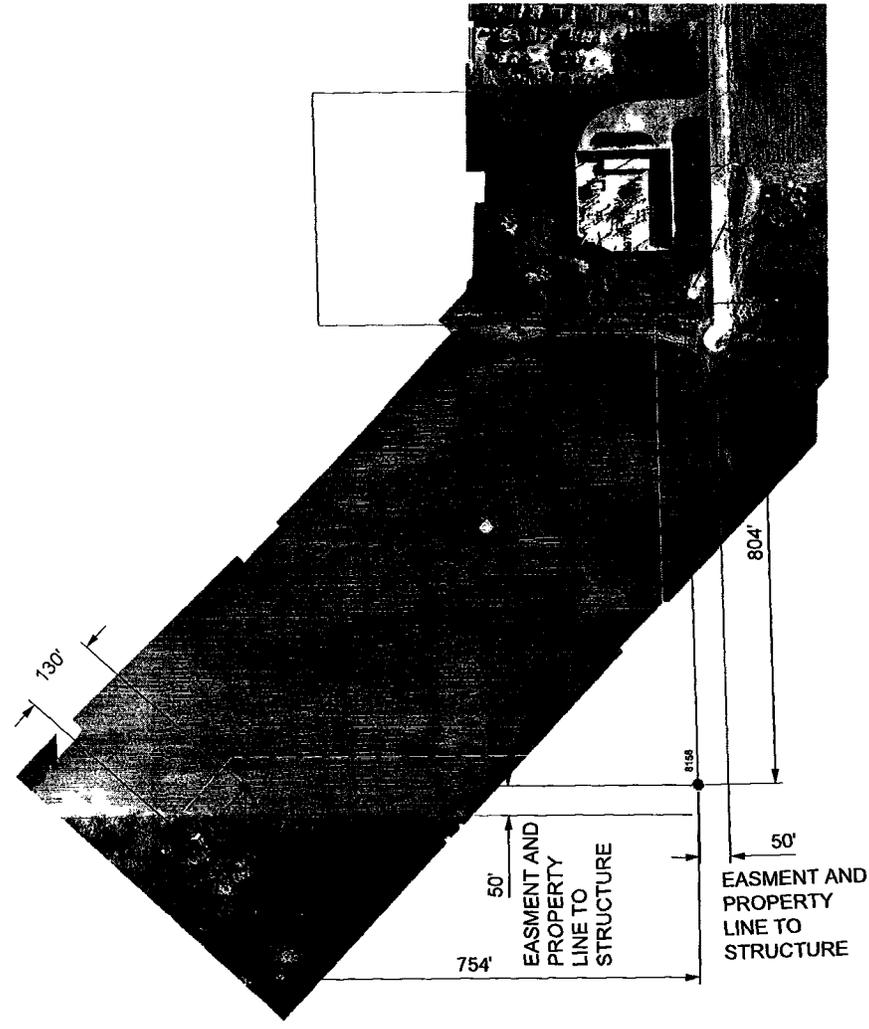
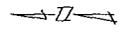
Jesse A. Wesolowski, City Attorney

Date:

AMERICAN TRANSMISSION COMPANY LLC
A Wisconsin Limited Liability Company
By ATC Management Inc , its Corporate Manager

Brad Vosters, PE
Manager Asset Technology Services

Date:



- EXISTING TRANSMISSION STRUCTURE
- REMOVED TRANSMISSION STRUCTURE
- PROPOSED TRANSMISSION STRUCTURE
- TRANSMISSION ALIGNMENT
- PROPERTY LINE
- 100' EASEMENT

REV	DATE	W.D.#	DESCRIPTION	DRAWN	CHKD	BL	BL	ATC	CMPT
0	02/02/22	605064	STUDY PACKAGE	JLN	BL	BL	ATC		

SCALE
1"=200'

AMERICAN TRANSMISSION COMPANY
THIS DOCUMENT IS FOR THE USE OF AMERICAN TRANSMISSION COMPANY. NO WARRANTIES AND NO LIABILITY SHALL BE ASSUMED BY AMERICAN TRANSMISSION COMPANY FOR THE INFORMATION CONTAINED HEREIN.

TRANSMISSION LINE PRELIMINARY ALIGNMENT
 ROOT RIVER
 778KF1 - AERIAL IMAGERY
EXHIBIT - A



Exhibit B: Transmission Line Relocation Study Report

Total Transmission Project Relocation Scope:

The City of Franklin is developing the “Franklin Business Park” within the property bordering West Oakwood Road on the north, South 27th Street to the east and 8 Mile Road (County Line Road) to the south in Franklin, Wisconsin. Currently Circuit 778K51 cuts diagonally across the property limiting the growth potential of the Business Park. The City has requested Circuit 778K51 be relocated as shown in Exhibit A to allow for expansion of the Business Park.

Relocate approximately 0.3 miles of 138kV circuit 778K51

- Transmission line electrical work
 - Install 3 new steel monopole double circuit transmission structures on concrete foundations
 - Install new transmission conductor and optical ground wire and underground fiber
 - Remove existing above grade transmission facilities (one lattice structure and one monopole, conductor, and shield wire) and retire approx. 700 feet of existing underground fiber
- Engineering hours to complete the design and order materials

A map of the existing facilities and proposed transmission line is included in Exhibit A.

Assumptions/Risks:

1. Requester will be responsible for:
 - All land rights cost and permit costs involved in relocation.
 - Land easements will be provided to ATC and will not be affect project schedule.
2. ROW width for new facilities is to be 100 feet.
3. No impact to private property other than requestor’s property.
4. Laydown area will be provided near project area at no cost.
5. Project area will require small amount of matting and restoration.
6. There will be no conflicts with underground utilities or underground facilities may be relocated with no schedule impact or cost to ATC.
7. Assume that the FAA review will allow structure height.
8. Assume the soils in the project area are of average strength. Soil borings will be required to confirm.
9. New ground survey is anticipated.
10. Steel Poles dead ends will be on concrete foundations.
11. New steel poles shall be provisioned for a future double circuit since the rest of this corridor is provisioned for a future second circuit.
12. Assume existing structures adjacent to the new structures do not require replacement.
13. Steel pole lead-time of 42 weeks.
14. Assume little to no vegetation clearing based on site overview.
15. Assume no restoration since site will be in development.
16. Assume no lead paint or lead soil contamination due to removal of existing lattice tower



Exhibit B: Transmission Line Relocation Study Report

17. Steel pole pricing and lead time as of 2/1/2022 and does not consider steel tariffs and any resulting cost or schedule impact.
18. Transmission line outage availability may drive construction timing for this project.

Total Transmission Project Cost Estimate:

- Total Transmission Project Relocation Cost:
 - \$1,720,000 - \$60,000 (initial study cost) = **\$1,660,000**

(This bolded amount above is the amount due with the signed agreement¹. This total subtracts the already paid initial study cost. At the end of the project there will be a true-up to actual costs.)

Total Transmission Project Relocation Schedule:

- 3/02/2022: ATC to deliver Line Relocation Study Evaluation Report and Transmission Facility Relocation Agreement
- 04/01/2022: ATC to receive Transmission Facility Relocation Agreement and Payment
- 06/15/2023: Construction Start
- 10/05/2023: Construction Finish
- 11/01/2023: ATC to deliver Final Report and True-Up

Please note that a delay in receiving the Transmission Facility Relocation Agreement and Payment could result in a delay of the overall project and increased costs to the requestor.

¹ Alternative payment arrangements may be considered and negotiated on a case-by-case basis but must be agreed upon prior to commencement of additional work.



Exhibit C: Easement and ATC Right-of-Way Requirements

Easement and ATC Right-of-Way Requirements:

The right, permission and authority is also granted to grantee to string, install, operate, maintain and replace wires and cables on said transmission line structures, supported by the necessary crossarms and appliances, over and across said strip of land for the purpose of transmitting electric energy and communications and signals. Said wires and cables shall be strung so as to have ground clearance not less than 20.7 feet above the presently existing ground level at all points.

The right, permission and authority is also conveyed to grantee to cut down and remove such dead, dying, diseased, decayed, leaning trees or tree parts now or hereafter existing on the property of the Landowner located outside of said Perpetual Easement Strip that in Grantee's judgment, may interfere with Grantee's full use of the Perpetual Easement Strip for the purposes stated herein or that pose a threat to the safe and reliable operation of the Electric Transmission Facilities, together with the right, permission and authority to enter in a reasonable manner upon the property of the Landowner adjacent to said Perpetual Easement Strip for such purpose.

The further right, permission and authority is also granted to grantee to enter in a reasonable manner upon the property of grantor outside of said strip of land for the further purpose of access to said strip of land to construct, erect, operate, maintain and replace said electric transmission line facilities.

The grantor covenants and agrees that no structures will be erected, or flammable material placed or accumulated, or trees planted on said strip of land, and grantor further covenants and agrees that the elevation of the existing ground surface within said strip of land will not be altered by more than one (1) foot without the written consent of grantee.

Grantee and its agents shall have the right to enter upon the premises of the grantor for the purpose of patrolling said lines and exercising the rights herein acquired, but payment shall be made by it for damage, if any, to crops, fences, animals or other property of grantor caused by its acts, other than trees trimmed or cut down and removed.

The required right-of-way is a total of 100 feet wide.

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 03/15/2022
LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM NUMBER H.

See attached listing from meeting of March 15, 2022.

COUNCIL ACTION REQUESTED

As recommended by the License Committee.

APPROVAL <i>PS shw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 3/15/2022
Bills	Vouchers and Payroll Approval	ITEM NUMBER I

Attached are vouchers dated February 25, 2022, March 2, 2022 through March 10, 2022 Nos 187174 through Nos 187379 in the amount of \$ 1,570,907 35 Also included in this listing are EFT's Nos 4865 through Nos 4879, Library vouchers totaling \$ 63,979 64, Water Utility vouchers totaling \$ 50,937 96 and Property Tax vouchers totaling \$ 322,814 04 Voided checks in the amount of (\$ 896 52) are separately listed

Early release disbursements dated February 25, 2022, March 2, 2022 through March 9, 2022 in the amount of \$ 772,175 61 are provided on a separate listing and are also included in the complete disbursement listing These payments have been released as authorized under Resolutions 2013-6920, 2015-7062 and 2022-7834

The net payroll dated March 11, 2022 is \$ 457,856 20, previously estimated at \$ 442,000 Payroll deductions dated March 11, 2022 are \$ 259,325 94, previously estimated at \$ 255,000

The estimated payroll for March 25, 2022 is \$ 434,000 with estimated deductions and matching payments of \$ 465,000

Attached is a list of property tax refund reimbursements EFT's Nos 415 through Nos 416 March 1, 2022 through March 10, 2022 in the amount of \$ 313,226 62 These payments have been released as authorized under Resolutions 2013-6920, 2015-7062 and 2022-7834

COUNCIL ACTION REQUESTED

Motion approving the following

- City vouchers with an ending date of March 10, 2022 in the amount of \$ 1,570,907 35 and
- Payroll dated March 11, 2022 in the amount of \$ 457,856 20 and payments of the various payroll deductions in the amount of \$ 259,325 94, plus City matching payments and
- Estimated payroll dated March 25, 2022 in the amount of \$ 434,000 and payments of the various payroll deductions in the amount of \$ 465,000, plus City matching payments and
- Property Tax disbursements with an ending date of March 10, 2022 in the amount of \$ 313,226 62

ROLL CALL VOTE NEEDED