



FRANKLIN CITY HALL CHAMBERS
9229 W. LOOMIS ROAD
FRANKLIN, WISCONSIN

PLAN COMMISSION MEETING AGENDA
Thursday, March 19, 2026 at 6:00 P.M.

A. Call to Order and Roll Call

B. Approval of Minutes

1. Approval of the regular meeting of March 5, 2026.

C. Public Hearing Business Matters.

1. **Ener-Con Companies Inc, Natural Resources Special Exception.** NRSE for proposed impacts to approximately 13,000 square feet of Isolated Natural Resource Area to allow for the improvements to an existing stormwater pond, located at 11311 W Forest Home Ave. (TKN 748 1002 000).
2. **Land by Label Development Co, Land Division Variance and Certified Survey Map.** Request for approval of a 4 Lot Certified Survey Map for the Poths General development with a Land Division Variance from Section 15-8-02D. and Section 15-8-02M. of the Unified Development Ordinance to allow a flag lot with a lot width of 50-feet for Lot 3, opposed to the required minimum lot width abutting a public street of 60-feet for property located at approximately 7154 South 76th Street (TKN 756 9993 012, 756 9993 016, and 756 9993 021).

D. Citizen comment period. Citizens may comment upon the Business Matter items set forth on this Meeting Agenda.

E. Business Matters

1. **ROC Ventures (Franklin Field), Temporary Use.** 2026 baseball season from March 20 to September 7, and related operations: food and beverage sales, beverage carts, food truck, graduation ceremony and candy drop; at Franklin Field located at 7035 S. Ballpark Drive (744 1003 000).
2. **ROC Ventures (Rock'n Food Truck Rally), Temporary Use.** Food truck event from May 28 to October 29, 2026 (Thursdays only) at the Umbrella Bar located at 7005 S. Ballpark Drive (744 1003 000).
3. **Gerovac, Land Combination.** Request to recommend approval of a Land Combination Application for properties located at 11836 & 0 W St. Martins Road (TKN 797 9941 000 & 797 9942 000).

F. Adjournment

office at 414-425-4024, Monday through Friday, 8 AM – 4:30 PM.

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

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

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

REMINDERS: Next Regular Plan Commission Meeting: April 9, 2026.

City of Franklin
Plan Commission Meeting
March 5, 2026
Minutes

unapproved

A. Call to Order and Roll Call

Mayor John Nelson called the March 5, 2026 Plan Commission meeting to order at 6:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor John Nelson, Alderman Nabil Salous and Commissioners Rebecca Specht, Michael Shawgo and Kevin Haley. Commissioner Patrick Leon arrived at 6:15 pm. Excused was Alderwoman Courtney Day. Also present were City Attorney Jesse Wesolowski, Principal Planner Marion Ecks, Planning Associate Nick Fuchs, Associate Planner Luke Hamill and Assistant City Engineer Kaitlyn Witkowiak.

B. Approval of Minutes – Regular Meeting of February 19, 2026.

Alderman Salous moved and Commissioner Shawgo seconded a motion to approve the meeting minutes. On voice vote, all voted ‘aye’; motion carried (4-0-2).

C. Public Hearing Business Matters

- 1. PTP Spanco, Conditional Use.** Request for approval of a Conditional Use for a Light Industry Use to manufacture cranes, fall protection, and material handling equipment for a property located at 9800 S. 60th Street (TKN 899 9990 022).

Principal Planner Ecks presented the Conditional Use request.

The Official Notice of Public Hearing was read in to the record by Principal Planner Ecks and the Public Hearing opened at 6:03 pm and closed at 6:04 pm.

Alderman Salous moved and Commissioner Haley seconded a motion to recommend approval of a Resolution Imposing Conditions and Restrictions for the Approval of a Conditional Use for a Light Industry Use upon property located at 9800 S. 60th Street (TKN 899 9990 022). On voice vote, all voted ‘aye’; motion carried (4-0-2).

- D. Citizen comment period.** Citizens may comment upon the Business Matter items set forth on this meeting agenda.

The citizen comment period opened at 6:05 p.m. and closed at 6:00 p.m. Two citizens were present.

E. Business Matters

- 1. Bear Development, Site Plan.** Request for approval of a resolution approving a site plan for the development of a multi-family condominium project upon property located at 11590 West Meadowview Drive (Tax Key No. 891 1081 000).

Planning Associate Fuchs presented the Site Plan request. Applicant Dan Szczap of Bear Development was present.

Alderman Salous moved and Commissioner Specht seconded a motion to approve a Resolution approving a Site Plan for the development of a multi-family condominium project upon property located at 11590 West Meadowview Drive, subject to amending Condition No. 12 of the draft resolution to include wording for the applicant to meet the building height requirement or obtain a variance from the Board of Zoning and Building Appeals. On voice vote, 4 voted 'aye' and 1 abstained; motion carried (4-0-1).

- 2. De Grave, Land Combination.** Request to recommend approval of a Land Combination Application for properties located at 9421 S 94th Street & 0 S 96th Street (TKN 887 0060 000 & 887 0069 000).

Associate Planner Hamill presented the Land Combination request. Applicant Michael DeGrave was present.

Commissioner Leon moved and Commissioner Shawgo seconded a motion to recommend approval of a resolution approving a land combination for 9421 S 94th Street & 0 S 96th Street (TKN 887 0060 000 & 887 0069 000). On voice all voted 'aye'; motion carried (5-0-1).

- 3. Children's Wisconsin, Major Site Plan Amendment.** Request to approve a resolution to approving a major site plan amendment for the development of a single-story medical office building to allow for an expansion of floor area of approximately 15 percent, upon property located at 5414 West Rawson Avenue (TAX KEY NO. 741 9004 000).

Principal Planner Ecks presented the Major Site Plan Amendment request.

Commissioner Leon moved and Alderman Salous seconded a motion to approve a Resolution approving a Major Site Plan Amendment for the development of a single-story medical office building to allow for an expansion of floor area of approximately 15 percent, upon property located at 5414 West Rawson Avenue (TAX KEY NO. 741 9004 000). On voice all voted 'aye'; motion carried (5-0-1).

- 4. Modine Manufacturing, Major Site Plan Amendment.** Request to approve a resolution to approving a major site plan amendment to allow for the installation of screened trash compactors, and additional car parking spaces, upon property located at 3303 W Oakwood Rd. (TKN 951 9994 002).

Principal Planner Ecks presented the Major Site Plan Amendment request.

Alderman Salous moved and Commissioner Leon seconded a motion to request to approve a resolution to approving a major site plan amendment to allow for the installation of screened trash compactors, and additional car parking spaces, upon property located at 3303 W Oakwood Rd. (TKN 951 9994 002). On voice all voted 'aye'; motion carried (5-0-1).

- 5. Advenir Azora, Concept Review.** Request for feedback on for a proposal for approximately 165 market-rate, single family rental units on approximately 24 acres, upon properties located at 7631 S 31st St., as well as 7705 and 7721 S. 31st St.

Principal Planner Ecks presented the Concept Review request. Applicants Brian Randall of Amundsen Davis LLC was present. Applicant Joann Rubio of Advenir Azora Development, LLC participated via video conference.

No motion, no action taken.

Commissioner Leon vacated at 6:58 pm and returned at 7:00 pm.

F. Adjournment

Commissioner Haley moved and Commissioner Specht seconded to adjourn the meeting at 7:39 pm. On voice vote, all voted 'aye'; motion carried (5-0-1).

DRAFT



REPORT TO THE PLAN COMMISSION

**Meeting of March 19, 2026
Natural Resource Special Exception**

RECOMMENDATION: City Development Staff recommends approval of the proposed Natural Resource Special Exception (NRSE), subject to the conditions of in the attached draft approval documents.

Project Name:	Ener-Con Companies, Inc. NRSE
Property Owner:	FHCC, LLC
Applicant:	Carlee Beier, Ener-Con Companies, Inc.
Property Address/Tax Key Number:	11311 W Forest Home Ave. / 748 1002 000
Aldermanic District:	District 6
Agent:	Jeff Yersin, raSmith
Zoning District:	LI Limited Industrial
Use of Surrounding Properties:	LI Limited Industrial (north) LI & R-SE Suburban Residential (south) R-SE Suburban Residential (east) B-G - General Business District (west)
Staff Planner:	Marion Ecks, AICP

The applicant, Ener-Con Companies, Inc., has applied for a Natural Resource Special Exception to allow for impacts to an Isolated Natural Resource Area Environmental Corridor on the south side of the property. The applicants will be installing improvements to their existing stormwater facilities to improve drainage to a detention pond and relive surface flooding issues in their parking area.

This property is part of an area of industrial development along Forest Home Avenue in the northwest portion of the City. The part of the property where work will be done abuts single family homes and lots with Environmental Corridor on them. While development is required to comply with current law, the location of the stormwater pond could be considered “legal nonconforming” or in compliance with requirements at the time of development. New work and impacts must comply with requirements, which this application is doing.

The scope of work includes restoration of proposed impacts, compensation for impacts, and overall improvements to the natural resources on site to improve drainage.

Pursuant to Section 15-9-08.B.2.a of the Unified Development Ordinance (UDO), all requests for a Natural Resource Special Exception shall be provided to the Parks Commission for its review and recommendation.

NATURAL RESOURCE SPECIAL EXCEPTION REQUEST

The requested a Natural Resource Special Exception is for property bearing Tax Key No. 748 1002 000. The property contains wetlands, woodlands, and Isolated Natural Resource Area (INR). Impacts to natural resource areas require an NRSE.

The applicant completed a wetland delineation concurrence on April 23, 2025, which complies with the requirement that natural resource delineations not be older than 5 years. The delineation identified four (4)

areas of wetland on the property, which is part of the Root River watershed. The proposed work impacts the wetland identified as Wetland 1. This wetland is not regulated by the Army Corp of Engineers and deemed exempt by the WI DNR.

The proposal is to improve a stormwater detention pond on the southern portion of the lot, by updating plumbing to the pond, and improving the condition of vegetation in the area surrounding the pond. Impacts to an Isolated Natural Resource Area will be compensated by improving vegetation and removal of invasive species, as well as the creation of new buffer areas. Natural resource compensation areas must be protected by a conservation easement, along with existing natural resources. The implementation of a conservation easement with language allowing for maintenance will help prevent future issues.

The applicant has provided the attached Natural Resource Special Exception Application, Questionnaire, Project Description, and associated information. Staff would note:

- The wetland delineation was prepared by an Assured Delineator.
- The Wisconsin Department of Natural Resources (DNR) does not regulate wetland setbacks.
- Draft conservation easements materials have been provided.
- The applicant is compensation in compliance with UDO requirements.

PARKS COMMISSION RECOMMENDATION

Also attached is a document titled, “Recommendation on Natural Resource Special Exception” that the Parks Commission must complete and forward to the Plan Commission. The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed. Staff recommendations were incorporated into the draft as proposed conditions of approval. These recommendations are further contained in the decisions section of the attached draft Standards, Findings and Decision of the City of Franklin document.

The Parks Commission reviewed this application at their March 9, 2026 meeting. As timing required that this report be completed prior to the Environmental Commission meeting, staff will convey the results to the Plan Commission during their review presentation.

CONCLUSION

Per Section 15-9-08.B.2.a of the Unified Development Ordinance (UDO), the applicant shall have the burden of proof to present evidence sufficient to support a Natural Resource Special Exception (NRSE) request. The applicant has presented evidence for the request by answering the questions and addressing the statements that are part of the Natural Resource Special Exception (NRSE) application. The applicant’s responses to the application’s questions and statements are attached for your review.

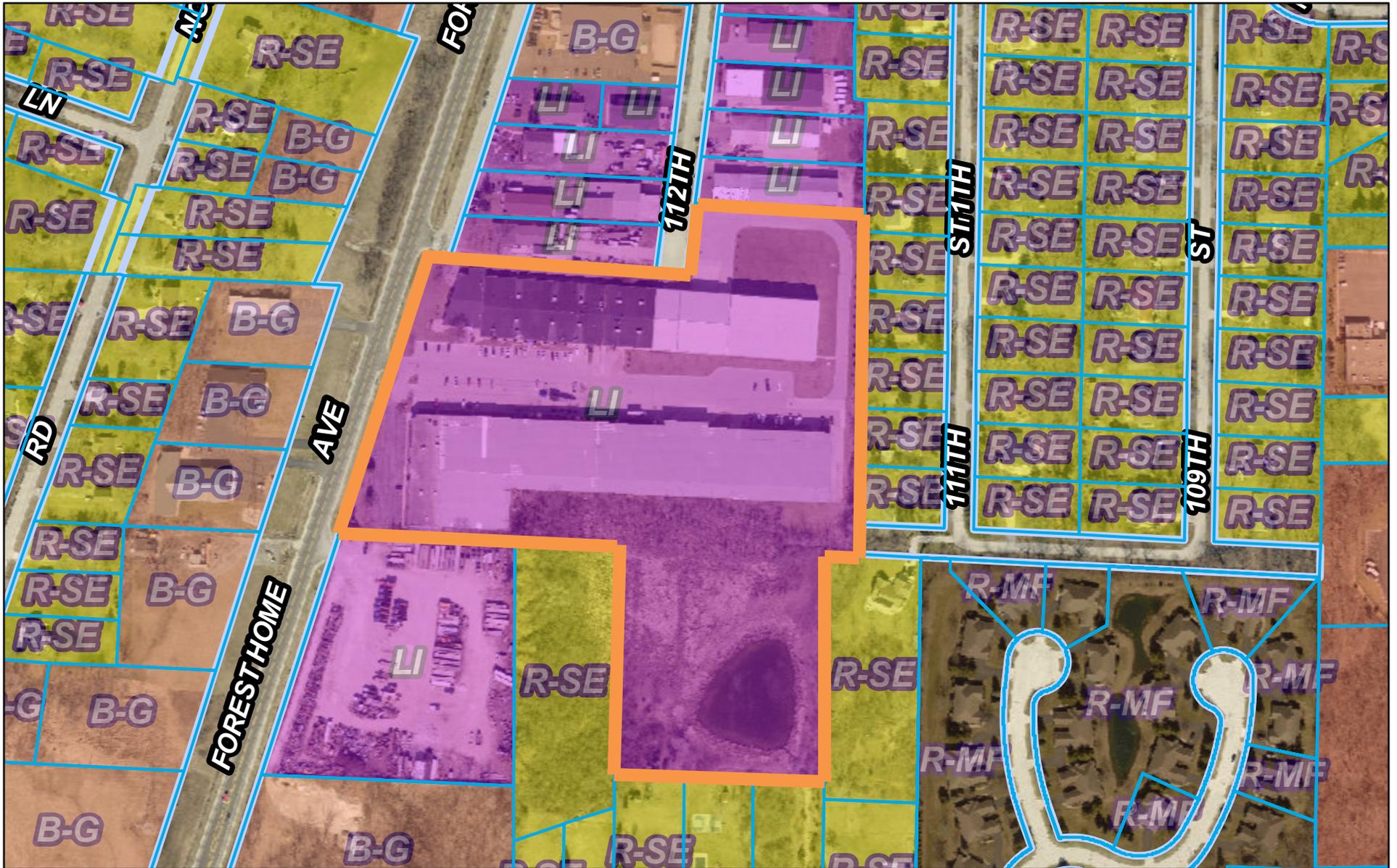
STAFF RECOMMENDATION

City Development Staff recommends approval of the proposed NRSE, subject to the conditions of approval in the attached draft.

Attachments:

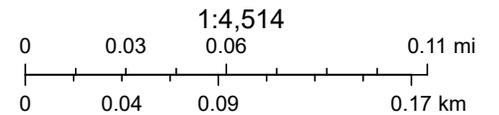
- Draft Parks Commission Recommendation Form
- Applicant materials

City of Franklin Property Viewer



3/4/2026, 10:52:55 AM

 Parcel



SE Wisc Reg Planning Comm, SEWRPC, Vantor



**City of Franklin Parks Commission
Recommendation on Natural Resource Special Exception**

TO: Plan Commission
DATE: March 9, 2026
RE: Special Exception application review and recommendation
APPLICATION: Carlee Beier, Ener-Con Companies, Inc., Applicant, dated: March 9, 2026
11311 W Forest Home Ave. / 748 1002 000

Developer information:

FHCC, LLC
8575 W Forest Home Ave. #160
Greenfield, WI 53228

Natural Resource Protection Plan (NRPP) Authors and their credentials:

Jeff Yersin, PE (raSmith)

Dates of field analysis or delineations:

Wetland delineation concurrence: April 23, 2025

Existing Conditions

Existing Natural Resource Features:

See table in NRPP

Site history including conservation easements:

This property is a developed multitenant industrial site with no existing conservation easements.

Status of other agency reviews or permits:

Not applicable.

Applicants request:

Proposed impacts to Existing Natural Resource Features:

See table in NRPP.

Temporary and permanent impacts to an Environmental Corridor and other natural resources on the south side of the property. The applicants will be installing improvements to their existing stormwater facilities to improve drainage to a detention pond.

Proposed compensation plan summary:

Installation of site-appropriate plants and seed mixes in compliance with quantity standards of the UDO.

SECTION 15-9-08.d NRSE REVIEW CRITERIA

The applicant shall have the burden of proof to present evidence sufficient to support the findings required.

Criteria for Approval. A Special Exception may be granted only upon a finding by the Plan Commission:

- i. That the condition(s) giving rise to the request for a Special Exception were not self-imposed* by the applicant (this subsection (i) does not apply to an application to improve or enhance a natural resource feature).

Applicant Response:

We are trying to improve site drainage by directly connecting storm sewer to the detention pond. This will improve the useful life of the shared parking lot. As part of the project we will cleanup dead fall and maintain overgrowth to enhance the wetland. All wetland and wetland buffer that is impacted will only be temporary. All of the temporary impacts will be restored to an improved condition. Additionally, wetlands and wetland buffers that have been temporarily impacted will be mitigated at a rate of >1.5:1.

Staff Comment: Overgrowth of the area surrounding this detention pond is naturally occurring and not a direct result of actions by the applicant. This development is part of a long-standing industrial area in the northwest corner of the city which predates City and other regulation of natural resources. While development is required to comply with current law, the location of the stormwater pond could be considered "legal nonconforming" or in compliance with requirements at the time of development. New work and impacts must comply with requirements, which this application is doing.

**a condition created by the actions or choices of the applicant.*

- ii. Compliance with the strict provisions of this Article will:
 - a. Be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives; or,
 - b. Unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives; and
 - c. The Special Exception, including the specific compensation measures in the Natural Resource Protection Plan and physical modifications to the site to protect other Natural Resources, including any conditions imposed under this Section will:
 - i. Enhance the overall character of the resulting development in a manner consistent with the planned character of the area and site; and
 - ii. Not effectively undermine the ability to apply or enforce the requirement with respect to other properties; and
 - iii. Be in harmony with the general purpose and intent of the provisions of this Article; and
 - iv. Incorporate sufficient monitoring, conditions, and financial sureties to ensure preservation and enhancement of Protected Areas and compensation areas; and
 - v. Preserve or enhance the quality of the natural resources affected.

Applicant Response:

We have looked at this project several different ways and tried to minimize environmental impacts as much as possible. We are proposing to return the site to its existing conditions and add more wetland through landscaping and wetland plantings. We don't anticipate that these improvements will affect any of the neighbors. As part of the Conservation Easement and project plans, we will monitor and maintain the impacted natural resources as necessary.

Staff Comment: The proposed changes to site hydrology and related restoration work are intended to improve the condition of the natural resource area and overall site. Work will remove invasive species and result in long-term protection of the isolated natural resource area.

In making its recommendation, the Commission shall consider factors such as:

- i. The impact on physical characteristics of the property, including but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks;

Applicant Response:

There are no above ground improvements as part of this project. The wetlands and wetland buffers will be enhanced with vegetation. The site will generally look the same after the project is completed.

Staff Comment: Proposed work will remove invasive species and improve the performance of a stormwater facility. The applicant is proposing to restore impacted areas and compensate for impacts on the site in compliance with the UDO. Most improvements will be underground so above ground impacts will be temporary.

- ii. Any exceptional, extraordinary, or unusual circumstance or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district;

Applicant Response:

No.

Staff Comment: This development is part of a long-standing industrial area in the northwest corner of the city which predates City and other regulation of natural resources. While development is required to comply with current law, the location of the stormwater pond could be considered "legal nonconforming" or in compliance with requirements at the time of development. New work and impacts must comply with requirements, which this application is doing. The implementation of a conservation easement with language allowing for maintenance will presumably help prevent future issues.

- iii. The proposed degree of noncompliance with the requirement of this Article to be allowed by the Special Exception;

Applicant Response:

We are proposing temporary wetland impacts of 8,194 SF and then restoring/improving the same 8,194 SF of wetland. We are also adding 4,170 SF of new wetland to meet the 1.5:1 mitigation requirement. We are proposing temporary wetland buffer impacts of 4,872 SF and then restoring/improving the same 4,872 SF of wetland buffer. We are also adding 2,610 SF of new wetland buffer to meet the 1.5:1 mitigation requirement. We believe we are in total compliance with the Ordinance.

Staff Comment: Proposed work will remove invasive species and improve the performance of a stormwater facility. The applicant is proposing to restore impacted areas and compensate for impacts on the site in compliance with the UDO. Most improvements will be underground so above ground impacts will be temporary.

- iv. The project's proximity to and character of surrounding property;

Applicant Response:

The installation of storm sewer will be no closer than 150' to the parcel boundary. The site will generally look the same after the project is completed. The character of the

surrounding property should be unchanged.

Staff Comment: This portion of the lot is primarily adjacent to residential properties and natural resource areas. Proposed work will remove invasive species and improve the performance of a stormwater facility.

- v. Purpose of the zoning district of the area in which property is located and neighboring area;
Applicant Response:

Parcel is located in Limited Industrial (LI) zoning district is surrounded by Suburban/Estate Residence (R-SE). There is either substantial vegetation or a fence separating zoning district. This project will not alter these buffers.

Staff Comment: This portion of the lot is primarily adjacent to residential properties and natural resource areas. Proposed work will remove invasive species and improve the performance of a stormwater facility.

- vi. Any potential for negative effects upon adjoining property from the Special Exception if authorized.

Applicant Response:

Existing drainage patterns will not change. The discharge from the pond will increase slightly from existing conditions (0.5 cfs in 100yr-24hr storm). Based on Engineering Calculations, the existing swale has capacity to handle this flow to Rawson Ave.

Staff Comment: This portion of the lot is primarily adjacent to residential properties and natural resource areas. Proposed work will remove invasive species and improve the performance of a stormwater facility. The lot immediately to the south, which is owned by the applicant, includes a swale to convey water into the regional watershed.

Parks Commission Recommendation:

The Parks Commission has reviewed the subject Application pursuant to §15-9-08 of the Unified Development Ordinance and makes the following recommendation:

1. The recommendations set forth above are incorporated herein.
2. The Parks Commission recommends **approval** of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Parks Commission recommends that should the Plan Commission approve the Application, that such approval be subject to the following conditions:
 - a. Conservation Easements to protect Isolated Natural Resource Areas and compensation areas.

Plan Commission Decision:

Whereas, Ener-Con Companies, Inc., Applicant, having filed an application dated July 9, 2025, for a Natural Resource Special Exception pursuant to Section 15-9.08 of the City of Franklin Unified Development Ordinance; and

Whereas, the application having been reviewed by the City of Franklin Parks Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated March 9, 2026 being incorporated herein; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated March 9, 2026 being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the property which is the subject of the application for a Special Exception is located at 11311 W Forest Home Ave. / 748 1002 000, zoned LI Limited Industrial, and such property is more particularly described upon Exhibit B annexed hereto and incorporated herein; and

Now, Therefore, the Common Council makes the following findings upon the application for a Special Exception dated July 9, 2025, by Ener-Con Companies, Inc., Applicant, pursuant to the City of Franklin Unified Development Ordinance, the proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings:

Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Plan Commission hereby grants a Special Exception for such relief as is described within **Exhibit A**, upon the conditions:

1. that the natural resource features and mitigation areas upon the properties to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted prior to the issuance of any Occupancy Permits;
2. that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted;
3. that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for Ener-Con Companies, Inc., Applicant, and all other relevant provisions of the Unified Development Ordinance.
4. The applicant shall provide compensation for natural resource impacts by:

The duration of this grant of Special Exception is permanent.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2026.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin
this _____ day of _____, 2026.

APPROVED:

John R. Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____

DRAFT

PROJECT NARRATIVE

raSmith was contacted by Ener-Con to evaluate drainage concerns on their property located at 11311 W. Forest Home Ave. in Franklin, WI. The tenants are complaining that the parking lot is falling apart despite many maintenance efforts made by EnerCon. Prior to making a large investment to replace the parking lot, EnerCon wanted to address any underlying issues that would make any future infrastructure improvements more lasting.

The property is 18.59 acres consisting of two large warehouse type buildings with a shared central parking area. Additionally, there is sidewalk throughout the site with associated landscaping. A large wetland complex sits on the south end of the site. The second building was constructed in 1998 and included a large pond next to the wetlands for stormwater detention. A series of flat swales were constructed as part of this project to convey water to the pond and then as a discharge route from the pond. These swales have since been classified as wetlands, but we believe will be exempt from permitting as they have been created artificially. In 2018, there was a building addition project that added space to the north building. An underground detention system was constructed for stormwater management.

The existing drainage for the site is generally north to south. A 15" CMP culvert is located under the north building. Small areas of runoff flow through this culvert and to the shared parking lot. There are a series of storm sewer inlets located in the parking lot. Storm sewer from these inlets are routed south under the building, at two separate locations, and to the wetland complex. The majority of the wetland area, gradually drains to the detention pond. The detention pond overflows via a weir outlet structure to a swale located on the south end of the property. The swale flows to the Rawson Ave right of way and across the road by twin culverts

Based on multiple site visits, topo surveys, and storm sewer investigations, we are proposing to directly connect parking lot runoff to the pond. Existing parking lot discharge is just south of the south building. The wetlands have been silted in and there is no longer proper drainage to the pond. Soils in the area are constantly saturated and parking lot base can no longer dry out. Allowing parking lot runoff to discharge more freely via a direct storm sewer connection will help dry out the base course material and alleviate parking lot cracking from freeze/thaw conditions resulting from a wet pavement subbase. We are proposing to connect new 36" pipes to the ends of both of the current parking lot discharge sewers and running those pipes directly to the pond. Additional detail can be reviewed in the project plans.

Natural Resource Special Exception (NRSE)

Question and Answer Form

Date:

Property Owner:

Property Address:

SECTION 15-9-08.d NRSE REVIEW CRITERIA

The applicant shall have the burden of proof to present evidence sufficient to support the findings required.

Criteria for Approval. A Special Exception may be granted only upon a finding by the Plan Commission:

- i. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection (i) does not apply to an application to improve or enhance a natural resource feature).

Applicant Response:

We are trying to improve site drainage by directly connecting storm sewer to the detention pond. This will improve the useful life of the shared parking lot. As part of the project we will cleanup dead fall and maintain overgrowth to enhance the wetland. All wetland and wetland buffer that is impacted will only be temporary. All of the temporary impacts will be restored to an improved condition. Additionally, wetlands and wetland buffers that have been temporarily impacted will be mitigated at a rate of >1.5:1.

- ii. Compliance with the strict provisions of this Article will:
 - a. Be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives; or,
 - b. Unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives; and
 - c. The Special Exception, including the specific compensation measures in the Natural Resource Protection Plan and physical modifications to the site to protect other Natural Resources, including any conditions imposed under this Section will:
 - i. Enhance the overall character of the resulting development in a manner consistent with the planned character of the area and site; and
 - ii. Not effectively undermine the ability to apply or enforce the requirement with respect to other properties; and

- iii. Be in harmony with the general purpose and intent of the provisions of this Article; and
- iv. Incorporate sufficient monitoring, conditions, and financial sureties to ensure preservation and enhancement of Protected Areas and compensation areas; and
- v. Preserve or enhance the quality of the natural resources affected.

Applicant Response:

We have looked at this project several different ways and tried to minimize environmental impacts as much as possible. We are proposing to return the site to its existing conditions and add more wetland through landscaping and wetland plantings. We don't anticipate that these improvements will affect any of the neighbors. As part of the Conservation Easement and project plans, we will monitor and maintain the impacted natural resources as necessary.

In making its recommendation, the Plan Commission shall consider factors such as:

- i. The impact on physical characteristics of the property, including but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks;

Applicant Response:

There are no above ground improvements as part of this project. The wetlands and wetland buffers will be enhanced with vegetation. The site will generally look the same after the project is completed.

- ii. Any exceptional, extraordinary, or unusual circumstance or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district;

Applicant Response:

No

- iii. The proposed degree of noncompliance with the requirement of this Article to be allowed by the Special Exception;

We are proposing temporary wetland impacts of 8,194 SF and then restoring/improving the same 8,194 SF of wetland. We are also adding 4,170 SF of new wetland to meet the 1.5:1 mitigation requirement. We are proposing temporary wetland buffer impacts of 4,872 SF and then restoring/improving the same 4,872 SF of wetland buffer. We are also adding 2,610 SF of new wetland buffer to meet the 1.5:1 mitigation requirement.

We believe we are in total compliance with the Ordinance.

- iv. The project's proximity to and character of surrounding property;

Applicant Response:

The installation of storm sewer will be no closer than 150' to the parcel boundary. The site will generally look the same after the project is completed. The character of the surrounding property should be unchanged.

- v. Purpose of the zoning district of the area in which property is located and neighboring area;

Applicant Response:

Parcel is located in Limited Industrial (LI) zoning district and is surrounded by Suburban/Estate Residence (R-SE). There is either substantial vegetation or a fence separating zoning districts. This project will not alter these buffers.

- vi. Any potential for negative effects upon adjoining property from the Special Exception if authorized.

Applicant Response:

Existing drainage patterns will not change. The discharge from the pond will increase slightly from existing conditions (0.5 cfs in 100yr-24hr storm). Based on Engineering Calculations, the existing swale has capacity to handle this flow to Rawson Ave.

CONSERVATION EASEMENT

11311 W. Forest Home
FHCC #1 LLC, FHCC #2 LLC, FHCC #3 LLC

This Conservation Easement is made by and between the City of Franklin, a municipal corporation of the State of Wisconsin, hereinafter referred to as “Grantee,” and FHCC #1 LLC, FHCC #2 LLC, FHCC #3 LLC, all Wisconsin Limited Liability Companies, hereinafter referred to as “Grantor,” and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to § 700.40(2)(b) of the Wisconsin Statutes.

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, the wetlands, wetland buffers, and stormwater pond as shown on the Natural Resource Protection Plan dated February 11, 2026 as prepared by RA Smith, Inc. and any revisions thereto, which Plan is on file in the office of the City of Franklin Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantee is a “holder”, as contemplated by § 700.40(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under § 62.23 and § 236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space and water areas; and

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

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

WHEREAS, Citizens Bank, mortgagee of the protected property (“Mortgagee”), consents to the grant of this conservation easement by Grantor to Grantee and Mortgagee’s consent is attached hereto and identified as “Mortgage Holder Consent”.

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

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

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

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

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

The Grantee shall reserve the right to conduct maintenance activities within the easement that include the following:

1. Removal of dead, damaged, or diseased trees and vegetation.
2. Maintenance of wetland plantings as noted in the management plan and implementation schedule of the NRPP.
3. Yearly monitoring and removal of invasive plant species.
4. Storm sewer cleaning, jetting, repairing, and replacement as necessary to maintain drainage.
5. Pond outlet structure cleaning, repairing, and replacement as necessary to maintain existing stormwater hydrology.
6. Pond dredging to maintain minimum permanent pool depth of 5' for water quality.

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

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

To Grantor:
FHCC #1 LLC, FHCC #2 LLC, FHCC #3 LLC
Mr. Mike Dilworth, Managing Member
8575 W. Forest Home
Suite 160
Greenfield, WI 53228

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

In witness whereof, the Grantor has set his hand on this date of _____, 2026.

Grantor

By: _____
Mike Dilworth

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on the _____ day of _____, 2026, by Mike Dilworth, as CEO of FHCC, a Wisconsin Limited Liability Company, to me known to be the person who executed the foregoing conservation easement and acknowledged the same as the voluntary act and deed of said Grantor.

Notary Public

My commission expires _____

Acceptance

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

In witness whereof, the undersigned has executed and delivered this acceptance on the ____ day of _____, 20__.

CITY OF FRANKLIN

By: _____
John R. Nelson, Mayor

By: _____
Shirley Roberts, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

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

Notary Public

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:

Marion Ecks, AICP
Principal Planner
Department of City Development

Date

Approved as to form only:

Jesse A. Wesolowski
City Attorney

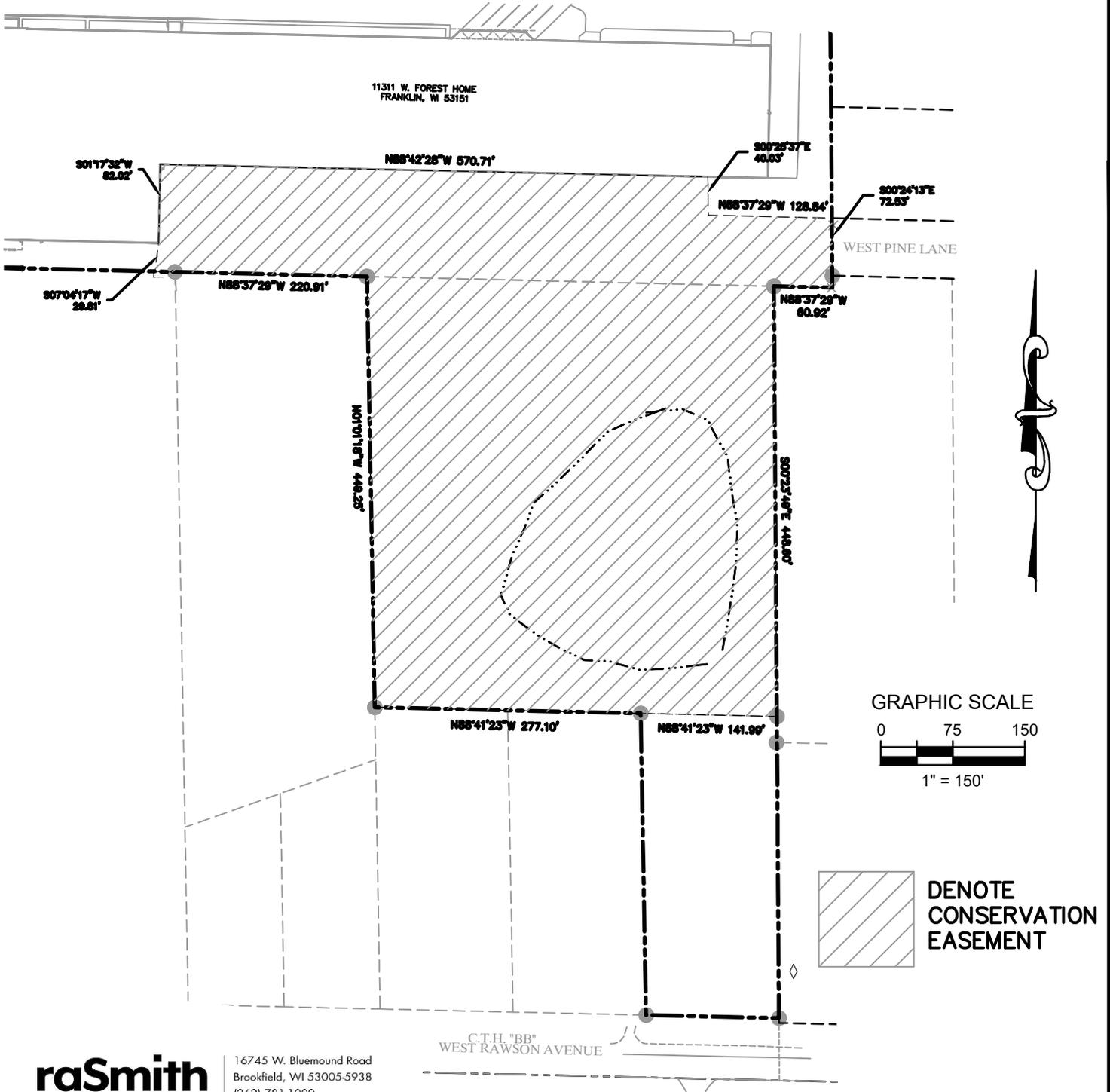
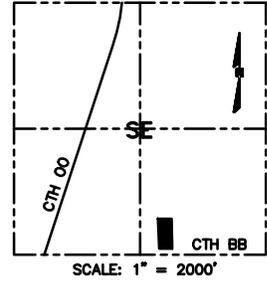
Date

EXHIBIT A CONSERVATION EASEMENT

FEBRUARY 9, 2026

OWNER: FHCC LLC
8575 W FOREST HOME AVE #160
GREENFIELD, WI 53228

LOCATION MAP
SOUTHEAST 1/4
OF SECTION 6, T5N, R21E



raSmith
CREATIVITY BEYOND ENGINEERING

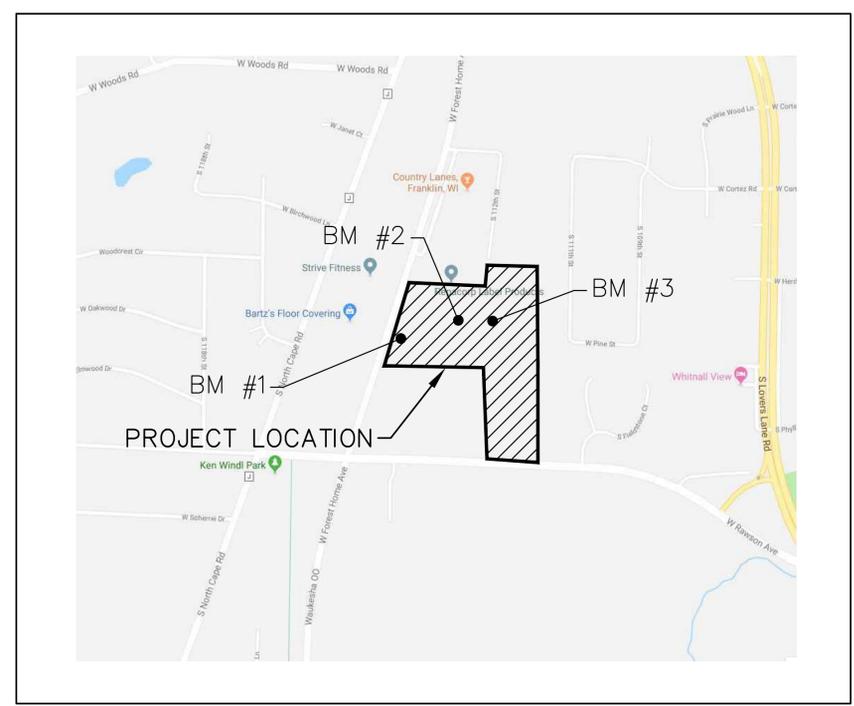
16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com

CONSTRUCTION DOCUMENTS FOR 11311 W. FOREST HOME AVE. CITY OF FRANKLIN, WI

LEGEND

- () INDICATES RECORDED DIMENSION WHERE DIFFERENT FROM ACTUAL MEASUREMENT
- ⊕ OR ⊞ SECTION OR 1/4 SECTION CORNER AS DESCRIBED
- ⊙ 1" DIA. IRON PIPE FOUND (UNLESS OTHERWISE NOTED)
- ⊙ 1" DIA. IRON PIPE, 18" LONG-SET (UNLESS OTHERWISE NOTED)
- ⊙ BOLLARD
- ⊕ SOIL BORING/MONITORING WELL
- ⊕ FLAGPOLE
- ⊕ MAILBOX
- ⊕ SIGN
- ⊕ BILLBOARD
- ⊕ AIR CONDITIONER
- ⊕ CONTROL BOX
- ⊕ TRAFFIC SIGNAL
- ⊕ RAILROAD CROSSING SIGNAL
- ⊕ CABLE PEDESTAL
- ⊕ POWER POLE
- ⊕ GUY POLE
- ⊕ GUY WIRE
- ⊕ LIGHT POLE
- ⊕ SPOT/YARD/PEDESTAL LIGHT
- ⊕ HANDICAPPED PARKING
- ⊕ ELECTRIC MANHOLE
- ⊕ ELECTRIC PEDESTAL
- ⊕ ELECTRIC METER
- ⊕ ELECTRIC TRANSFORMER
- ⊕ TELEPHONE MANHOLE
- ⊕ TELEPHONE PEDESTAL
- ⊕ MARKED FIBER OPTIC
- ⊕ GAS VALVE
- ⊕ GAS METER
- ⊕ GAS WARNING SIGN
- ⊕ STORM MANHOLE
- ⊕ ROUND INLET
- ⊕ SQUARE INLET
- ⊕ STORM SEWER END SECTION
- ⊕ SANITARY MANHOLE
- ⊕ SANITARY CLEANOUT OR SEPTIC VENT
- ⊕ SANITARY INTERCEPTOR MANHOLE
- ⊕ MISCELLANEOUS MANHOLE
- ⊕ WATER VALVE
- ⊕ HYDRANT
- ⊕ WATER SERVICE CURB STOP
- ⊕ WATER MANHOLE
- ⊕ WELL
- ⊕ WATER SURFACE
- ⊕ WETLANDS FLAG
- ⊕ MARSH
- ⊕ CONIFEROUS TREE
- ⊕ DECIDUOUS TREE
- ⊕ SHRUB
- EDGE OF TREES
- SANITARY SEWER
- STORM SEWER
- WATER MAIN
- MARKED GAS MAIN
- MARKED ELECTRIC
- OVERHEAD WIRES
- BUREAU ELEC. SERV.
- MARKED TELEPHONE
- MARKED CABLE TV LINE
- MARKED FIBER OPTIC
- INDICATES EXISTING CONTOUR ELEVATION
- INDICATES EXISTING SPOT ELEVATION
- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE

VICINITY MAP



PLAN INDEX

SHEET NO.	DESCRIPTION
C000	COVER SHEET
EX-1	EXISTING CONDITIONS EXHIBIT
C100	UTILITY PLAN
C200	GRADING AND EC PLAN
C300	NATURAL RESOURCE PROTECTION PLAN
C301	NATURAL RESOURCE PROTECTION PLAN
C400	CIVIL DETAILS
C500	SPECIFICATIONS

ENGINEER:

raSmith
CREATIVITY BEYOND ENGINEERING
16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com

OWNER/DEVELOPER:

FHCC, LLC
8575 W. FOREST HOME AVE. #160
GREENFIELD, WI 53228
PH.: 414/425-4939

BENCHMARKS:

- BENCHMARK #1:
RAILROAD SPIKE IN POWER
POLE NORTHWEST FACE
ELEVATION = 786.39
- BENCHMARK #2:
NORTHWEST FLANGE BOLT
ON HYDRANT
ELEVATION = 785.36
- BENCHMARK #3:
NORTHWEST FLANGE BOLT
ON HYDRANT
ELEVATION = 786.15

DATUM:

- NATIONAL GEODETIC VERTICAL DATUM 1929 (NAVD 29)
- HORIZONTAL DATUM:
STATE PLANE NAD 1927 (2016 ADJUSTMENT)
STATE PLANE WISCONSIN SOUTH

PLAN DATE: 06/01/2025

REVISIONS	ISSUE DATE	SHEET NO.'S	ISSUED FOR:
1	08/22/2025	C100-C300	CITY COMMENTS
2	10/31/2025	C200	CITY COMMENTS
3	02/09/2026	C300	CITY PLANNING COMMENTS

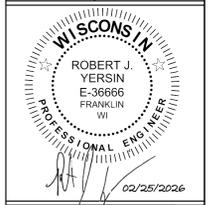
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Naperville, IL | Pittsburgh, PA | Irvine, CA

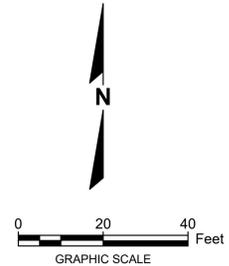
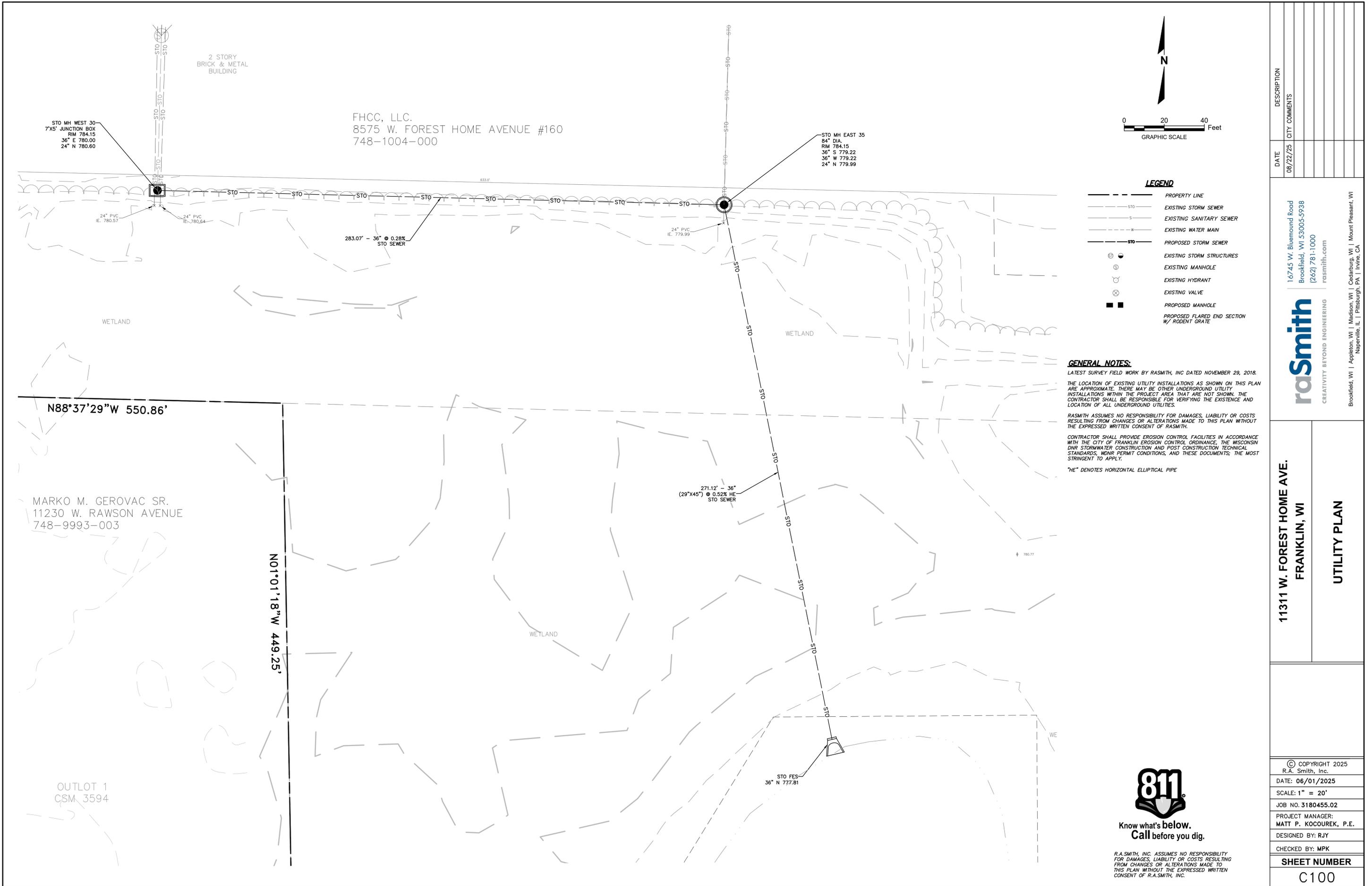
11311 W. FOREST HOME AVE.
CITY OF FRANKLIN, WI

TITLE SHEET



© COPYRIGHT 2026
R.A. Smith, Inc.
DATE: 06/01/2025
SCALE: N.T.S.
JOB NO. 3180455.02
PROJECT MANAGER:
MATT P. KOCUREK, P.E.
DESIGNED BY: RJY
CHECKED BY: MPK

SHEET NUMBER
C000



DESCRIPTION
CITY COMMENTS
DATE
08/22/25

16745 W. Bluemound Road
 Brookfield, WI 53005-5938
 (262) 781-1000
 rasmith.com

raSmith
 CREATIVITY BEYOND ENGINEERING

Brookfield, WI | Appleton, WI | Madison, WI | Cedarburg, WI | Mount Pleasant, WI
 Naperville, IL | Pittsborough, PA | Irvine, CA

**11311 W. FOREST HOME AVE.
 FRANKLIN, WI**

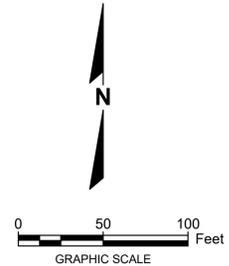
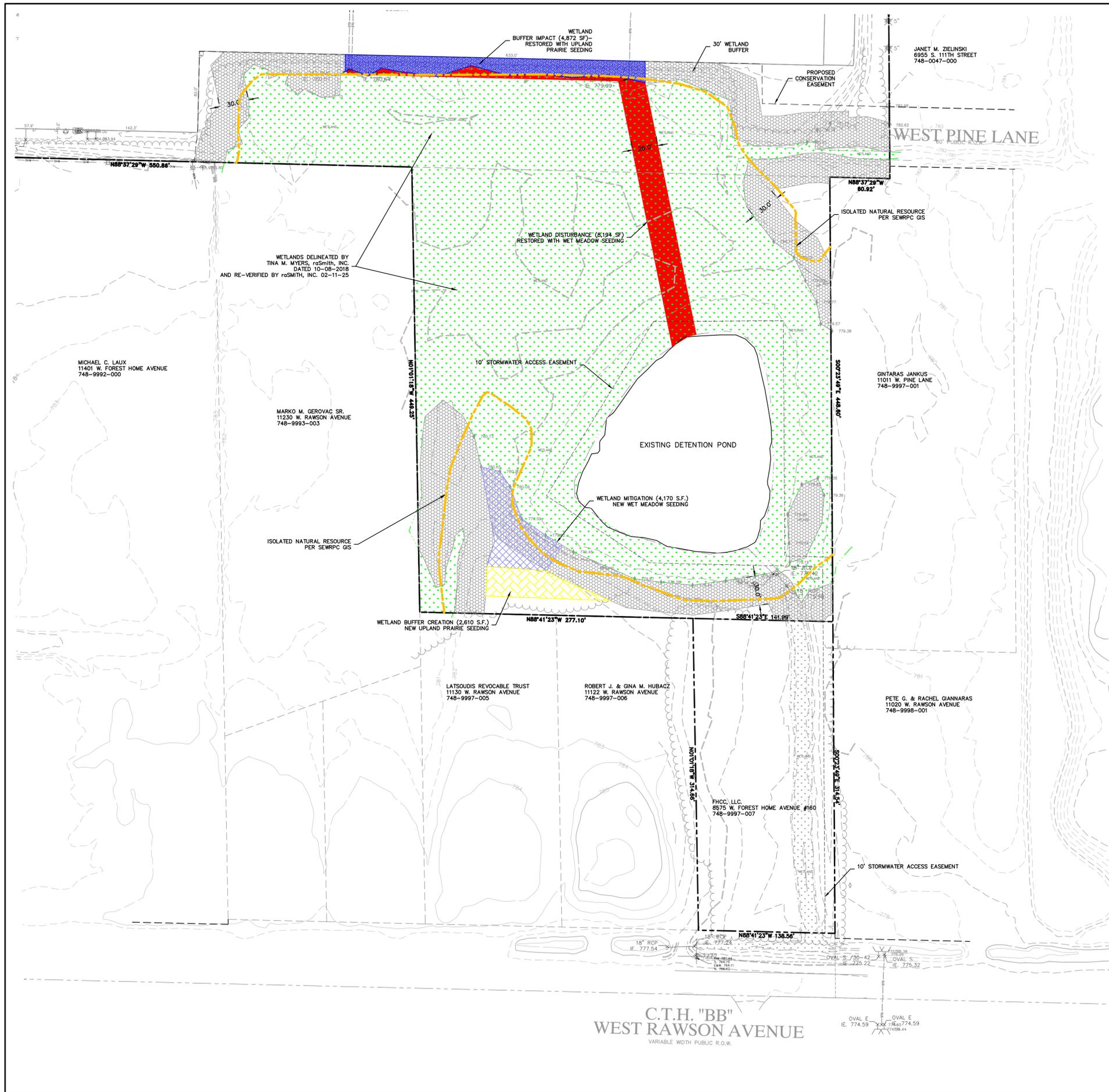
UTILITY PLAN

© COPYRIGHT 2025 R.A. Smith, Inc.
DATE: 06/01/2025
SCALE: 1" = 20'
JOB NO. 3180455.02
PROJECT MANAGER: MATT P. KOCOUREK, P.E.
DESIGNED BY: RJY
CHECKED BY: MPK
SHEET NUMBER
C100



R.A. SMITH, INC. ASSUMES NO RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS RESULTING FROM CHANGES OR ALTERATIONS MADE TO THIS PLAN WITHOUT THE EXPRESSED WRITTEN CONSENT OF R.A. SMITH, INC.

P:\3180455\3180455.02.dwg (Sheet) 3180455.02-UP01.dwg, UTILITY PLAN, 11/17/2025 1:52:18 PM, 69



NATURAL RESOURCE DATA			
DESCRIPTION	AREA (SQ.FT.)	AREA (ACRES)	PATTERN
TOTAL PARCEL	809,773	18.589	
EX. ISOLATED NATURAL RESOURCE	205,103	4.709	
EX. WETLANDS	163,978	3.764	
EX. WETLAND BUFFER	53,719	1.233	
PROP. TEMP. WETLAND IMPACT	8,194	0.188	
PROP. WETLAND RESTORATION/IMPROVEMENT	8,194	0.188	
PROP. WETLAND MITIGATION	4,170	0.096	
TOTAL WETLAND MITIGATION/RESTORATION (1.5:1)	12,364	0.284	
PROP. TEMP. WETLAND BUFFER IMPACT	4,872	0.118	
PROP. WETLAND BUFFER RESTORATION/IMPROVEMENTS	4,872	0.118	
PROP. WETLAND BUFFER MITIGATION	2,610	0.060	
TOTAL WETLAND BUFFER MITIGATION/RESTORATION (1.5:1)	7,482	0.172	

ALL AREAS PROVIDED ON THE TABLE ARE WITHIN THE BOUNDARY OF THE SUBJECT PARCEL.

NOTE
NO GRADING, FILLING, OR MATERIAL DEPOSITION IN WETLANDS UNTIL A U.S. ARMY CORPS OF ENGINEERS §404 PERMIT AND CITY OF FRANKLIN APPROVAL ARE ON FILE.

NRPP COMPLIANCE SUMMARY
THIS PROJECT COMPLIES WITH THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE (UDO) PART 4 - NATURAL RESOURCE PROTECTION PLAN (NRPP) FOR NON-RESIDENTIAL DEVELOPMENT AFFECTING WETLAND AND WETLAND BUFFER. TEMPORARY IMPACTS INCLUDE 8,194 SQUARE FEET (0.188 ACRES) OF EXISTING WETLAND, AND 4,872 SQUARE FEET (0.118 ACRES) OF WETLAND BUFFER FOR THE INSTALLATION OF A PROPOSED STORM SEWER. BOTH WETLANDS AND WETLAND BUFFERS HAVE BEEN MITIGATED AT A RATE >1.5:1.

DATE	DESCRIPTION
08/22/25	CITY COMMENTS
02/09/26	CITY NRPP COMMENTS

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com



Brookfield, WI | Appleton, WI | Madison, WI | Cedarburg, WI | Mount Pleasant, WI
Naperville, IL | Pittsburgh, PA | Irvine, CA

11311 W. FOREST HOME AVE.
FRANKLIN, WI

NATURAL RESOURCE PROTECTION PLAN

© COPYRIGHT 2026 R.A. Smith, Inc.
DATE: 06/01/2025
SCALE: 1" = 50'
JOB NO. 3180455.02
PROJECT MANAGER: MATT P. KOCOUREK, P.E.
DESIGNED BY: RJY
CHECKED BY: MPK
SHEET NUMBER
C300



Know what's below.
Call before you dig.

R.A. SMITH, INC. ASSUMES NO RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS RESULTING FROM CHANGES OR ALTERATIONS MADE TO THIS PLAN WITHOUT THE EXPRESSED WRITTEN CONSENT OF R.A. SMITH, INC.

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DIVISION 1 – GENERAL REQUIREMENTS

01 41 00 – REGULATORY REQUIREMENTS

- THE LATEST EDITIONS OF THE FOLLOWING DOCUMENTS AND ANY SUPPLEMENTS THERETO, SHALL GOVERN ALL CONSTRUCTION ITEMS ON THIS PLAN UNLESS OTHERWISE NOTED:
 - WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WDNR) STORM WATER TECHNICAL STANDARDS
 - WISCONSIN EROSION CONTROL PRODUCT ACCEPTABILITY LIST
 - STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN (SSSWCW)
 - WISCONSIN ADMINISTRATIVE CODE, SECTION SPS 382
 - WISCONSIN DEPARTMENT OF TRANSPORTATION (WISDOT) STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION
 - WISCONSIN DEPARTMENT OF TRANSPORTATION (WISDOT) APPROVED PRODUCT LISTS (APL)
 - FEDERAL HIGHWAY ADMINISTRATION MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)
 - WISCONSIN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (WMUTCD)
 - UNITED STATES DEPARTMENT OF JUSTICE ADA STANDARDS
 - UNITED STATES DEPARTMENT OF TRANSPORTATION ADA STANDARDS FOR TRANSPORTATION FACILITIES
 - MUNICIPALITY DEVELOPMENT STANDARDS
 - COUNTY DEVELOPMENT STANDARDS
- THE OWNER, ENGINEER AND MUNICIPALITY SHALL BE NOTIFIED AT LEAST 48 HOURS IN ADVANCE OF PERFORMING ANY CONSTRUCTION ACTIVITIES.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING COPIES OF ALL PERMITS AND FOR AIDING IN ALL PERMIT REQUIREMENTS AND RESTRICTIONS.
- THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL FEDERAL, STATE, AND LOCAL SAFETY REQUIREMENTS TOGETHER WITH EXERCISING PRECAUTIONS AT ALL TIMES FOR THE PROTECTION OF PERSONS (INCLUDING EMPLOYEES) AND PROPERTY. IT IS ALSO THE RESPONSIBILITY OF THE CONTRACTOR TO INITIATE, MAINTAIN, AND SUPERVISE ALL SAFETY REQUIREMENTS, PRECAUTIONS, AND PROGRAMS IN CONNECTION WITH THE WORK.
- SHOP DRAWINGS AND/OR MANUFACTURER'S PRODUCT DATA SUBMITTALS ARE REQUIRED ONLY IF THE PRODUCT OR METHOD OF CONSTRUCTION IS DIFFERENT FROM THAT SPECIFIED OR IF REQUIRED BY THE MUNICIPAL ENGINEER.
 - ALL DOCUMENTS SUBMITTED FOR REVIEW SHALL HAVE THE SPECIFIC MATERIAL, PART, SIZE, ETC. HIGHLIGHTED IN SOME FASHION. EXAMPLE: A FITTING CUT SHEET HAS MULTIPLE PRESSURE RATING FOR DIFFERENT SIZE BENDS. HIGHLIGHT THE PRESSURE CLASS & SIZE TO BE USED ON PROJECT. ALL SUBMITTALS NOT PROPERLY IDENTIFIED WITH THE SPECIFIC MATERIAL, PART, SIZE, ETC. WILL BE REJECTED.
 - CONTRACTOR SHALL SUBMIT A TRUE COPY AND AN EXPLANATION OF HOW THE SUBSTITUTION MEETS THE PROPOSED DESIGN (PRODUCT SPECIFICATION SHEETS WITHOUT EXPLANATION WILL NOT BE ACCEPTED) TO THE OWNER'S REPRESENTATIVE OR ENGINEER FOR REVIEW AND APPROVAL. THE CONTRACTOR SHALL NOT PROCEED UNTIL THE OWNER'S APPROVAL IS GIVEN. IN PROJECT SCHEDULING CONTRACTOR SHALL ACCOUNT FOR 5 WORKING DAYS FOR SUBMITTAL REVIEW. IN THE EVENT SUCH SUBSTITUTION IS APPROVED, THE OWNER WILL REQUIRE FROM THE CONTRACTOR A CREDITED DEDUCTION FROM THE CONTRACT AMOUNT EQUAL TO ANY SAVINGS IN MATERIAL COST RESULTING FROM USE OF THE PROPOSED SUBSTITUTE.
- THE CONTRACTOR SHALL COMPLETE AND BE RESPONSIBLE FOR THE QUALITY OF WORK. IF CHANGES OR ADJUSTMENTS ARE RECOMMENDED BY THE CONTRACTOR, THEY MAY BE MADE ONLY UPON WRITTEN APPROVAL OF THE OWNER OR THEIR REPRESENTATIVE.
 - ALL WORK SHALL BE DONE IN COMPLIANCE WITH THE CONTRACT DOCUMENTS. THE OWNER OR THEIR REPRESENTATIVE SHALL DECIDE ALL QUESTIONS THAT SHALL ARISE AS TO THE QUALITY AND ACCEPTABILITY OF MATERIALS FURNISHED, WORK PERFORMED, AND WORKMANSHIP. INTERPRETATION OF THE PLANS AND SPECIFICATIONS BY THE OWNER OR THEIR REPRESENTATIVE SHALL DETERMINE THE AMOUNT OF WORK PERFORMED AND MATERIALS FURNISHED.
 - FAILURE OR NEGLIGENCE ON THE PART OF THE OWNER OR THEIR REPRESENTATIVE TO CONDEMN OR REJECT SUBSTANDARD OR INFERIOR WORK OR MATERIALS SHALL NOT BE CONSTRUED TO IMPLY AN ACCEPTANCE OF SUCH WORK OR MATERIALS. IF IT BECOMES EVIDENT AT ANY TIME PRIOR TO THE FINAL ACCEPTANCE OF THE WORK BY THE OWNER, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE WORK, AT ANY SUBSEQUENT TIME, FROM THE RECOVERY OF DAMAGES OR OF SUCH A SUM OF MONEY AS MAY BE NEEDED TO BUILD ANEW ALL PORTIONS OF THE SUBSTANDARD OR INFERIOR WORK OR REPLACEMENT OF IMPROPERLY FURNISHED MATERIALS.
 - INSPECTORS EMPLOYED BY THE OWNER SHALL BE AUTHORIZED TO INSPECT ALL WORK DONE AND ALL MATERIAL FURNISHED. SUCH INSPECTION MAY EXTEND TO ALL OR ANY PART OF THE WORK AND ALL PREPARATION, FABRICATION OR MANUFACTURE OF THE MATERIALS TO BE USED. THE INSPECTOR IS NOT AUTHORIZED TO MAKE, ALTER OR MAKE ALTER OF WORK OR REQUIREMENTS OF THE SPECIFICATIONS. HE IS AUTHORIZED TO APPROVE OR ACCEPT ANY PORTION OF THE COMPLETED PROJECT. HE SHALL CALL THE ATTENTION OF THE CONTRACTOR TO ANY FAILURE OF THE WORK OR MATERIALS TO CONFORM TO THE SPECIFICATIONS AND CONTRACT, AND SHALL HAVE THE AUTHORITY TO REJECT MATERIALS. ANY DISPUTE BETWEEN THE INSPECTOR AND CONTRACTOR SHALL BE REFERRED TO THE OWNER OR THEIR REPRESENTATIVE. ANY ADVICE WHICH THE INSPECTOR MAY GIVE THE CONTRACTOR SHALL IN NO WAY BE CONSTRUED AS BINDING THE ENGINEER IN ANY WAY OR RELEASING THE CONTRACTOR FROM FULFILLING ANY OF THE TERMS OF THE CONTRACT.
 - ALL MATERIALS AND EACH PART OF DETAIL OF THE WORK SHALL BE SUBJECT AT ALL TIMES TO INSPECTION BY THE OWNER OR HIS AUTHORIZED REPRESENTATIVE OR THE AUTHORITY HAVING JURISDICTION AND THE CONTRACTOR WILL BE HELD STRICTLY TO THE TRUE INTENT OF THE SPECIFICATIONS IN REGARD TO QUALITY OF MATERIALS, WORKMANSHIP, AND THE DILIGENT EXECUTION OF THE CONTRACT. SUCH INSPECTION MAY INCLUDE MILL, PLANT OR SHOP INSPECTION, AND ANY MATERIAL FURNISHED UNDER THESE SPECIFICATIONS SUBJECT TO SUCH INSPECTION. THE OWNER OR HIS REPRESENTATIVE SHALL BE ALLOWED ACCESS TO ALL PART OF THE WORK, AND SHALL BE FURNISHED WITH SUCH INFORMATION AND ASSISTANCE BY THE CONTRACTOR AS IS DETERMINED BY THE OWNER OR HIS REPRESENTATIVE, TO MAKE A COMPLETE AND DETAILED INSPECTION.
 - ALL WORKMANSHIP SHALL CONFORM TO THE BEST STANDARD PRACTICE. UNLESS OTHERWISE SPECIFIED, THE SPECIFICATIONS OR RECOGNIZED ASSOCIATION OF MANUFACTURERS AND CONTRACTORS OR INDUSTRIAL MANUFACTURERS SHALL BE USED AS GUIDES FOR THE STANDARDS OF WORKMANSHIP.
 - ALL EXPOSED ITEMS OF WORK SHALL PRESENT A NEAT WORKMANLIKE APPEARANCE AND SHALL BE AS TRUE TO SHAPE AND ALIGNMENT AS POSSIBLE TO OBTAIN WITH MEASURING OR LEVELING INSTRUMENTS GENERALLY USED IN THE RESPECTIVE TYPES OF WORK. ITEMS OF WORK SHALL BE SOUND AND FULLY PROTECTED AGAINST DAMAGE AND PREMATURE DETERIORATION. IT IS SPECIFICALLY UNDERSTOOD THAT IN ALL QUESTIONS OF QUALITY AND ACCEPTABILITY OF WORKMANSHIP, THE CONTRACTOR AGREES TO ABIDE BY THE DECISION OF THE OWNER OR THEIR REPRESENTATIVE.
 - ALL MATERIALS AND WORKMANSHIP NOT CONFORMING TO THE REQUIREMENTS OF THE CONTRACT DOCUMENTS SHALL BE CONSIDERED AS DEFECTIVE, AND ALL SUCH MATERIALS, WHETHER IN-PLACE OR NOT, SHALL BE REJECTED AND SHALL BE REMOVED FROM THE WORK BY THE CONTRACTOR AT HIS EXPENSE. UPON FAILURE ON THE PART OF THE CONTRACTOR TO COMPLY WITH ANY ORDER OF THE OWNER RELATIVE TO THE PROVISIONS OF THIS ARTICLE, THE OWNER SHALL HAVE THE AUTHORITY TO REMOVE AND REPLACE SUCH DEFECTIVE MATERIAL AND TO DEDUCT THE COST OF REMOVAL AND REPLACEMENT FROM ANY MONIES DUE OR WHICH MAY BECOME DUE TO THE CONTRACTOR.
 - THE CONTRACTOR SHALL KEEP A LEGIBLE COPY OF THE PLANS, SPECIFICATIONS, AND ALL PERMITS AT THE SITE OF THE WORK AT ALL TIMES.
 - AT THE COMPLETION OF THE WORK AND PRIOR TO FINAL PAYMENT, THE CONTRACTOR SHALL PROVIDE THE OWNER OR THEIR REPRESENTATIVE WITH A MARKED-UP SET OF DRAWINGS SHOWING ALL CHANGES OR VARIATIONS FROM THE ORIGINAL DRAWINGS. THESE CHANGES SHALL BE MADE ON A SET OF FIELD DRAWINGS AS THE WORK TAKES PLACE, NOT AFTER THE WORK IS COMPLETE. THIS SET OF DRAWINGS SHOULD BE KEPT CLEAN IN A LOCATION AT THE SITE WHERE THE OWNER OR THEIR REPRESENTATIVE MAY EXAMINE THEM.
 - THE MARKED-UP DRAWINGS SHALL BE ACCURATE. ARBITRARY MARKINGS ARE OF NO VALUE. CAREFUL MEASUREMENTS SHALL BE MADE TO LOCATE UNDERGROUND EXTERIOR AND UNDERGROUND INTERIOR SEWERS, GAS LINES, WATER LINES, ELECTRICAL CONDUIT AND MISCELLANEOUS PIPING.
- CONTRACTOR IS RESPONSIBLE FOR ALL TRAFFIC CONTROL, TRAFFIC CONTROL PLANS AND PERMITTING FOR ALL WORK TO BE COMPLETED ON-SITE OR IN THE PUBLIC RIGHT-OF-WAY.

01 70 00 – EXECUTION & CLOSEOUT REQUIREMENTS

- THE CONTRACTOR IS RESPONSIBLE FOR EXAMINING ALL EXISTING SITE CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION AND SHALL COMPARE WITH THIS PLAN.
- EXISTING UTILITY INFORMATION IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY, BASED ON BEST AVAILABLE PUBLIC RECORDS, AS-BUILT DRAWINGS, AND FIELD OBSERVATIONS. NO RESPONSIBILITY IS ASSUMED BY THE OWNER OR ENGINEER FOR ACCURACY OR COMPLETENESS. THE CONTRACTOR IS RESPONSIBLE FOR MAKING THEIR OWN DETERMINATION AS TO THE TYPE AND NATURE OF EXISTING UTILITIES, AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.
- THE CONTRACTOR SHALL VERIFY ALL LOCATIONS, ELEVATIONS, AND SIZES OF EXISTING UTILITIES AND SHALL CHECK ALL PROPOSED UTILITY CONNECTIONS AND CROSSINGS PRIOR TO PROCEEDING WITH ANY WORK. ANY CONFLICTS SHALL BE REPORTED TO THE ENGINEER SO REDESIGN MAY OCCUR IF NEEDED. COST OF REPLACEMENT OR REPAIR OF EXISTING UTILITIES DAMAGED AS A RESULT OF THE CONTRACTOR'S OPERATIONS SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING SOIL CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION. A GEOTECHNICAL REPORT MAY BE AVAILABLE FROM THE OWNER. THE CONTRACTOR SHALL ABIDE BY THE RECOMMENDATIONS OF THE GEOTECHNICAL REPORT AND SUBSEQUENT RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER DURING CONSTRUCTION.
- THE CONTRACTOR SHALL FIELD VERIFY ELEVATIONS OF THE BENCHMARKS AND HORIZONTAL CONTROL BY REFERENCING SHOWN COORDINATES TO KNOWN PROPERTY LINES, AND SHALL NOTIFY THE ENGINEER OF DISCREPANCIES IN EITHER VERTICAL OR HORIZONTAL CONTROL PRIOR TO PROCEEDING WITH ANY WORK.
- SURVEY BENCHMARKS AND CONTROL POINTS SHALL BE MAINTAINED AND PROTECTED FROM DISTURBANCE.
- PROPERTY CORNERS SHALL BE CAREFULLY PROTECTED AT ALL TIMES. PROPERTY MONUMENTS DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
- ANY ADJACENT PROPERTIES OR ROAD RIGHT-OF-WAYS WHICH ARE DAMAGED DURING CONSTRUCTION SHALL BE RESTORED BY THE CONTRACTOR. THE COST OF RESTORATION IS CONSIDERED INCIDENTAL AND SHALL BE INCLUDED.
- PUBLIC ROADS SHALL NOT BE FULLY CLOSED TO TRAFFIC AT ANY TIME. ALL INGRESS AND EGRESS TRAFFIC TO THE PROJECT SITE SHALL BE LIMITED TO THE CONSTRUCTION ENTRANCE.
- THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR DETERMINING QUANTITIES, SHALL BID ON THEIR OWN ESTIMATE OF THE WORK REQUIRED, AND SHALL NOT RELY ON THE ENGINEER'S ESTIMATE.
- REQUESTS FOR CLARIFICATION WILL BE INTERPRETED BY THE OWNER/ENGINEER PRIOR TO AWARD OF CONTRACT, AND WHEN NECESSARY, OFFICIAL WRITTEN RESPONSES WILL BE ISSUED. OFFICIAL WRITTEN RESPONSES SHALL BE BINDING TO THE WORK. IN NO WAY SHALL VERBAL DIALOGUE CONSTITUTE OFFICIAL RESPONSE.
- SHOULD ANY DISCREPANCIES BE DISCOVERED BY THE CONTRACTOR AFTER AWARD OF CONTRACT, NOTIFY OWNER/ENGINEER IN WRITING IMMEDIATELY. CONSTRUCTION OF ITEMS AFFECTED BY THE DISCREPANCIES SHALL NOT COMMENCE OR CONTINUE UNTIL AN OFFICIAL WRITTEN RESPONSE IS ISSUED.
- ALL WORK SHALL BE GUARANTEED BY THE CONTRACTOR FOR A MINIMUM PERIOD OF 12 MONTHS FROM THE DATE OF FINAL ACCEPTANCE. THIS GUARANTEE SHALL INCLUDE ALL DEFECTS IN MATERIALS AND WORKMANSHIP.
- THE CONTRACTOR SHALL INDEMNIFY THE OWNER, THE ENGINEER, AND THE MUNICIPALITY, THEIR AGENTS, ETC., FROM ALL LIABILITY INVOLVED WITH THE CONSTRUCTION, INSTALLATION, AND TESTING OF THE WORK ON THIS PROJECT.

DIVISION 31 – EARTHWORK

31 10 00 – SITE CLEARING & DEMOLITION

- WORK SHALL CONSIST OF DEMOLITION, ABANDONMENT, AND REMOVAL OF EXISTING FOUNDATIONS, WALLS, SLABS, FENCES, PIPING, PAVEMENTS, AND OTHER MANMADE ITEMS INTERFERING WITH NEW CONSTRUCTION. WORK SHALL ALSO CONSIST OF CLEARING AND GRUBBING OF TREES, SHRUBS, VEGETATION, ROOTS, STUMPS, RUBBISH, AND OTHER PERISHABLE MATTER INTERFERING WITH NEW CONSTRUCTION.
- ALL ITEMS SHALL INCLUDE ALL NECESSARY MATERIALS AND LABOR TO COMPLETE THE ITEM IN PLACE.
- CALL 811 TO NOTIFY UTILITY PROVIDERS AND REQUEST FIELD LOCATION OF EXISTING UTILITIES WITHIN PROJECT LIMITS PRIOR TO ANY CONSTRUCTION RELATED ACTIVITIES.
- INSTALL PERIMETER FENCING AS INDICATED PRIOR TO COMMENCING ANY CONSTRUCTION RELATED ACTIVITY.
- CONDITIONS AND THESE REQUIREMENTS, THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER SHALL GOVERN.
- PROTECT EXISTING IMPROVEMENTS TO REMAIN DURING CONSTRUCTION. ANY DAMAGED IMPROVEMENTS SHALL BE RESTORED TO ORIGINAL CONDITION, OR AS OTHERWISE ACCEPTABLE TO THE OWNER.
- REMOVE EXISTING ABOVE-GRADE AND BELOW-GRADE IMPROVEMENTS AS INDICATED AND AS NECESSARY TO CONSTRUCT PROPOSED IMPROVEMENTS.
- SAWCUT ALL PAVEMENT TO BE REMOVED IN STRAIGHT LINES TO FULL DEPTH.
- DEMOLISH CONCRETE AND MASONRY IN SMALL SECTIONS. BREAK UP CONCRETE SLABS THAT ARE 2 FEET OR MORE BELOW PROPOSED SUBGRADE TO PERMIT DRAINAGE.
- DISCONNECT AND SEAL/CAP EXISTING UTILITIES TO BE REMOVED, RELOCATED, OR ABANDONED IN ACCORDANCE WITH REQUIREMENTS OF UTILITY PROVIDERS.
- THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING OWNERSHIP OF AND COORDINATING NECESSARY REMOVAL AND/OR RELOCATION OF ALL EXISTING UTILITIES WITHIN THE PROJECT LIMITS.
- DO NOT INTERRUPT UTILITY SERVICE TO EXISTING FACILITIES UNLESS PERMITTED BY THE OWNER.
- VOIDS LEFT BY REMOVALS SHALL BE LEVELED TO PREVENT PONDING OF WATER.
- EXISTING AND LEGALLY DISPOSED OF MATERIALS, TRASH, AND DEBRIS FROM THE PROJECT SITE, RUBBISH, TRASH, GARBAGE, AND LITTER SHALL BE PLACED IN SEALED CONTAINERS THROUGHOUT CONSTRUCTION.

31 20 00 – EARTH MOVING

- WORK SHALL CONSIST OF STRIPPING AND STORAGE OF TOPSOIL, EXCAVATION, EMBANKMENT, IMPORTING OR EXPORTING MATERIAL TO ACHIEVE LAND BALANCE, COMPACTION, FINISH GRADING, SUBGRADE PREPARATION, AND REPLACEMENT OF TOPSOIL.
- ALL ITEMS SHALL INCLUDE ALL NECESSARY MATERIALS AND LABOR TO COMPLETE THE ITEM IN PLACE.
- ALL EARTHWORK SHALL BE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL REPORT AND SUBSEQUENT RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER DURING CONSTRUCTION BASED ON FIELD CONDITIONS, AND THESE REQUIREMENTS, THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER SHALL GOVERN.
- EXCAVATE TO SUBGRADE REGARDLESS OF THE CHARACTER OF SURFACE AND SUBSURFACE CONDITIONS ENCOUNTERED. EXCAVATED MATERIAL MAY INCLUDE ROCK AND UNCLASSIFIED OBSTRUCTIONS, WHICH IS CONSIDERED INCIDENTAL AND SHALL BE INCLUDED IN THE WORK.
- EXISTING FOUNDATIONS, BUILDING REMAINTS, AND UNSATISFACTORY MATERIAL SHALL BE COMPLETELY REMOVED FROM WITHIN AND A MINIMUM OF 10 FEET BEYOND BUILDING PAD AREAS. ANY RELATED EXCAVATION SHALL BE BACKFILLED WITH COMPACTED ENGINEERED FILL MATERIAL.
- EXISTING FOUNDATIONS, BUILDING REMAINTS, AND UNSATISFACTORY MATERIAL SHALL BE REMOVED TO A MINIMUM OF 2 FEET BELOW PROPOSED SUBGRADE WITHIN GREENSPACE AND PAVEMENT AREAS. ANY RELATED EXCAVATION SHALL BE BACKFILLED WITH COMPACTED ENGINEERED FILL MATERIAL.
- AREAS SHALL BE GRADED TO WITHIN 1 INCH, MORE OR LESS, OF PROPOSED SUBGRADE. DEVIATIONS SHALL NOT BE CONSISTENT IN ONE DIRECTION.
- DISKING, HARROWING, AND AERATION TECHNIQUES SHALL BE USED TO DRY SUBGRADE PRIOR TO PROOF ROLLING.
- IN THE PRESENCE OF THE GEOTECHNICAL ENGINEER, PROOF ROLL SUBGRADE BELOW BUILDING PAD AND PAVEMENT AREAS DURING DRY WEATHER WITH A FULLY LOADED TANDEM AXLE DUMP TRUCK WHERE COHESIVE SOILS ARE PREDOMINANT, AND WITH A SMOOTH DRUMMED VIBRATORY ROLLER WHERE GRANULAR SOILS ARE PREDOMINANT. SUBGRADE WHICH IS OBSERVED TO RUIT OR DEFLECT EXCESSIVELY SHALL BE UNDERGUT IN ACCORDANCE WITH RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER. DO NOT PROOF ROLL NET OR SATURATED SUBGRADE.
- THE CONTRACTOR SHALL MAINTAIN POSITIVE SITE DRAINAGE THROUGHOUT CONSTRUCTION. THIS MAY INCLUDE EXCAVATION OF TEMPORARY DITCHES OR PUMPING TO ALLEVIATE WATER PONDING. SURFACE WATER AND GROUNDWATER SHALL BE PREVENTED FROM ENTERING EXCAVATIONS, PONDING ON PREPARED SUBGRADES, AND FLOODING PROJECT SITE AND SURROUNDING AREAS.
- THE CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR ALL EARTHWORK COMPUTATIONS AND FOR ACTUAL LAND BALANCE, INCLUDING UTILITY TRENCH SPOIL. THE CONTRACTOR SHALL IMPORT OR EXPORT MATERIAL AS NECESSARY TO COMPLETE THE PROJECT.
- TOPSOIL REPLACEMENT DEPTH SHALL BE AS CALLED OUT ON THE CIVIL OR LANDSCAPE PLANS, OR A MINIMUM OF SIX INCHES IF NOT CALLED OUT ON LANDSCAPE PLAN.
- TOPSOIL IN PARKING ISLANDS: ALL PARKING LOT ISLANDS TO BE BACKFILLED WITH TOPSOIL TO A MINIMUM DEPTH OF 18" BY GRADING CONTRACTOR TO INSURE LONG TERM PLANT HEALTH. CROWN ALL PLANTING ISLANDS A MINIMUM OF 6" TO PROVIDE PROPER DRAINAGE, UNLESS OTHERWISE SPECIFIED.

31 25 00 – EROSION & SEDIMENTATION CONTROLS

- WORK SHALL CONSIST OF INSTALLATION OF TEMPORARY AND PERMANENT PRACTICES FOR SEDIMENTATION CONTROL, EROSION CONTROL, SLOPE PROTECTION, AND REMOVAL OF PRACTICES UPON FINAL SITE STABILIZATION.
- ALL ITEMS SHALL INCLUDE ALL NECESSARY MATERIALS AND LABOR TO COMPLETE THE ITEM IN PLACE.
- INSTALLATION AND MAINTENANCE OF PRACTICES SHALL BE IN ACCORDANCE WITH THE APPLICABLE WDNR TECHNICAL STANDARD, OR THE WISCONSIN CONSTRUCTION SITE BEST MANAGEMENT PRACTICE HANDBOOK IF A TECHNICAL STANDARD IS NOT AVAILABLE.
- ALL PRACTICES SHALL BE INSTALLED PRIOR TO COMMENCING ANY LAND DISTURBING CONSTRUCTION RELATED ACTIVITY. EARTHWORK ASSOCIATED WITH INSTALLATION OF PRACTICES MAY OCCUR CONCURRENTLY.
- ALL PRACTICES SHALL BE MAINTAINED THROUGHOUT THE DURATION OF THE PROJECT AND WARRANTY PERIOD IN CONFORMANCE WITH PERMIT REQUIREMENTS.
- ALL PRACTICES SHALL BE ROUTINELY INSPECTED EVERY 7 DAYS AND WITHIN 24 HOURS OF A RAINFALL GREATER THAN 0.5 INCHES. THE CONTRACTOR IS REQUIRED TO PERFORM INSPECTIONS, KEEP A LOG, AND CONDUCT REPAIRS AS NEEDED.
- ALL DISTURBED AREAS SHALL DRAIN TO A CONTROL PRACTICE AT ALL TIMES DURING CONSTRUCTION UNTIL FINAL STABILIZATION IS ACHIEVED. DEPENDING UPON HOW THE CONTRACTOR GRADES THE SITE, IT MAY BE NECESSARY TO INSTALL ADDITIONAL CONTROL PRACTICES IN VARIOUS LOCATIONS THROUGHOUT THE PROJECT SITE. THE CONTRACTOR IS RESPONSIBLE FOR INSTALLATION OF ANY ADDITIONAL CONTROL PRACTICES NECESSARY TO PREVENT EROSION AND SEDIMENTATION.
- ALL DISTURBED GROUND LEFT INACTIVE FOR 7 DAYS SHALL BE STABILIZED WITH A TEMPORARY SEED MIXTURE AND MULCH. THE TEMPORARY SEED MIXTURE SHALL BE IN ACCORDANCE WITH SECTION 630 OF WISDOT STANDARD SPECIFICATIONS. WINTER WHEAT OR RYE SHALL BE USED FOR TEMPORARY SEED AFTER SEPTEMBER 1.
- DISTURBED AREAS THAT CAN NOT BE STABILIZED WITH A DENSE GROWTH OF VEGETATION DUE TO TEMPERATURE OR TIMING OF CONSTRUCTION SHALL BE STABILIZED BY APPLYING ANIONIC POLYACRYLAMIDE (PAM).
- ALL ACTIVITIES ON THE PROJECT SITE SHALL BE CONDUCTED IN A LOGICAL SEQUENCE TO MINIMIZE THE AREA OF BARE SOIL EXPOSED AT ANY ONE TIME.
- DUST GENERATED BY CONSTRUCTION RELATED ACTIVITIES SHALL BE MINIMIZED BY USE OF WATERING, CALCIUM CHLORIDE SURFACE TREATMENT, CONSTRUCTION SCHEDULING, OR OTHER APPROPRIATE MEASURES.
- THE CONTRACTOR SHALL BE PREPARED FOR DEWATERING CONDITIONS BY HAVING APPROPRIATE PUMPS AND FILTER BAGS ON-SITE. ALL WATER FROM CONSTRUCTION DEWATERING SHALL BE TREATED PRIOR TO DISCHARGE FROM THE PROJECT SITE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE CLEANLINESS OF THE PROJECT SITE AND PUBLIC ROADS DURING CONSTRUCTION. PUBLIC ROADS SHALL BE KEPT FREE OF SEDIMENT TRACKED FROM AREAS UNDER CONSTRUCTION BY DAILY SWEEPING OR OTHER APPROPRIATE MEASURES.
- FINAL STABILIZATION OF LANDSCAPED AREAS SHALL BE IN ACCORDANCE WITH THE APPROVED LANDSCAPE PLAN. ALL SEEDED AREAS SHALL BE FERTILIZED, RESEEDED AS NECESSARY, AND MULCHED IN ACCORDANCE WITH THE APPROVED LANDSCAPE PLAN TO MAINTAIN A VIGOROUS DENSE VEGETATIVE COVER.

DIVISION 33 – UTILITIES

33 40 00 – STORMWATER DRAINAGE

- WORK SHALL CONSIST OF INSTALLATION AND TESTING OF THE STORMWATER DRAINAGE SYSTEM AND ALL APPURTENANCES.
- ALL ITEMS SHALL INCLUDE ALL NECESSARY MATERIALS AND LABOR TO COMPLETE THE ITEM IN PLACE.
- ALL PUBLIC STORMWATER DRAINAGE WORK SHALL BE IN ACCORDANCE WITH WISCONSIN ADMINISTRATIVE CODE SPS 382, MUNICIPALITY DEVELOPMENT STANDARDS AND SSSWCW.
- ALL PRIVATE STORMWATER DRAINAGE WORK SHALL BE IN ACCORDANCE WITH WISCONSIN ADMINISTRATIVE CODE SPS 382 AND MUNICIPALITY DEVELOPMENT STANDARDS.
- REINFORCED CONCRETE PIPE (RCP) AND END SECTIONS SHALL BE IN ACCORDANCE WITH SECTION 8.6.0 OF SSSWCW AND CONFORM TO ASTM C76 WITH RUBBER GASKETED JOINTS CONFORMING TO ASTM C443. UNLESS NOTED OTHERWISE, 12-INCH DIAMETER PIPE SHALL BE CLASS V, 15-INCH DIAMETER PIPE SHALL BE CLASS IV, AND 18-INCH DIAMETER PIPE AND LARGER SHALL BE CLASS III.
- CORRUGATED METAL PIPE (CMP) AND END SECTIONS SHALL BE 16 GAUGE CONFORMING TO ASTM A760.
- HIGH-DENSITY POLYETHYLENE (HDPE) PIPE SHALL BE ADS N12 WF 18 PIPE CONFORMING TO ASTM F2648 WITH WATER TIGHT JOINTS CONFORMING TO ASTM D3212, GASKETS CONFORMING TO ASTM F477 AND FITTINGS CONFORMING TO ASTM F2306.
- POLYVINYL CHLORIDE (PVC) PIPE AND FITTINGS SHALL BE SDR 35 CONFORMING TO ASTM D3034 WITH PUSH-ON RUBBER GASKETED JOINTS CONFORMING TO ASTM D3212.
- MANHOLES SHALL BE PRECAST REINFORCED CONCRETE IN ACCORDANCE WITH SECTION 8.39.0 OF SSSWCW AND CONFORM TO ASTM C478. SIZES SHALL BE AS INDICATED AND VERIFIED BY THE CONTRACTOR PRIOR TO ORDERING.
- CATCH BASINS SHALL BE PRECAST REINFORCED CONCRETE IN ACCORDANCE WITH SECTION 3.6.0 OF SSSWCW AND CONFORM TO ASTM C478. SIZES SHALL BE AS INDICATED AND VERIFIED BY THE CONTRACTOR PRIOR TO ORDERING.
- INLETS SHALL BE PRECAST REINFORCED CONCRETE IN ACCORDANCE WITH SECTION 3.6.0 OF SSSWCW AND CONFORM TO ASTM C913. SIZES SHALL BE AS INDICATED AND VERIFIED BY THE CONTRACTOR PRIOR TO ORDERING.
- AREA DRAINS SHALL BE ADS NYLOPLAST AS APPROVED BY THE WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES PLUMBING PRODUCTS REGISTER.
- FRAMES AND GRATES SHALL BE AS INDICATED. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING FRAMES AND GRATES ARE COMPATIBLE WITH PRECAST STRUCTURES PRIOR TO ORDERING.
- TRENCH SECTION SHALL BE CLASS B IN ACCORDANCE WITH SECTION 3.2.6 OF SSSWCW. MAXIMUM ALLOWABLE TRENCH WIDTH SHALL BE OUTSIDE DIAMETER OF PIPE PLUS 20 INCHES.
- PIPE BEDDING AND COVER MATERIAL SHALL BE IN ACCORDANCE WITH SECTION 8.4.3.0 OF SSSWCW. MINIMUM COVER OVER PIPE SHALL BE 12 INCHES.
- TRENCH BACKFILL MATERIAL SHALL BE MECHANICALLY COMPACTED GRANULAR BACKFILL IN ACCORDANCE WITH SECTION 8.4.3.4 OF SSSWCW BENEATH AND WITHIN 5 FEET OF PAVEMENT AREAS, AND SHALL BE SPOIL BACKFILL IN ACCORDANCE WITH SECTION 8.4.3.5 OF SSSWCW BENEATH GREENSPACE AREAS, UNLESS ALTERNATIVE COMPACTION IS RECOMMENDED IN THE GEOTECHNICAL REPORT OR BY THE GEOTECHNICAL ENGINEER DURING CONSTRUCTION, IN WHICH CASE THE CONTRACTOR IS TO FOLLOW THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER.
- CAUTION MUST BE FOLLOWED REGARDING THE COMPACTION OF ALL UTILITY TRENCHES. FLOODING OF BACKFILL MATERIAL IS NOT ALLOWED.
- ALL CONNECTIONS TO EXISTING STORM SEWER PIPES AND STRUCTURES SHALL BE CORED CONNECTIONS, UNLESS NOTED OTHERWISE.
- FLEXIBLE COMPRESSION COUPLINGS SHALL BE USED IN THE CONNECTION OF DISSIMILAR PIPE MATERIALS.
- CLEANOUTS AND RISER EXTENSIONS SHALL BE INSTALLED IN ACCORDANCE WITH SPS 382.35 FROM SEWER PIPES TO GROUND SURFACE. LIGHT DUTY LOADING CLASSIFICATION SHALL BE USED IN UNPAVED AREAS. MEDIUM DUTY LOADING CLASSIFICATION SHALL BE USED IN PAVED FOOT TRAFFIC AREAS. HEAVY DUTY LOADING CLASSIFICATION SHALL BE USED IN PAVED VEHICULAR TRAFFIC AREAS. FRAMES AND COVERS SHALL BE SET FLUSH WITH SURFACE.
- TRACER WIRE SHALL BE BROWN AND INSTALLED IN ACCORDANCE WITH SECTION 2.11.1 OF SSSWCW ON ALL BURIED NON-METALLIC PUBLIC STORM SEWER PIPE, PRIVATE STORM INTERCEPTOR PIPE, AND BUILDING STORM SERVICE PIPE. TRACER WIRE SHALL BE INSULATED, SINGLE-CONDUCTOR, 12 GAUGE SOLID COPPER OR COPPER COATED STEEL WIRE, SECURED AT LEAST EVERY 10 FEET AND AT ALL BENDS, WITH ACCESS POINTS AT LEAST EVERY 400 FEET.
- FIELD TILE ENCOUNTERED DURING CONSTRUCTION SHALL BE CONNECTED TO THE STORMWATER DRAINAGE SYSTEM. IF THIS CANNOT BE ACCOMPLISHED, THEN IT SHALL BE REPAIRED WITH NEW PIPE OF SIMILAR SIZE AND MATERIAL. DOCUMENTATION OF SUCH FIELD TILE SHALL BE PROVIDED TO THE OWNER.
- PROPOSED STORM SERVICES SHOWN ON THIS PLAN SHALL TERMINATE AT A POINT FIVE (5) FEET FROM THE EXTERIOR BUILDING WALL. CONNECTIONS TO DOWNSPOUTS SHALL BE PER DETAILS ON THE BUILDING PLUMBING PLANS. THE EXACT LOCATION OF DOWNSPOUTS SHALL BE PER THE ARCHITECTURAL PLANS.
- THE CONTRACTOR SHALL ADJUST ALL MANHOLE RIMS AND INLETS TO FINISH SURFACE.
- AFTER INSTALLATION OF STORMWATER DRAINAGE SYSTEM, CLEAN ALL DEBRIS FROM SYSTEM AND INSPECT FOR DAMAGE. REPAIR ANY DAMAGE.

DESCRIPTION									
DATE									
16745 W. Bluemound Road Brookfield, WI 53005-5938 (262) 781-1000  raSmith.com CREATIVITY BEYOND ENGINEERING									
11311 W. FOREST HOME AVE. CITY OF FRANKLIN, WI SPECIFICATIONS									
© COPYRIGHT 2025 R.A. Smith, Inc. DATE: 06/01/2025 SCALE: N.T.S. JOB NO. 3180455.02 PROJECT MANAGER: MATT P. KOCUREK, P.E. DESIGNED BY: RJY CHECKED BY: MPK SHEET NUMBER C500									

Brookfield, WI | Appleton, WI | Madison, WI | Cedarburg, WI | Mount Pleasant, WI
 Naperville, IL | Pittsburgh, PA | Irvine, CA



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

Meeting of March 19, 2026

Certified Survey Map and Land Division Variance

RECOMMENDATION: City Development Staff recommends approval of the Certified Survey Map and Land Division Variance related to the Poths General mixed-use development.

Project Name: Poths General Certified Survey Map and Land Division Variance
Project Address/Tax Key: Approximately 7154 South 76th Street / 756 9993 012, 756 9993 016, and 756 9993 021
Property Owner: INITECH, LLC, A WISCONSIN LIMITED LIABILITY COMPANY
Applicant: Emily Cialdini, Land By Label
Aldermanic District: District 5
Zoning District: Planned Development District No. 42
Staff Planner: Nick Fuchs, Planning Associate

Project Description/Analysis

Please note:

- Recommendations are underlined, in italics and are included in the draft resolution.

The applicant filed a Certified Survey Map (CSM) and Land Division Variance for the Poths General development for properties located at approximately 7154 South 76th Street.

The CSM creates four lots. The table below lists the four newly created parcels along with acreage and the proposed use of each lot. The configuration of the parcels and land uses is consistent with the site plan approvals of the Poths General development.

Lot Number	Acreage	Use
1	2.4368	Commercial
2	18.4343	Mixed Use, primarily apartments
3	2.0997	Commercial
4	1.5446	Commercial (Harry's Ace Hardware and Rental)

All lots conform to the minimum lot area requirements of PDD No. 42. However, the access provided to Lot 3 is by a narrow strip of land which extends north to W. Rawson Avenue. As such Lot 3 constitutes a flag lot and requires Land Division Variance approval from Section 15-8-02D. and Section 15-8-02M. of the Unified Development Ordinance.

Section 15-8-02D. requires a lot that does not directly abut a public right-of-way to provide a minimum 60-foot strip of land for access. The proposed strip of land is 50-feet at the street property

line. Section 15-8-02M. prohibits flag lots. Lot 3 constitutes a flag lot as the width of the lot abutting the public right-of-way is less than 50-feet.

It should be noted that PDD No. 42 does not have a minimum lot width requirement and several commercial zoning districts in the UDO require a minimum lot width of 50-feet.

The CSM contains easements and natural resource delineations consistent with previous approvals. *An Easement Application is required for the Conservation Easement for Common Council review and approval.*

Staff Recommendation:

City Development Staff recommends approval of the Certified Survey Map and Land Division Variance related to the Poths General mixed-use development.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2026-_____

A RESOLUTION CONDITIONALLY APPROVING A 4 LOT CERTIFIED SURVEY MAP, BEING A REDIVISION OF LOT 2, CERTIFIED SURVEY MAP NO. 8318, OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 6313, AND OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 5401 AND ADDITIONAL LANDS, ALL BEING PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 10, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN
(POTHS GENERAL LLC, APPLICANT) (INITECH LLC, PROPERTY OWNER)
(APPROXIMATELY 7154 SOUTH 76TH STREET)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a four lot certified survey map, such map being a redivision of all of Lot 2, Certified Survey Map No. 8318, Outlot 1 of Certified Survey Map No. 6313, and Outlot 1 of Certified Survey Map No. 5401 and additional lands, all being part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, which is bounded and described as follows:

Commencing at Northwest corner of said Northwest 1/4 of said Section 10; thence South 00°15'45" East along the West line of said Northwest 1/4 Section 596.70 feet to a point; thence North 89°59'53" East 60.00 feet to the East line of South 76th Street (C.T.H. U) and the point of beginning of lands described hereinafter; thence North 89°59'53" East along the South line of Lot 1 of Certified Survey Map No. 8318 a distance of 228.57 feet to the East line of said Lot 1; thence North 00°00'07" West along said East line 68.60 feet to a point; thence North 89°59'53" East along said East line 52.02 feet to a point; thence North 00°00'07" West along said East line 144.04 feet to a point; thence North 22°40'40" West along said East line 56.53 feet to the Southeast corner of Parcel 3 of Certified Survey Map No. 4828; thence North 26°53'02" West along the East line of said Parcel 3 a distance of 178.51 feet to a point; thence North 00°15'45" West along said East line 100.00 feet to a point on the South line of West Rawson Avenue (C.T.H. BB); thence North 89°26'54" East along said South line 50.00 feet to the Northwest corner of Parcel 4 of Certified Survey Map No. 4828; thence South 00°15'45" East along the West line of said Parcel 4 a distance of 110.74 feet to a point; thence South 26°53'02" East along said West line 110.74 feet to the South line of said Parcel 4; thence North 89°26'36" East along said South line 169.93 feet to a point on the West line of Parcel 1 of Certified Survey Map No. 5689; thence South 00°08'22" East along said West line 40.00 feet to the South line of said Parcel 4; thence North 89°26'36" East along said South line 90.53 feet to the West line of said Parcel 4; thence South 00°15'45" East along said West line 275.00 feet to the South line of Parcel 2 of Certified Survey Map No. 4483; thence North 89°26'36" East along said South line 270.00 feet to the East line of said Parcel 2; thence North 00°15'45" West along said East line 225.00 feet to the Southwest corner of Certified Survey Map No. 6811; thence North 89°26'54" East along the South line of said Certified Survey Map 458.68 feet to the West line of Phase VII Westminster Condominiums; thence South 00°11'53" East along said West line and the West

POTHS GENERAL LLC – CERTIFIED SURVEY MAP

RESOLUTION NO. 2026-_____

Page 2

line of Dover Hill Addition No. 1 Subdivision 946.39 feet to the North line of Carter Grove Condominium; thence South 89°28'54" West along said North line 869.44 feet to the Southeast corner of Parcel 1 of Certified Survey Map No. 5401; thence North 00°31'06" West along the East line of said Parcel 1 a distance of 90.00 feet to the North line of said Parcel 1; thence South 89°28'54" West along said North line 111.56 feet to a point; thence North 62°22'32" West along said North line 63.59 feet to a point; thence South 89°28'54" West along said North line 230.00 feet to a point on the East line of South 76th Street (C.T.H. U); thence North 00°15'45" West along said East line 603.29 feet to the point of beginning.

Property located at approximately 7154 South 76th Street, bearing Tax Key Nos. 756 9993 012, 756 9993 016, and 756 9993 021, Poths General LLC, applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Poths General 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, 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 *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. Poths General LLC, successors and assigns, and any developer of the Poths General LLC one (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

POTHS GENERAL LLC – CERTIFIED SURVEY MAP

RESOLUTION NO. 2026-_____

Page 3

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 Poths General LLC and the 4 lot certified survey map project for the property located at approximately 7154 South 76th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. The Certified Survey Map is contingent upon the approval of the concurrently submitted Land Division Variance request from Section 15-8-02D. and Section 15-8-02M. of the Unified Development Ordinance to allow a flag lot with a lot width of 50-feet for Lot 3, opposed to the required minimum lot width abutting a public street of 60-feet.
7. The applicant shall provide a Conservation Easement for natural resources to be protected, to be recorded with the CSM.
8. The applicant must resolve any technical corrections required by the Engineering or Planning Department, or the City Attorney’s Office prior to the recording of the Certified Survey Map.

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

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owner, Initech LLC, 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 _____, 2026.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2026.

APPROVED:

John R. Nelson, Mayor

POTHS GENERAL LLC – CERTIFIED SURVEY MAP
RESOLUTION NO. 2026-_____

Page 4

ATTEST:

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____

[Draft 3-11-26]

RESOLUTION NO. 2026-_____

A RESOLUTION CONDITIONALLY APPROVING A LAND DIVISION
VARIANCE FOR A FOUR-LOT CERTIFIED SURVEY MAP,
BEING A REDIVISION OF LOT 2, CERTIFIED SURVEY MAP NO. 8318
(POTHS GENERAL LLC, APPLICANT) (INITECH LLC, PROPERTY OWNER)
(APPROXIMATELY 7154 SOUTH 76TH STREET)

WHEREAS, the City of Franklin, Wisconsin, having received an application from Poths General LLC, for a Land Division Variance from Section 15-8-02D. and Section 15-8-02M. of the Unified Development Ordinance for Lot 3 of the concurrently submitted Certified Survey Map for a land division variance to allow for Lot 3 with a 50-foot wide access to Rawson Avenue, opposed to the required minimum lot width abutting a public street of 60-feet;

WHEREAS, such variance being necessary as a concurrent application for approval of a four-lot Certified Survey Map being a redivision of lot 2, Certified Survey Map no. 8318, Outlot 1 of Certified Survey Map no. 6313, and Outlot 1 of Certified Survey Map no. 5401 and additional lands, all being part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin; and

WHEREAS, granting of variances to the land division and platting provisions of the Unified Development Ordinance is a function of the Plan Commission pursuant to §15-9-02.B.1.g of the Unified Development Ordinance; and

WHEREAS, granting of variances to the land division and platting provisions of the Unified Development Ordinance is a function of the Plan Commission pursuant to §15-9-02.B.1.g of the Unified Development Ordinance; and a public hearing having been held before the Plan Commission on the 19th day of March, 2026, pursuant to 15-9-07.D of the Unified Development Ordinance; and

WHEREAS, §15-9-07.C. of the Unified Development Ordinance sets forth findings 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. *The application of the ordinance to the particular piece of property would create an unnecessary hardship*, to wit: Strict application of the 60-foot frontage requirement creates an unnecessary hardship because Lot 3 was intentionally configured as a standalone parcel to support the mixed-use redevelopment. It provides a 50-foot-wide driveway to Rawson Avenue that safely meets the intent of the ordinance. Compliance

POTHS GENERAL LLC – LAND DIVISION VARIANCE

RESOLUTION NO. 2026-_____

Page 2

would require acquiring additional adjacent property, which is not reasonably feasible. The hardship results from the site’s physical constraints rather than any action by the applicant.

2. *Such conditions are peculiar to the particular piece of property involved, to wit:* The frontage limitation is a condition peculiar to this specific parcel because it was uniquely configured to function as a standalone lot while providing access to the overall mixed-use redevelopment. The 50-foot frontage results from the site’s physical layout and circulation needs and is not a condition shared by surrounding properties.

3. *Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Master Plan, to wit:* Granting the requested relief will not negatively impact public safety or the surrounding properties, as the existing access points have been previously approved and are currently functioning safely. The variance simply allows continued use of an established condition without intensifying its impact. Therefore, the relief is consistent with the intent of the ordinance and the goals of the comprehensive master plan.

4. *The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship, to wit:* The requested variance is the minimum relief necessary because it only permits the continued use of the existing, previously approved access point.

BE IT FURTHER RESOLVED, that the application by Poths General LLC, 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 Poths General LLC.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2026.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2026.

APPROVED:

John R. Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____

Poths General Legal Description

PARCEL A:

Parcel 2 of Certified Survey Map No. 8318, recorded on January 6, 2011, as Document No. 9956357, a division of Parcel 1 of Certified Survey Map No. 6313, being part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

Property Address: 7154 South 76th Street, Franklin, WI 53132

Tax Key Number: 756-9993-021

PARCEL B:

Outlot 1 of Certified Survey Map No. 6313, recorded on December 27, 1996, on Reel 3956, Images 849 to 851 inclusive, as Document No. 7307525, being a redivision of Parcel 2 of Certified Survey Map No. 4828, and Outlot 1 of Certified Survey Map No. 5689, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

Tax Key Number: 756-9993-016

PARCEL C:

Outlot 1 of Certified Survey Map No. 5401, recorded on April 2, 1990, on Reel 2434, Images 436 to 439 inclusive, as Document No. 6366765, a redivision of Parcel 1 of Certified Survey Map No. 4828, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

Tax Key Number: 756-9993-012

Findings in the Review of Variances

Date:
Property Owner:
Property Address:

[SECTION 15-9-07.C](#) VARIANCE REVIEW CRITERIA

In determining whether a Variance should be granted, the Board of Zoning and Building Appeals must consider whether the practical difficulty or unnecessary hardship claimed by the applicant was created by the applicant and take into account the nature of the hardship. No Variance shall be granted unless the Board of Zoning and Building Appeals makes all the following findings:

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;
[Response:](#)

2. Such conditions are peculiar to the particular piece of property involved;
[Response:](#)

3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive master plan;
[Response:](#)

4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.
[Response:](#)

CERTIFIED SURVEY

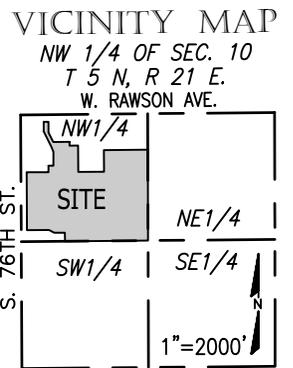
MAP NO. _____

A redivision of Lot 2, Certified Survey Map No. 8318, Outlot 1 of Certified Survey Map No. 6313, and Outlot 1 of Certified Survey Map No. 5401 and additional lands, all being part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

VARIABLE WIDTH PUBLIC R.O.W.
W. RAWSON AVENUE (C.T.H. BB)

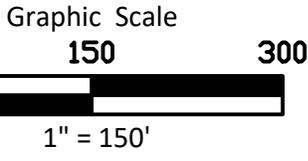
Owner:
 Initech, LLC
 6151 S. 108th St.
 Hales Corners, WI
 53130-2524

All bearings are referenced to the Wisconsin State Plane Coordinate System (South zone) NAD83, in which the West line of the NW 1/4, Section 10, Township 5 North, Range 21 East bears S00°15'45"E.



LEGEND

- Indicates Found 1" Iron Pipe
- Denotes Set 3/4" X 18" Iron Rebar, 1.5 LBS./FT.
- Indicates Found 3/4" Iron Rod
- △ Indicates Found Mag Nail

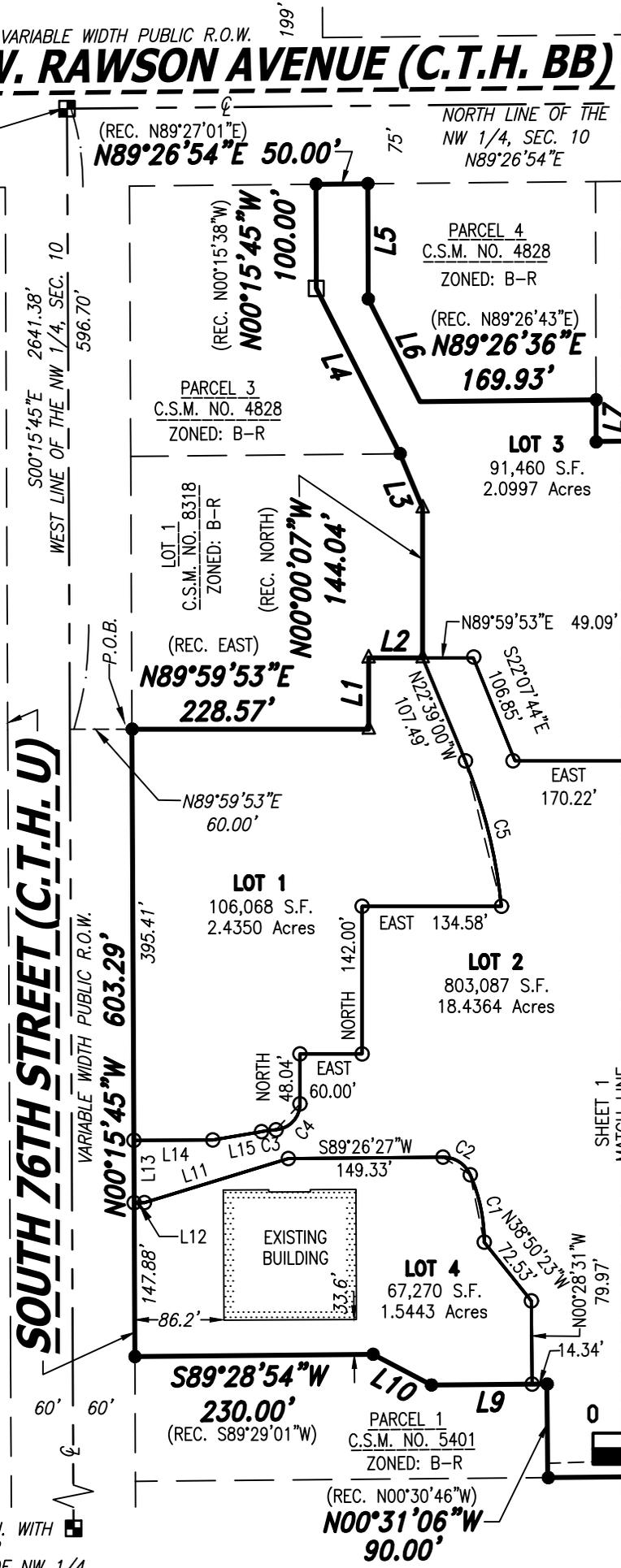


LINE TABLE		
LINE	BEARING	DIST.
L1	N00°00'07"W REC. NORTH	68.60'
L2	N89°59'53"E REC. EAST	52.02'
L3	N22°40'40"W REC. N22°40'33"E	56.53'
L4	N26°53'02"W REC. N26°52'55"W	178.51'
L5	S00°15'45"E REC. S00°15'38"E	110.74'
L6	S26°53'02"E REC. S26°52'55"E	110.74'
L7	S00°08'22"E REC. S00°08'15"E	40.00'
L8	N89°26'36"E REC. N89°26'43"E	90.53'
L9	S89°28'54"W REC. S89°29'01"W	111.56'
L10	N62°22'32"W REC. N62°22'25"W	63.59'

SEE SHEET 3 FOR LINE AND CURVE TABLE FOR THE LOTS

Note: All lots are served by public sanitary sewer and water

Subject Property Zoning: PDL-42
 Tax Key Number:
 7569993012
 7569993021
 7569993016



SHEET 1
 MATCH LINE
 SHEET 2

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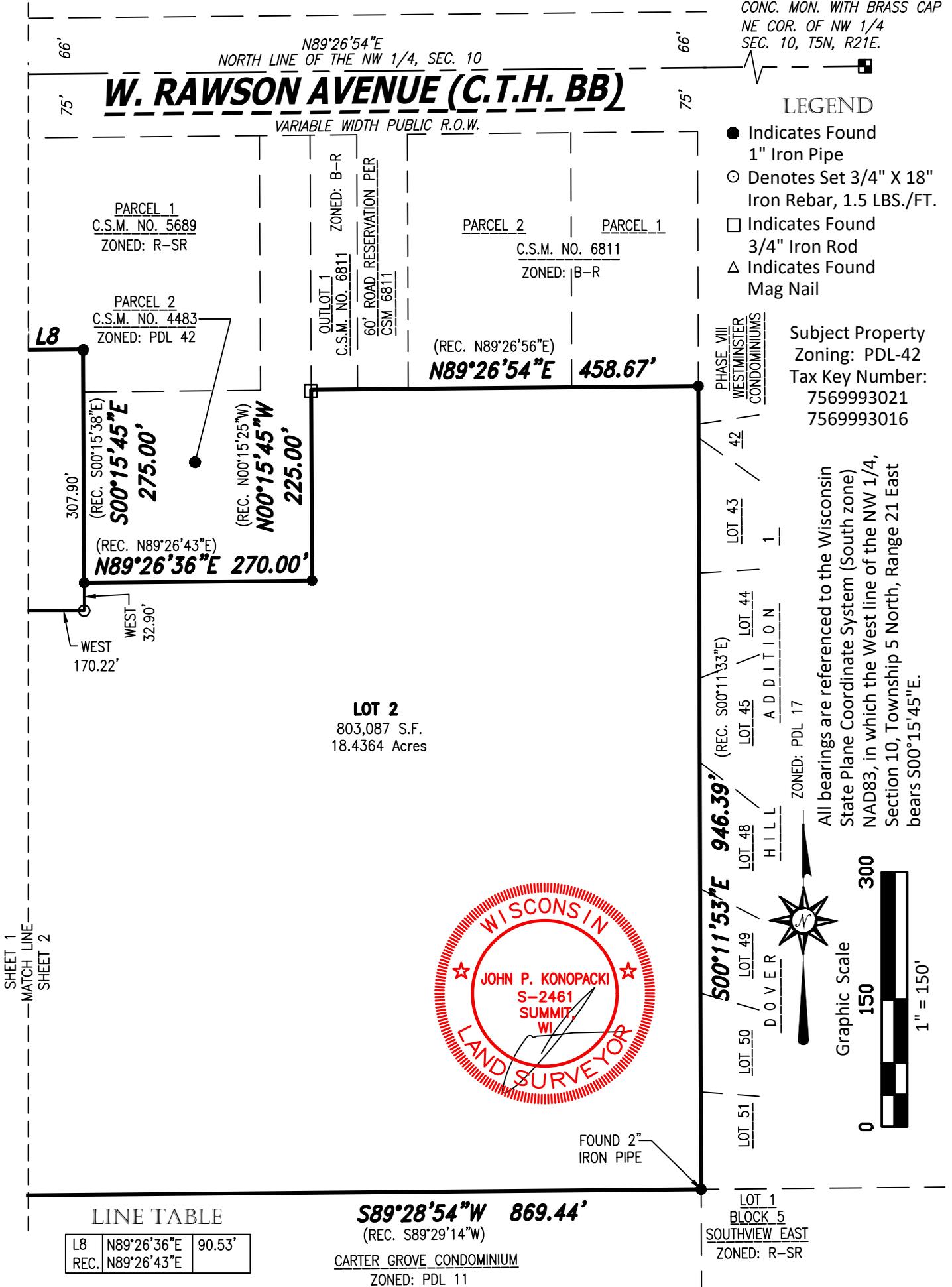
CONC. MON. WITH BRASS CAP
 SW COR. OF NW 1/4 SEC. 10, T5N, R21E.
 N: 337,621.67
 E:2,501,760.99

This instrument was drafted by John P. Konopacki
 Professional Land Surveyor S-2461

Date: November 14, 2025
 Revised: February 17, 2026
 Survey No. 4192.30-lpm
 Sheet 1 of 17 Sheets

CERTIFIED SURVEY MAP NO. _____

A redivision of Lot 2, Certified Survey Map No. 8318, Outlot 1 of Certified Survey Map No. 6313, and Outlot 1 of Certified Survey Map No. 5401 and additional lands, all being part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.



CERTIFIED SURVEY MAP NO. _____

A redivision of Lot 2, Certified Survey Map No. 8318, Outlot 1 of Certified Survey Map No. 6313, and Outlot 1 of Certified Survey Map No. 5401 and additional lands, all being part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

LINE TABLE			LINE TABLE			LINE TABLE		
LINE NO.	BEARING	DISTANCE	LINE NO.	BEARING	DISTANCE	LINE NO.	BEARING	DISTANCE
L11	S73°01'48"W	145.22'	L31	NORTH	27.00'	L51	N20°17'24"E	55.92'
L12	S89°44'15"W	9.91'	L32	WEST	53.59'	L52	S00°15'45"E	7.28'
L13	N00°15'45"W	60.00'	L33	SOUTH	62.71'	L53	S46°23'59"E	22.38'
L14	N89°44'15"E	76.17'	L34	S89°44'24"W	20.02'	L54	S02°52'22"E	75.20'
L15	N80°17'22"E	47.77'	L35	NORTH	129.73'	L55	S88°03'57"W	4.24'
L16	N89°26'54"E	21.40'	L36	WEST	14.51'	L56	S01°56'03"E	10.00'
L17	S20°17'24"W	91.12'	L37	NORTH	10.00'	L57	N88°03'57"E	4.24'
L18	S46°23'59"E	5.34'	L38	EAST	14.51'	L58	S01°56'03"E	29.89'
L19	S02°31'15"E	20.00'	L39	NORTH	9.39'	L59	S01°54'34"W	54.94'
L20	S87°28'44"W	123.98'	L40	S88°58'57"W	31.61'	L60	S04°09'55"W	86.51'
L21	S02°52'22"E	75.24'	L41	N00°18'23"W	26.10'	L61	S46°41'56"W	2.19'
L22	S01°54'34"W	56.00'	L42	N89°41'37"E	28.08'	L62	N00°01'22"W	5.50'
L23	S04°09'55"W	94.69'	L43	NORTH	20.43'	L63	S89°58'38"W	10.00'
L24	N89°42'23"W	23.32'	L44	N44°48'13"E	61.58'	L64	S00°01'22"E	5.50'
L25	S01°43'26"W	41.17'	L45	WEST	14.53'	L65	NORTH	107.88'
L26	S02°47'26"W	9.82'	L46	N05°09'21"E	43.09'	L66	N44°48'13"E	56.37'
L27	S03°44'04"W	39.59'	L47	N20°17'24"E	21.12'	L67	SOUTH	21.46'
L28	S04°29'51"W	55.09'	L48	N61°07'57"W	8.58'	L68	EAST	10.00'
L29	SOUTH	27.00'	L49	N27°52'03"E	10.00'	L69	NORTH	21.46'
L30	WEST	10.00'	L50	S62°07'57"E	7.24'			

CURVE TABLE							
CURVE NO.	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH	TANGENT IN	TANGENT OUT
C1	66.71'	160.00'	023°53'20"	S11°50'15"E	66.23'	S23°46'55"E	S00°06'25"W
C2	33.22'	28.50'	066°46'38"	S57°10'14"E	31.37'	N89°26'27"E	S23°46'55"E
C3	14.12'	150.00'	005°23'33"	S82°59'08"W	14.11'	S85°40'55"W	S80°17'22"W
C4	37.39'	25.00'	085°40'55"	S42°50'27"W	34.00'	S00°00'00"E	S85°40'55"W
C5	144.47'	508.00'	016°17'38"	S13°58'55"E	143.98'	S22°07'44"E	S05°50'06"E



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414-224-8068 www.chaputlandsurveys.com

This instrument was drafted by John P. Konopacki
Professional Land Surveyor S-2461

Date: November 14, 2025
Revised: February 17, 2026
Survey No. 4192.30-lpm
Sheet 3 of 17 Sheets

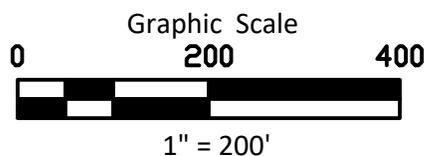
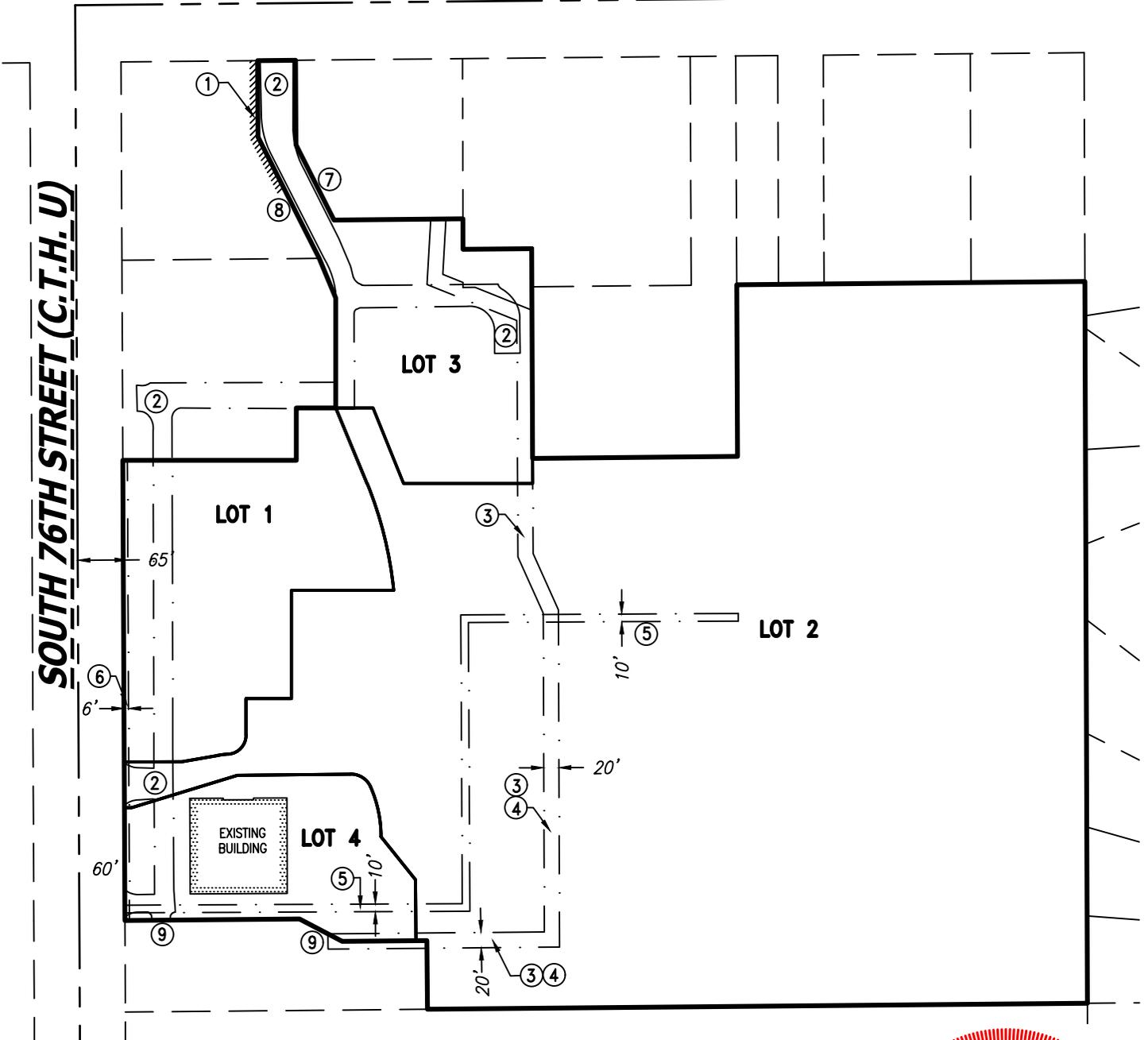
CERTIFIED SURVEY MAP NO. _____

A redivision of Lot 2, Certified Survey Map No. 8318, Outlot 1 of Certified Survey Map No. 6313, and Outlot 1 of Certified Survey Map No. 5401 and additional lands, all being part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

EASEMENTS OF RECORD SHOWN FOR REFERENCE ONLY

- | | |
|---|---|
| 1: NO ACCESS PER C.S.M. NO. 4828 | 5: 10' GAS EASEMENT PER DOC. NO. 6073733 |
| 2: INGRESS EGRESS EASEMENT PER DOC. NO. 9958980 | 6: 6' UTILITY EASEMENT PER DOC. NO. 3567794 |
| 3: PERMANENT SANITARY SEWER EASEMENT PER DOC. NO. 6374621 | 7: ACCESS POINT PER DOC. NO. 6069228 |
| 4: PERMANENT SANITARY SEWER EASEMENT PER DOC. NO. 6374622 | 8: ACCESS POINT PER DOC. NO. 6302311 |
| | 9: ACCESS POINT TO LEARNING CENTER PER DOC. NO. 6374286 |

W. RAWSON AVENUE (C.T.H. BB)



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Date: November 14, 2025
Revised: February 17, 2026
Survey No. 4192.30-lpm
Sheet 4 of 17 Sheets

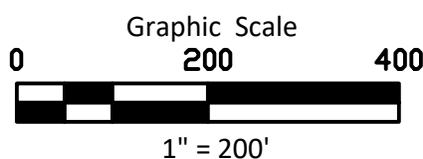
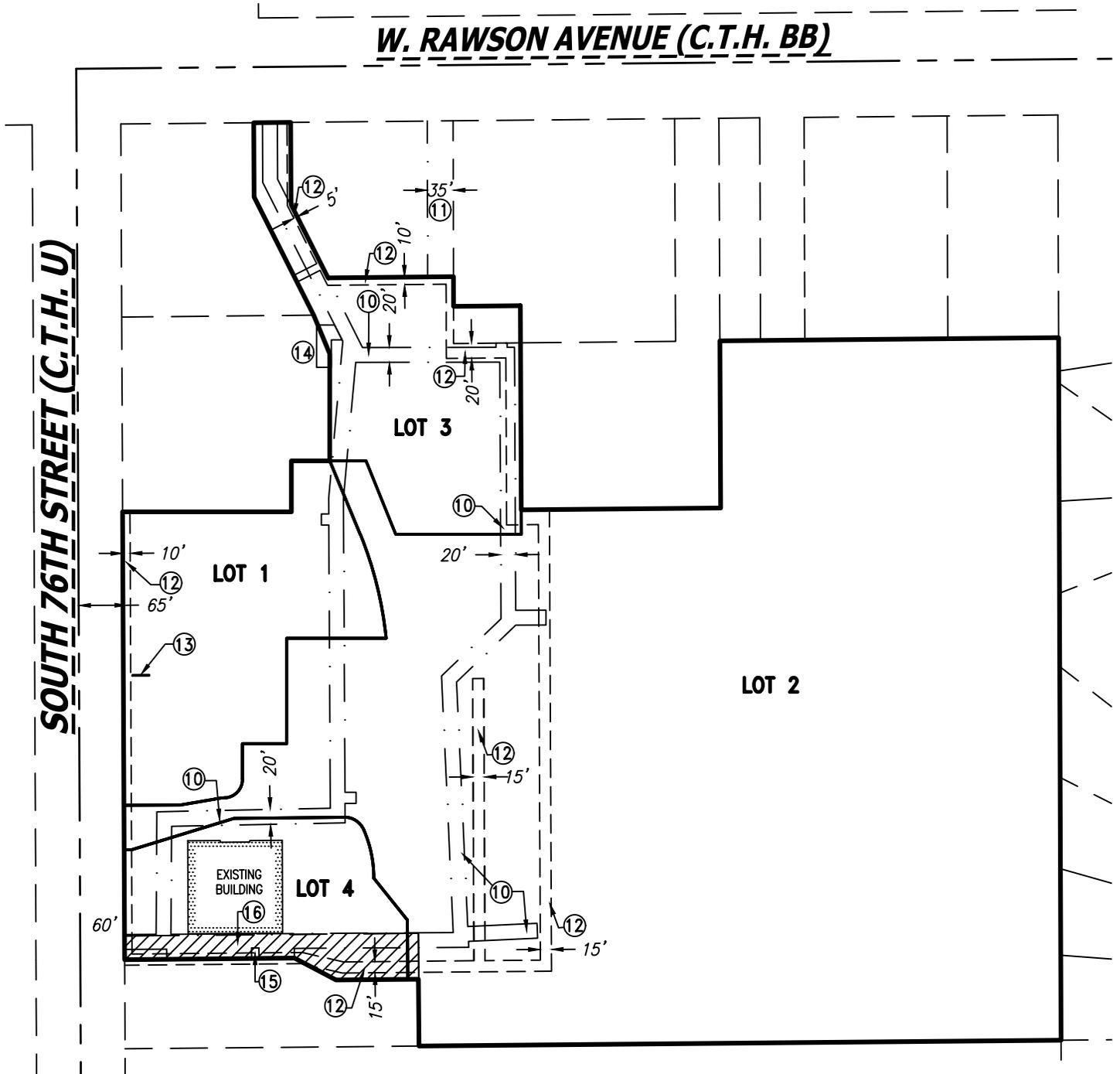
CERTIFIED SURVEY MAP NO. _____

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EASEMENTS OF RECORD SHOWN FOR REFERENCE ONLY

- | | |
|--|---|
| 10: PERMANENT WATER MAIN EASEMENT PER DOC. NO. 6374620 | 14: WATER MAIN EASEMENT PER DOC. NO. 9956356 |
| 11: 35' UTILITY EASEMENT PER DOC. NO. 6385935 | 15: 10' GAS EASEMENT PER DOC. NO. 6400725 |
| 12: UTILITY EASEMENT PER DOC. NO. 6066152 | 16: ROAD ACCESS EASEMENT PER DOC. NO. 6374619 (HATCH) |
| 13: SIGN EASEMENT PER DOC. NO. 7298632 | |

W. RAWSON AVENUE (C.T.H. BB)



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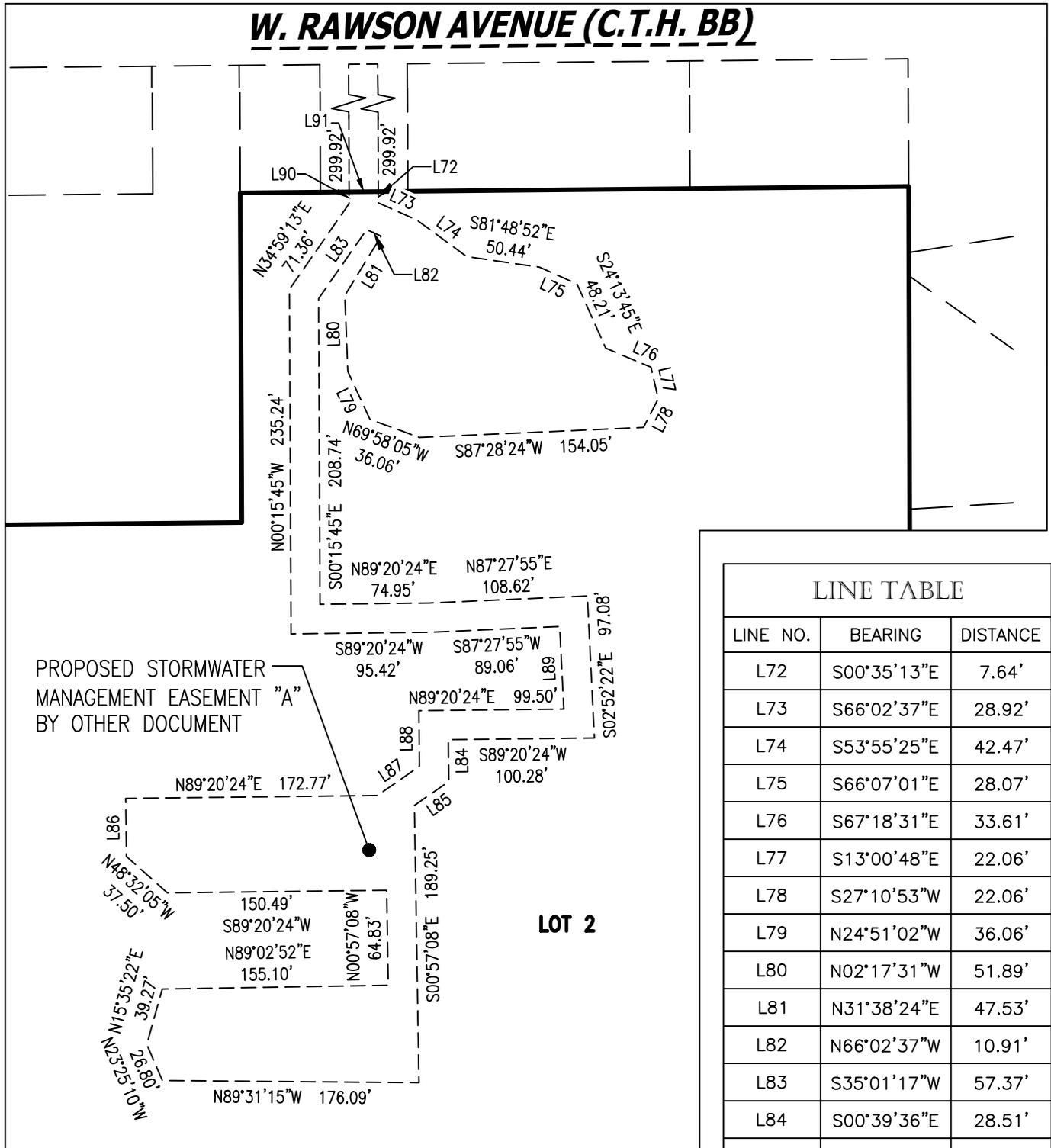
This instrument was drafted by John P. Konopacki
Professional Land Surveyor S-2461

Date: November 14, 2025
Revised: February 17, 2026
Survey No. 4192.30-lpm
Sheet 5 of 17 Sheets

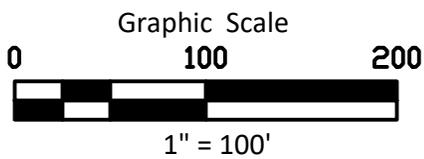
CERTIFIED SURVEY MAP NO. _____

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PROPOSED STORMWATER MANAGEMENT EASEMENT



LINE TABLE		
LINE NO.	BEARING	DISTANCE
L72	S00°35'13"E	7.64'
L73	S66°02'37"E	28.92'
L74	S53°55'25"E	42.47'
L75	S66°07'01"E	28.07'
L76	S67°18'31"E	33.61'
L77	S13°00'48"E	22.06'
L78	S27°10'53"W	22.06'
L79	N24°51'02"W	36.06'
L80	N02°17'31"W	51.89'
L81	N31°38'24"E	47.53'
L82	N66°02'37"W	10.91'
L83	S35°01'17"W	57.37'
L84	S00°39'36"E	28.51'
L85	S55°14'32"W	28.75'
L86	N00°39'36"W	39.62'
L87	N55°14'32"E	35.08'
L88	N00°39'36"W	37.90'
L89	N02°52'22"W	56.41'
L90	N00°11'04"W	8.03'
L91	N89°26'54"E	20.00'



CHAPUT
LAND SURVEYS

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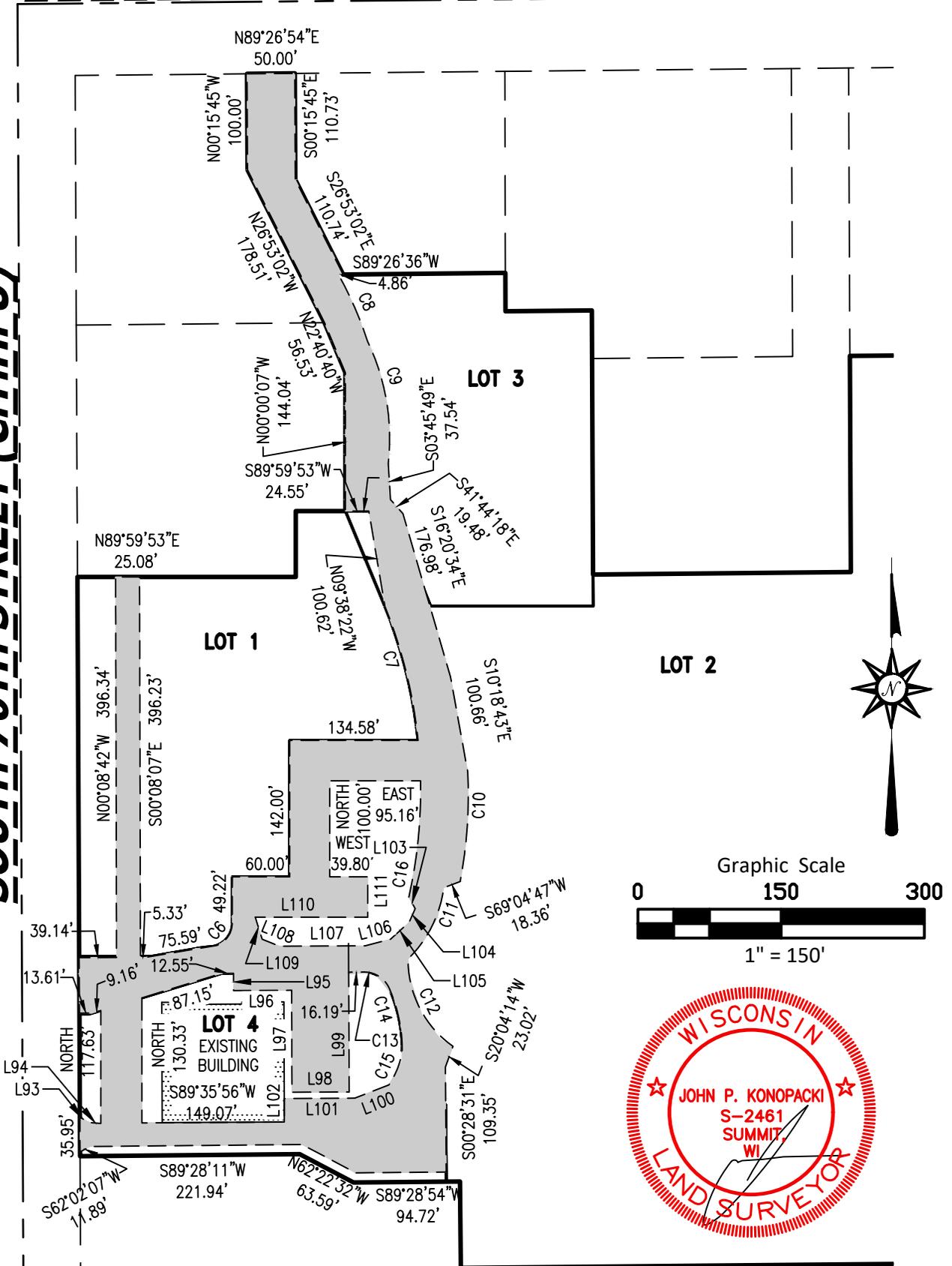
Date: November 14, 2025
Revised: February 17, 2026
Survey No. 4192.30-lpm
Sheet 8 of 17 Sheets

A redivision of Lot 2, Certified Survey Map No. 8318, Outlot 1 of Certified Survey Map No. 6313, and Outlot 1 of Certified Survey Map No. 5401 and additional lands, all being part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

PROPOSED PUBLIC ACCESS AND PARKING EASEMENT

W. RAWSON AVENUE (C.T.H. BB)

SOUTH 76TH STREET (C.T.H. U)



SEE SHEET 11 FOR LINE AND CURVE TABLE

CHAPUT
LAND SURVEYS

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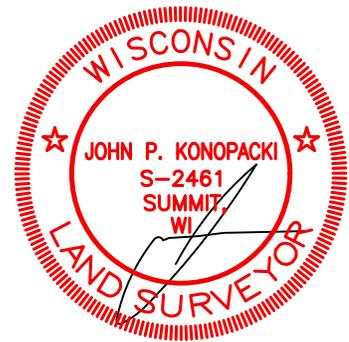
Date: November 14, 2025
 Revised: February 17, 2026
 Survey No. 4192.30-lpm
 Sheet 10 of 17 Sheets

CERTIFIED SURVEY MAP NO. _____

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PROPOSED PUBLIC ACCESS AND PARKING EASEMENT LINE AND CURVE TABLES

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L93	S62°28'03"E	12.00'
L94	S86°03'26"E	11.26'
L95	SOUTH	17.94'
L96	N89°44'58"E	60.92'
L97	S00°07'28"E	106.17'
L98	N89°43'56"E	60.01'
L99	N00°16'08"W	124.74'
L100	S68°47'04"W	38.34'
L101	S89°42'07"W	73.78'
L102	S00°05'49"W	24.42'
L103	S30°05'29"E	13.61'
L104	S24°21'56"W	15.38'
L105	S47°40'33"W	26.39'
L106	S75°31'34"W	27.52'
L107	S89°44'58"W	89.97'
L108	N67°41'16"W	19.18'
L109	N18°19'43"W	13.01'
L110	N89°59'46"E	117.80'
L111	NORTH	41.99'

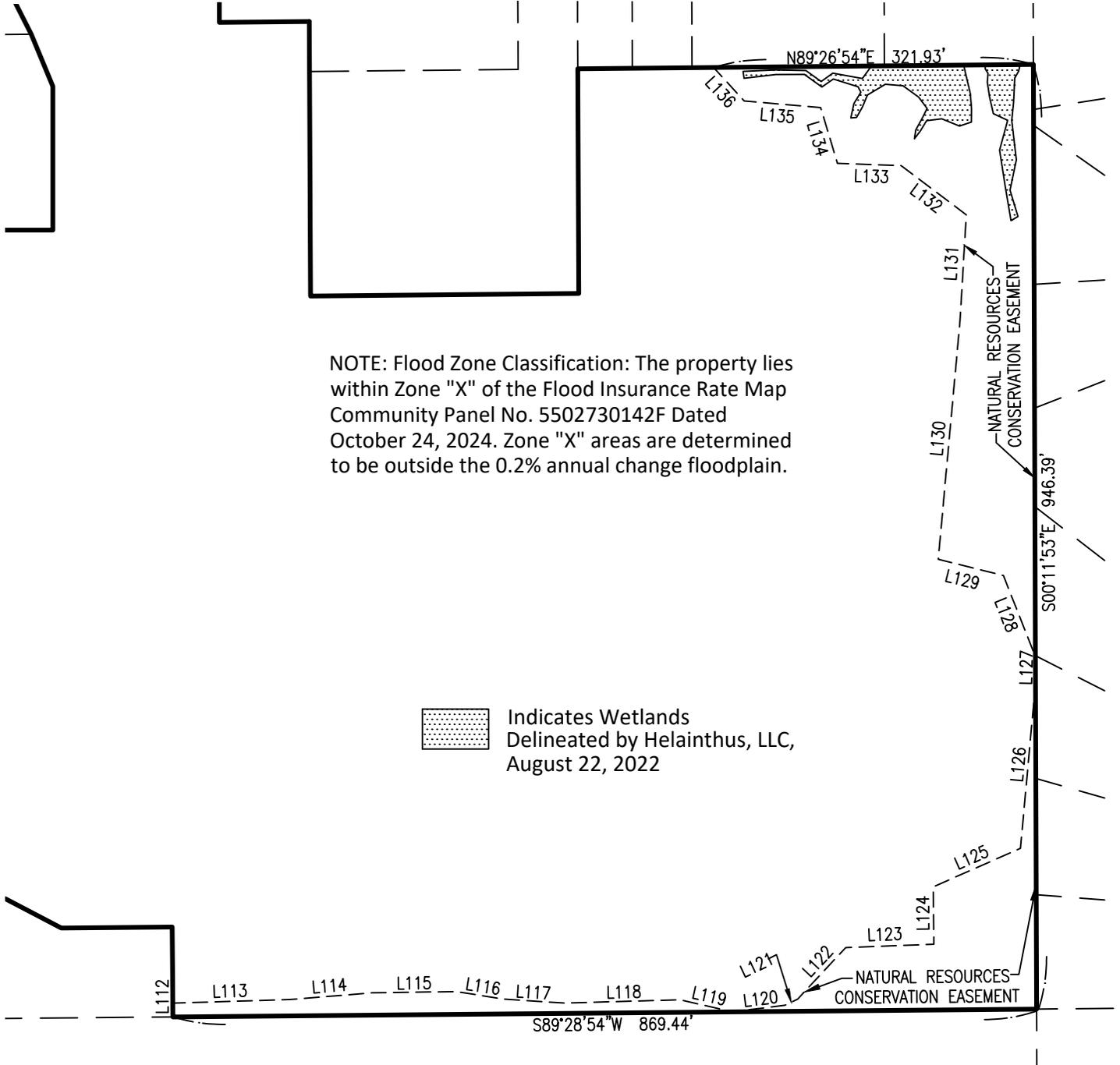


CURVE TABLE					
CURVE NO.	ARC	RADIUS	CH. BEARING	CHORD	DELTA
C6	29.22'	25.00'	N36°11'43"E	27.58'	066.5730
C7	144.47'	508.00'	N13°58'55"W	143.98'	016.1738
C8	75.84'	392.68'	S23°41'10"E	75.72'	011.0354
C9	131.25'	232.59'	S9°37'54"E	129.51'	032.1951
C10	114.81'	477.17'	S3°56'22"W	114.53'	013.4708
C11	84.66'	126.51'	S26°46'39"W	83.09'	038.2035
C12	106.48'	109.73'	S27°20'19"E	102.36'	055.3612
C13	33.22'	28.50'	S57°10'14"E	31.37'	066.4638
C14	66.67'	160.00'	S11°50'41"E	66.19'	023.5228
C15	38.70'	85.08'	S21°24'09"W	38.37'	026.0344

CERTIFIED SURVEY MAP NO. _____

A redivision of Lot 2, Certified Survey Map No. 8318, Outlot 1 of Certified Survey Map No. 6313, and Outlot 1 of Certified Survey Map No. 5401 and additional lands, all being part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

WETLANDS AND NATURAL RESOURCES CONSERVATION EASEMENT

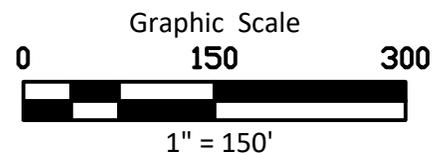


LINE TABLE

LINE	BEARING	DISTANCE
L112	N00°31'06"W	13.80'
L113	N88°14'59"E	117.40'
L114	N85°22'28"E	83.77'
L115	N89°09'14"E	84.55'
L116	S81°01'18"E	48.54'
L117	S86°17'33"E	60.98'
L118	N88°22'40"E	116.38'
L119	S77°08'30"E	54.22'
L120	N82°54'25"E	53.10'
L121	N64°26'49"E	14.37'
L122	N43°07'13"E	70.71'
L123	N87°50'42"E	88.72'
L124	N00°38'08"W	57.47'

LINE TABLE

LINE	BEARING	DISTANCE
L125	N66°15'09"E	95.95'
L126	N05°15'20"E	157.21'
L127	N00°55'22"E	35.61'
L128	N21°34'57"W	87.25'
L129	N76°02'12"W	67.62'
L130	N05°14'45"E	239.98'
L131	N03°23'35"E	106.24'
L132	N53°00'19"W	81.94'
L133	N87°55'12"W	64.27'
L134	N16°47'30"W	58.33'
L135	N85°03'47"W	77.31'
L136	N42°36'58"W	45.49'



Date: November 14, 2025
 Revised: February 17, 2026
 Survey No. 4192.30-lpm
 Sheet 12 of 17 Sheets

CHAPUT
LAND SURVEYS

710 N. Plankinton Ave. Ste 720, Milwaukee, WI 53204
 414-224-8068 www.chaputlandsurveys.com

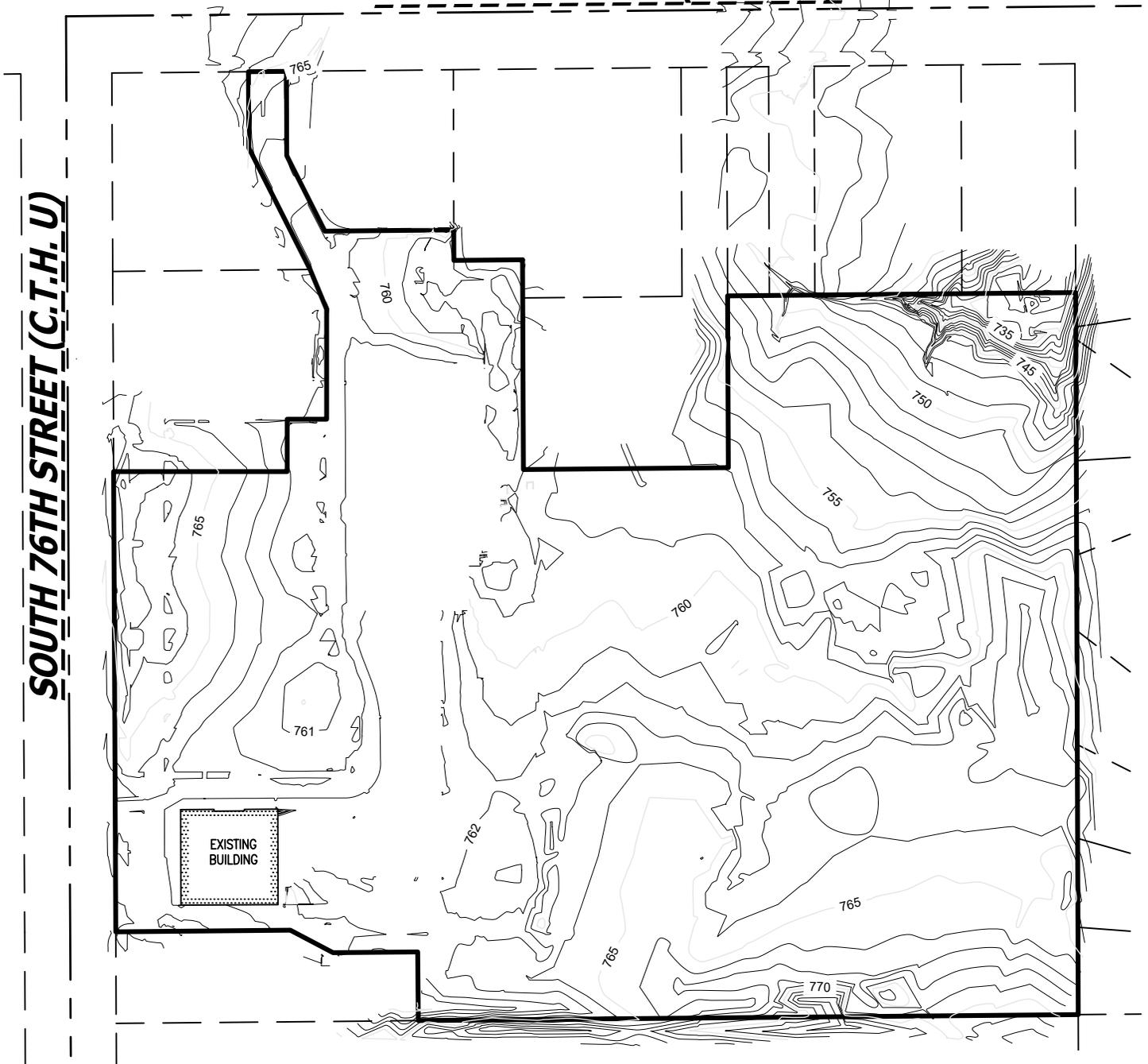
This instrument was drafted by John P. Konopacki
 Professional Land Surveyor S-2461

CERTIFIED SURVEY MAP NO. _____

A revision of Lot 2, Certified Survey Map No. 8318, Outlot 1 of Certified Survey Map No. 6313, and Outlot 1 of Certified Survey Map No. 5401 and additional lands, all being part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

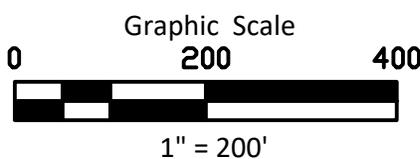
TOPOGRAPHY

W. RAWSON AVENUE (C.T.H. BB)



Vertical datum is based on North American Vertical Datum of 1988 (12)

Note: Existing contours are shown.



CHAPUT
LAND SURVEYS

710 N. Plankinton Ave. Ste 720, Milwaukee, WI 53204
414-224-8068 www.chaputlandsurveys.com

This instrument was drafted by John P. Konopacki
Professional Land Surveyor S-2461

Date: November 14, 2025
Revised: February 17, 2026
Survey No. 4192.30-lpm
Sheet 13 of 17 Sheets

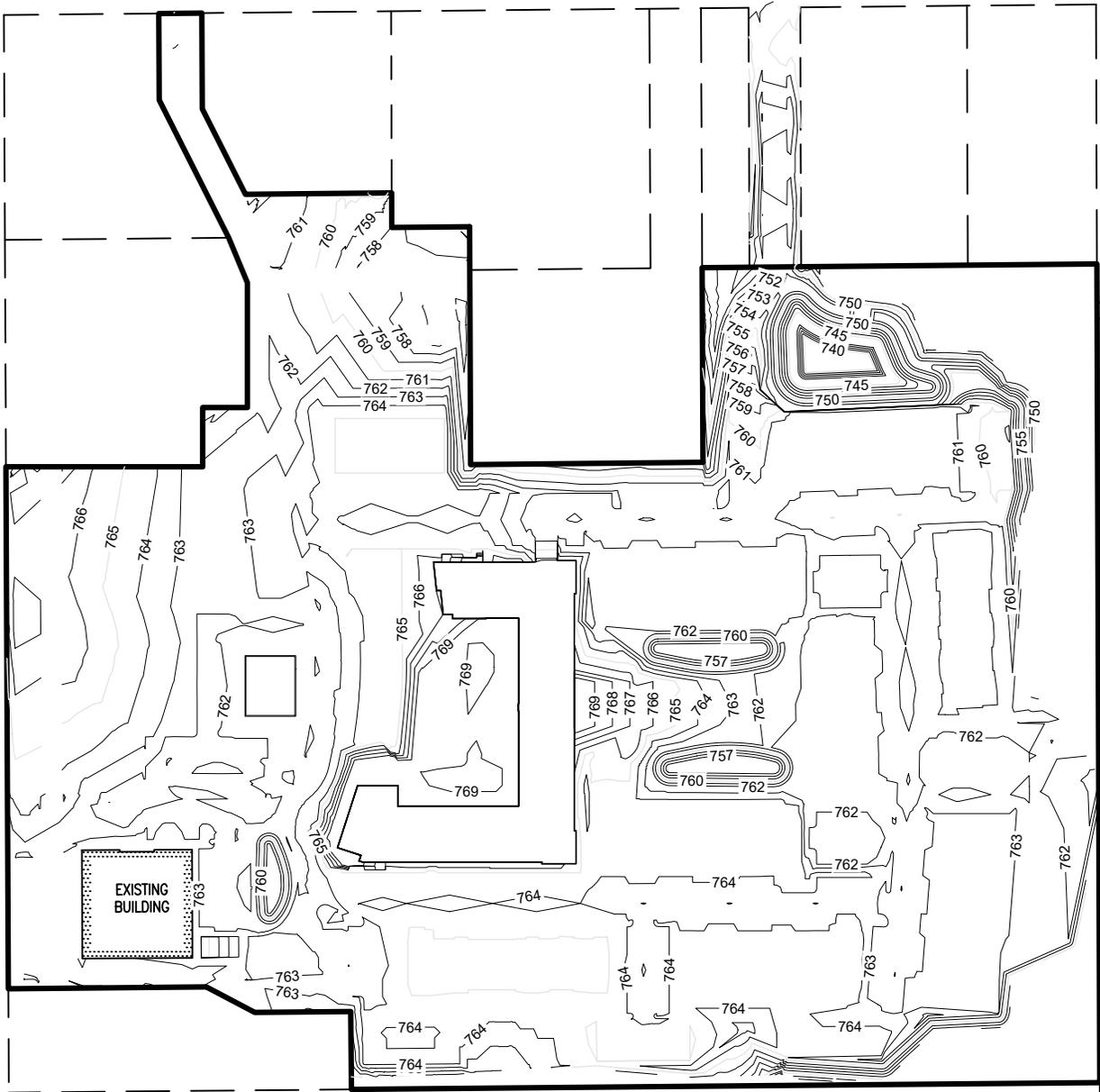
CERTIFIED SURVEY MAP NO. _____

A redivision of Lot 2, Certified Survey Map No. 8318, Outlot 1 of Certified Survey Map No. 6313, and Outlot 1 of Certified Survey Map No. 5401 and additional lands, all being part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

PROPOSED TOPOGRAPHY

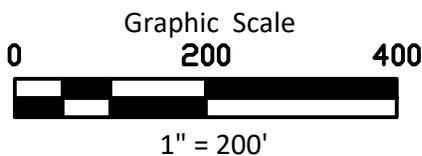
W. RAWSON AVENUE (C.T.H. BB)

SOUTH 76TH STREET (C.T.H. U)



Vertical datum is based on North American Vertical Datum of 1988 (12)

Note: Proposed contours shown were provided by The Sigma Group Inc.
Received: January 30, 2026.



CHAPUT
LAND SURVEYS

710 N. Plankinton Ave. Ste 720, Milwaukee, WI 53204
414-224-8068 www.chaputlandsurveys.com

This instrument was drafted by John P. Konopacki
Professional Land Surveyor S-2461

Date: November 14, 2025
Revised: February 17, 2026
Survey No. 4192.30-lpm
Sheet 14 of 17 Sheets

CERTIFIED SURVEY MAP NO. _____

A redivision of Lot 2, Certified Survey Map No. 8318, Outlot 1 of Certified Survey Map No. 6313, and Outlot 1 of Certified Survey Map No. 5401 and additional lands, all being part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN}
:SS
WAUKESHA COUNTY}

I, John P. Konopacki, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, mapped and divided a redivision of Lot 2, Certified Survey Map No. 8318, recorded as Document No. 09956357, Outlot 1 of Certified Survey Map No. 6313, recorded as Document No. 7307525, and Outlot 1 of Certified Survey Map No. 5401, recorded as Document No. 6366765 and additional lands, all being part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, which is bounded and described as follows:
Commencing at Northwest corner of said Northwest 1/4 of said Section 10; thence South 00°15'45" East along the West line of said Northwest 1/4 Section 596.70 feet to a point; thence North 89°59'53" East 60.00 feet to the East line of South 76th Street (C.T.H. U) and the Point of Beginning of lands hereinafter described; thence North 89°59'53" East along the South line of Lot 1 of Certified Survey Map No. 8318 a distance of 228.57 feet to the East line of said Lot 1; thence North 00°00'07" West along said East line 68.60 feet to a point; thence North 89°59'53" East along said East line 52.02 feet to a point; thence North 00°00'07" West along said East line 144.04 feet to a point; thence North 22°40'40" West along said East line 56.53 feet to the Southeast corner of Parcel 3 of Certified Survey Map No. 4828; thence North 26°53'02" West along the East line of said Parcel 3 a distance of 178.51 feet to a point; thence North 00°15'45" West along said East line 100.00 feet to a point on the South line of West Rawson Avenue (C.T.H. BB); thence North 89°26'54" East along said South line 50.00 feet to the Northwest corner of Parcel 4 of Certified Survey Map No. 4828; thence South 00°15'45" East along the West line of said Parcel 4 a distance of 110.74 feet to a point; thence South 26°53'02" East along said West line 110.74 feet to the South line of said Parcel 4; thence North 89°26'36" East along said South line 169.93 feet to a point on the West line of Parcel 1 of Certified Survey Map No. 5689; thence South 00°08'22" East along said West line 40.00 feet to a point; thence North 89°26'36" East along said West line 90.53 feet to a point; thence South 00°15'45" East along said West line, and its extension, 275.00 feet to the Southwest corner of Parcel 2 of Certified Survey Map No. 4483; thence North 89°26'36" East along the South line of said Parcel 2 a distance of 270.00 feet to the East line of said Parcel 2; thence North 00°15'45" West along said East line 225.00 feet to the Southwest corner of Certified Survey Map No. 6811; thence North 89°26'54" East along the South line of said Certified Survey Map a distance of 458.67 feet to the West line of Phase VII Westminster Condominiums; thence South 00°11'53" East along said West line and the West line of Dover Hill Addition No. 1 Subdivision 946.39 feet to the North line of Carter Grove Condominium; thence South 89°28'54" West along said North line 869.44 feet to the Southeast corner of Parcel 1 of Certified Survey Map No. 5401; thence North 00°31'06" West along the East line of said Parcel 1 a distance of 90.00 feet to the North line of said Parcel 1; thence South 89°28'54" West along said North line 111.56 feet to a point; thence North 62°22'32" West along said North line 63.59 feet to a point; thence South 89°28'54" West along said North line 230.00 feet to a point on the East line of South 76th Street (C.T.H. U); thence North 00°15'45" West along said East line 603.29 feet to the Point of Beginning.

Said lands as described contains 1,067,885 square feet or 24.5154 acres of land.

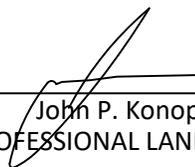
THAT I have made the survey, land division and map by the direction of Initech LLC, owner.

THAT the 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 Chapter 236 of the Wisconsin Statutes, the Subdivision Regulations of the City of Franklin Unified Development Ordinance Division 15 and Milwaukee County in surveying, dividing and mapping the same.

DATE: November 14, 2025
Revised: February 17, 2026




John P. Konopacki
PROFESSIONAL LAND SURVEYOR S-2461



710 N. Plankinton Ave. Ste 720, Milwaukee, WI 53204
414-224-8068 www.chaputlandsurveys.com

This instrument was drafted by John P. Konopacki
Professional Land Surveyor S-2461

Date: November 14, 2025
Revised: February 17, 2026
Survey No. 4192.30-lpm
Sheet 15 of 17 Sheets

CERTIFIED SURVEY MAP NO. _____

A redivision of Lot 2, Certified Survey Map No. 8318, Outlot 1 of Certified Survey Map No. 6313, and Outlot 1 of Certified Survey Map No. 5401 and additional lands, all being part of the Northwest 1/4 of the Northwest 1/4 of Section 10, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

CITY OF FRANKLIN COMMON COUNCIL APPROVAL

Approved by the Common Council of the City of Franklin by Resolution No. _____. Signed this _____ day of _____, 20____.

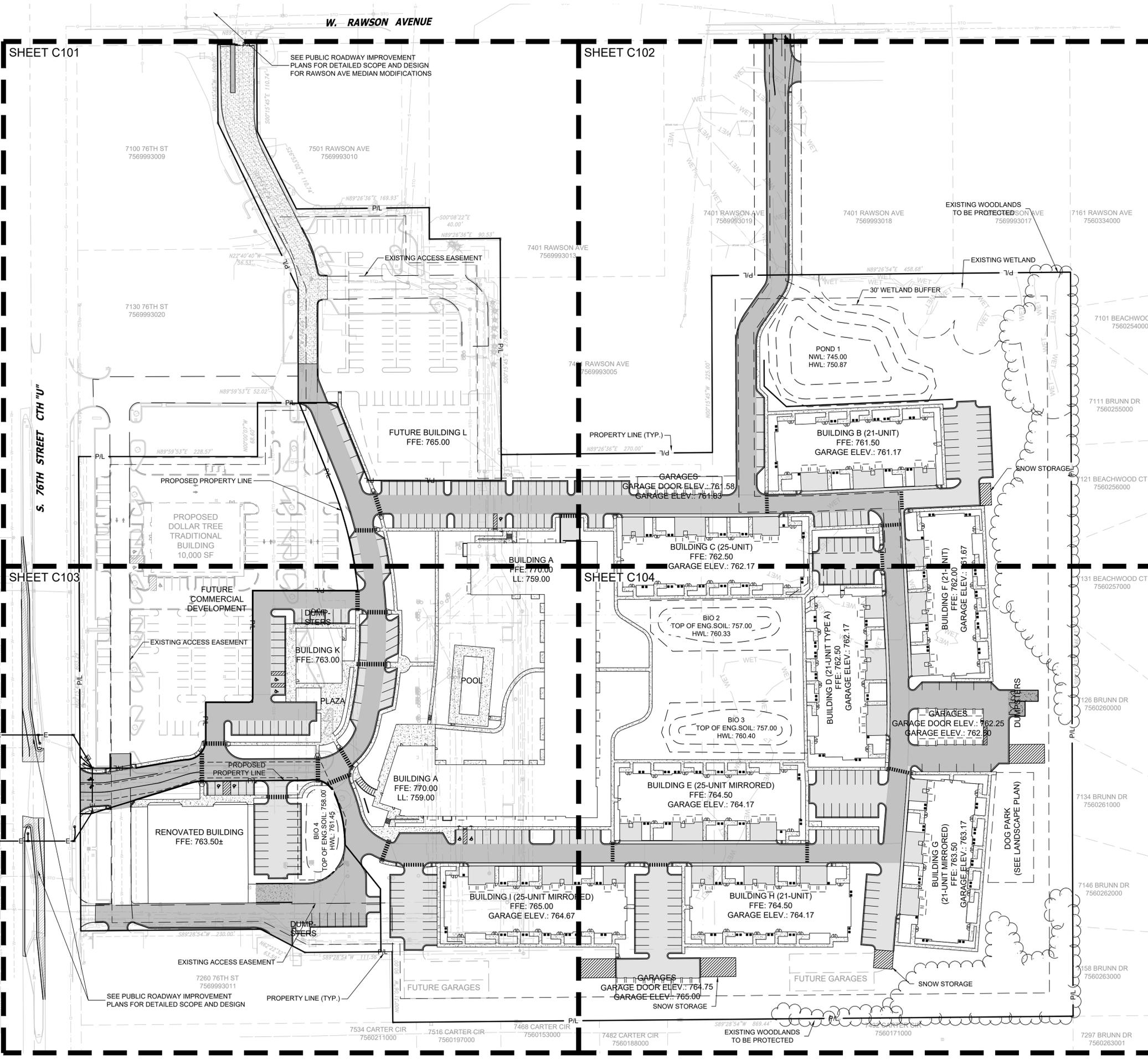
Date

John Nelson, Mayor

Date

Shirley Roberts, City Clerk





SITE INFORMATION		
SITE AREA	1085907	24.929 AC
SITE DISTURBED AREA	979229	22.480 AC
EXISTING IMPERVIOUS AREA	495470	11.374 AC 45.6 %
PROPOSED IMPERVIOUS AREA	619027	14.211 AC 57.0 %
PROPOSED GREENSPACE AREA	466880	10.718 AC 43.0 %
ENCLOSED PARKING SPACES	127	
GARAGE PARKING SPACES	95	
GARAGE APRON PARKING SPACES	64	
TOTAL SURFACE PARKING SPACES	363	
ADA PARKING SPACES PROVIDED	16	

NOTE: ALL ROADWAYS WITHIN PROPOSED SITE ARE PRIVATE.

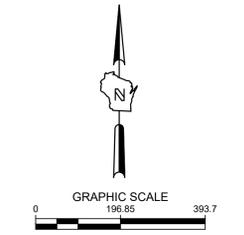
LEGEND:	
	5" THICK CONCRETE WALK
	CONCRETE PAVEMENT
	ASPHALT SURFACE
	HEAVY-DUTY ASPHALT SURFACE
	MILL/PULVERIZE AND OVERLAY
	CURB & GUTTER (ACCEPT)
	CURB & GUTTER (REJECT)

GENERAL NOTES:

1. THE UNDERGROUND UTILITY INFORMATION SHOWN ON THIS DRAWING IS BASED ON FIELD LOCATIONS AND/OR RECORDS FURNISHED BY MUNICIPALITIES AND UTILITY COMPANIES. THE LOCATION AND ACCURACY OF WHICH CANNOT BE GUARANTEED. THERE MAY BE ADDITIONAL UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.
2. VERIFY ACTUAL LOCATIONS AND INVERTS IN THE FIELD. ANY POTENTIAL ERRORS, OMISSIONS, OR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION.
3. WORK TO BE COMPLETED IS INDICATED IN BOLD TYPE LINES AND EXISTING CONDITIONS ARE INDICATED BY LIGHT TYPE LINES.
4. ELECTRONIC CIVIL FILES ARE AVAILABLE UPON WRITTEN REQUEST. DO NOT USE ELECTRONIC CIVIL FILES TO LAYOUT FOUNDATIONS, COLUMN LINES, LIGHT POLES, OR OTHER NON CIVIL SITE WORK. REFER TO ARCHITECTURAL DRAWINGS FOR DIMENSIONS OF BUILDING AND ARCHITECTURAL FEATURES.
5. DIMENSIONS ARE FROM FACE OF CURB OR EDGE OF PAVEMENT.
6. WORK WITHIN THE PUBLIC RIGHT OF WAY, INCLUDING BUT NOT LIMITED TO DRIVEWAY OPENINGS, SIDEWALK AND RAMPS, PAVING, AND CURB AND GUTTER SHALL BE COMPLETED PER MUNICIPAL AND/OR COUNTY REQUIREMENTS AND STANDARDS.
7. EARTHWORK SHALL BE IN ACCORDANCE WITH GEOTECHNICAL ENGINEER'S RECOMMENDATIONS.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACEMENT OF ALL PAVEMENTS, CURB AND GUTTER, UTILITIES, VEGETATION, ABOVE GROUND APPURTENANCES, OR ANY OTHER ITEMS OWNED BY THE CITY OF FRANKLIN SCHEDULED TO REMAIN THAT IS DAMAGED AS A RESULT OF CONSTRUCTION RELATED ACTIVITIES, AS DETERMINED BY THE CITY'S REPRESENTATIVE. CONTRACTOR SHALL REPAIR OR REPLACE DAMAGED ITEMS TO THE SATISFACTION OF THE CITY'S REPRESENTATIVE AT THE EXPENSE OF THE CONTRACTOR AND NO COST TO THE CITY.



THE UNDERGROUND UTILITY INFORMATION SHOWN ON THIS MAP IS BASED ON FIELD MARKINGS AND INFORMATION FURNISHED BY UTILITY COMPANIES AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED.

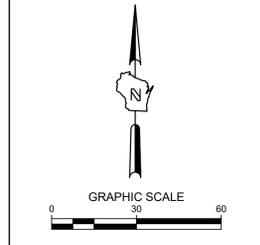


POTHS GENERAL DEVELOPMENT
76TH AND RAWSON
FRANKLIN, WI 53132
OVERALL SITE PLAN

ISSUANCE	DATE
PLAN COMMISSION SUBMITTAL	9/5/25
PRICING SET	10/1/25
CITY SUBMITTAL	10/10/25
FOOTINGS&FOUNDATION PERMIT	10/30/25
CITY SUBMITTAL	1/09/26
CITY SUBMITTAL	2/06/26

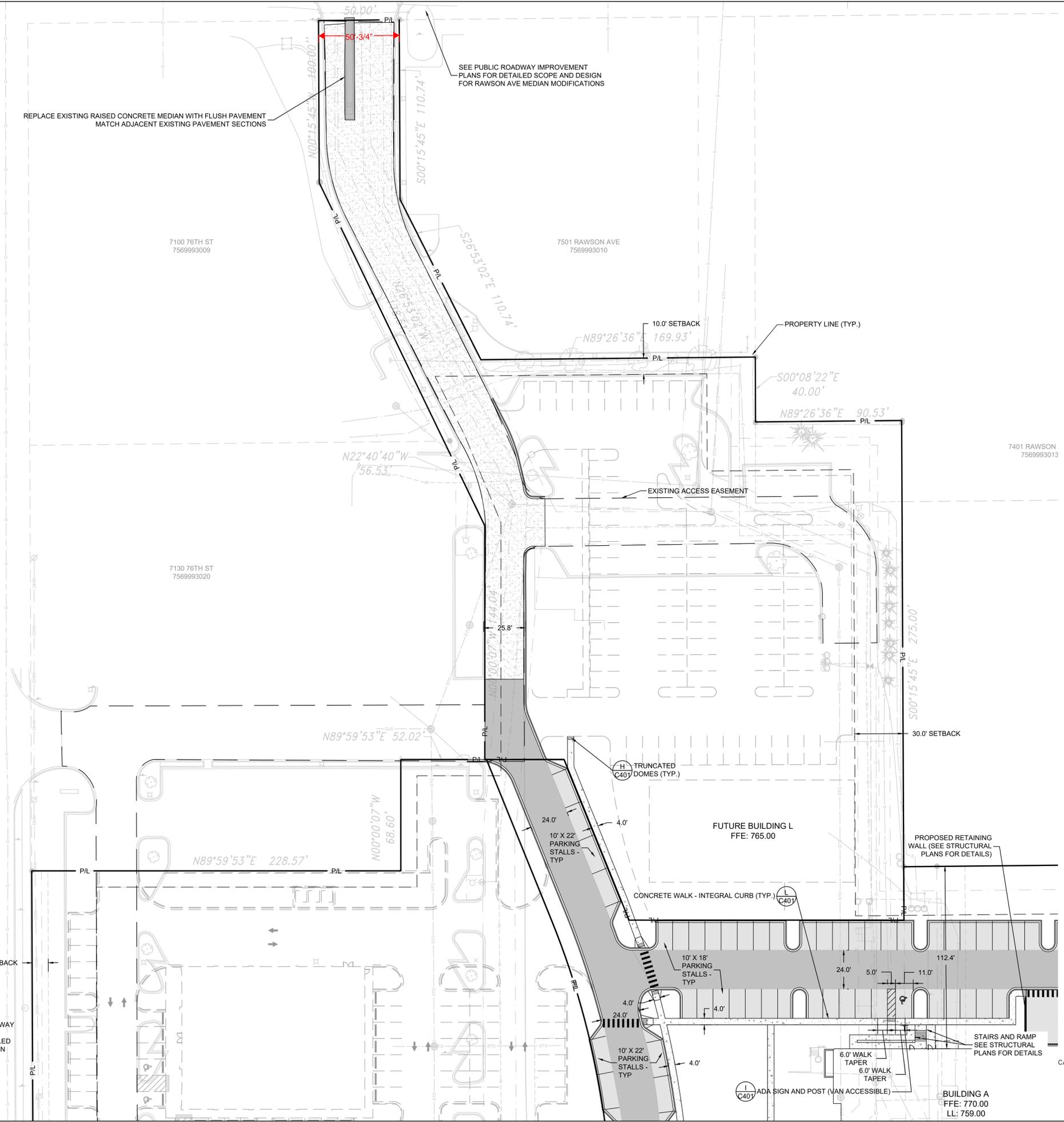
NO. REVISION	DATE

SCALE:	1"=60'
PROJECT NO:	21775
DESIGN DATE:	----
PLOT DATE:	2026.02.06
DRAWN BY:	MJK
CHECKED BY:	CC
APPROVED BY:	CTC



POTHS GENERAL DEVELOPMENT
76TH AND RAWSON
FRANKLIN, WI 53132

SITE PLAN



LEGEND:

	(D C401) 5' THICK CONCRETE WALK
	(C C401) CONCRETE PAVEMENT
	(A C401) ASPHALT SURFACE
	(B C401) HEAVY-DUTY ASPHALT SURFACE
	MILL/PULVERIZE AND OVERLAY
	(G C401) CURB & GUTTER (ACCEPT)
	(G C401) CURB & GUTTER (REJECT)

- GENERAL NOTES:**
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CALL DIGGERS HOTLINE
 1-800-242-8511
 TOLL FREE
 WI STATUTE 182.07(2)(b)4
 REQUIRES 90' & WORK DAYS
 NOTICE BEFORE YOU EXCAVATE
 MILW. AREA 259-1181

THE UNDERGROUND UTILITY INFORMATION SHOWN ON THIS MAP IS BASED ON FIELD MARKINGS AND INFORMATION FURNISHED BY UTILITY COMPANIES AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED.

ISSUANCE	DATE
PLAN COMMISSION SUBMITTAL	9/5/25
PRICING SET	10/1/25
CITY SUBMITTAL	10/10/25
FOOTINGS&FOUNDATION PERMIT	10/30/25
CITY SUBMITTAL	1/09/26
CITY SUBMITTAL	2/08/26

NO. REVISION	DATE

SCALE:	1"=30'
PROJECT NO:	21775
DESIGN DATE:	---
PLOT DATE:	2026.02.06
DRAWN BY:	MJK
CHECKED BY:	CC
APPROVED BY:	CTC
SHEET NO:	C101

CONSERVATION EASEMENT

~~Halquist Stone Company, Inc. — Franklin Remodel~~ Pothes General

This Conservation easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and ~~Halquist Stone Company, Inc., a Wisconsin Corporation~~ LXL PC Apartments LLC, a Delaware LLC, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.40(2)(b) of the Wisconsin Statutes.

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, ~~West ½ of the Northeast ¼ of Section 29, Township 5 North, Range 21 East, described as Lot 1 Certified Survey Map No. 88003~~ INSERT LEGAL DESCRIPTION OF CONSERVATION EASEMENT AREA, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, steep slopes, mature woodlands, young woodlands, lakes, ponds, streams, floodplains, floodways, floodlands, shore buffers, wetland buffers, wetlands and shoreland wetlands, and refer to Natural Resource ~~Investigation Protection Plan (the "NRPP") by NRPP by Consultant Name~~ The Sigma Group, dated ~~January 14, 2005~~, with all applicable revision dates (~~dated January 2, 2005~~), which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantee is a "holder", as contemplated by §700.40(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

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

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

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

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

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

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

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

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

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

To Grantor:
 Owner/Developer LXL PG Apartments LLC
 Attn: Ian B. Martin
 Mailing Address 638 Milwaukee Street
 City, State, Zip Delafield, WI 53018

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

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

~~Company Name~~ LXL PG Apartments LLC

By: _____
Name and Title Ian B. Martin, Manager

STATE OF WISCONSIN)
) ss
 COUNTY OF MILWAUKEE)

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

Name(s) of person(s) as Title (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed) Emily Cialdini, VP Development, Land By Label

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

 Notary Public

My commission expires _____

Acceptance

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

In witness whereof, the undersigned has executed and delivered this acceptance on the ____ day of _____, A.D.20__.

CITY OF FRANKLIN

By: _____
John R. Nelson, Mayor

By: _____
Shirley J. Roberts, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

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

Notary Public

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:

Marion Ecks, Principal Planner Date
Department of City Development

Approved as to form only:

Jesse A. Wesolowski Date
City Attorney

MORTGAGE HOLDER CONSENT

The undersigned, (name of mortgagee), a Wisconsin banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering the Property and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on _____, 20____, as Document No. _____, hereby consents to the execution of the foregoing easement and its addition as an encumbrance title to the Property.

IN WITNESS WHEREOF, Mortgagee has caused these presents to be signed by its duly authorized officers, and its corporate seal to be hereunto affixed, as of the day and year first above written.

Name of Mortgagee
a Wisconsin Banking Corporation

By: _____

Name: _____

Title: _____

STATE OF WISCONSIN _____)
_____)ss
COUNTY OF MILWAUKEE _____)

On this, the _____ day of _____, 20____, before me, the undersigned, personally appeared name of officer of mortgagee, the (title of office, i.e.: VP) of (name of mortgagee), a Wisconsin banking corporation, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained.
Name: _____

Notary Public, State of Wisconsin

My commission expires _____

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L11	S85°17'38"E	10.99'
L12	S83°27'42"E	6.94'
L13	S85°08'25"E	6.16'
L14	S89°55'06"E	6.19'
L15	N56°18'20"E	8.12'
L16	N58°00'42"E	20.48'
L17	N40°53'32"E	1.30'

L28	N90°00'00"E	50.76'
L29	N17°59'07"E	21.59'
L30	N10°08'45"E	311.74'
L31	N09°28'36"W	60.14'
L32	N11°25'41"W	24.43'
L33	N06°35'44"W	93.43'
L34	N25°23'13"W	43.95'

L45	N12°19'58"E	30.31'
L46	N54°20'44"W	30.42'
L47	S89°41'12"W	17.32'
L48	S83°23'52"W	59.94'
L49	N07°55'27"W	44.32'
L50	N89°26'54"E	323.10'



CHADIT

PUBLIC ACCESS EASEMENT

Document Number

Document Title

Recording Area

Name and Return Address:

LXL PG Apartments LLC
638 Milwaukee Street
Delafield, WI 53018

756-9993-021

Parcel Identification Number (PIN)

PUBLIC ACCESS EASEMENT
Poths General – 7154 S 76th Street

THIS PUBLIC ACCESS EASEMENT over certain real property located at 7154 S 76th Street, Franklin, Wisconsin (the "Easement") is dated as of January 28th, 2026, by and between LXL PG Apartments, LLC, a Delaware limited liability company, (the "GRANTOR"); and the CITY OF FRANKLIN, a Wisconsin municipal corporation, ("CITY").

RECITALS

- A. GRANTOR is the owner of the real property located at 7154 South 76th Street, Franklin, Wisconsin (the "Owner Property") and wishes to grant this Easement for public access over a certain portion of the Owner Property, more particularly described in **EXHIBIT A** under the terms and conditions stated herein (the "Easement Area").
- B. MILWAUKEE COUNTY is the owner of the right-of-way adjacent to and west of the Owner Property.
- C. CITY wishes to accept this Easement for public access over the Easement Area under the terms and conditions stated herein.

EASEMENT

In consideration of the Recitals, which are incorporated herein, and the mutual agreements that follow, GRANTOR and CITY agree as follows:

- 1. Grant of Public Easement. GRANTOR hereby grants and conveys to CITY a permanent, perpetual, nonexclusive public easement for pedestrian and vehicular ingress and egress over, across and upon the Easement Area.
- 2. Use of Public Easement. Subject to the terms of this Easement, CITY and members of the public may use the Easement Area (in common with GRANTOR and their tenants, invitees, employees, licensees, successors and assigns) for pedestrian ingress and egress from public sidewalks and streets adjacent to the Easement Area, subject to the provisions herein. The use of the Easement Area shall be for normal and customary access by CITY and the public in accordance with all applicable federal, state and local laws, statutes, ordinances, codes and regulations. The rights of CITY and the public to use the Easement Area shall not extend to any unusual uses such as loitering or other types of uses that may constitute a public or private nuisance.
- 3. Construction of Improvements. GRANTOR, at GRANTOR's expense, shall construct any and all improvements on the Easement Area deemed necessary by GRANTOR to facilitate use of the Easement Area by the public pursuant to this Easement. Such improvements shall include lighting adequate for pedestrian use of the Easement Area. Such improvements may, at GRANTOR's sole option and

expense, also include, but shall not be limited to, signage, streetscaping and/or landscaping. GRANTOR may install additional improvements that serve the Owner Property only if those improvements do not obstruct or restrict public access over the Easement Area. CITY shall not have any rights or obligations to construct any new improvements or utilities on the Easement Area.

4. Maintenance. GRANTOR, at GRANTOR's expense, shall maintain the Easement Area in a condition that is free of ice and snow, free of defects, and safe for pedestrian use.
5. Public Access. The Easement Area shall be available for public use at all times, except for such times as the Easement Area must be closed for maintenance or repair. GRANTOR shall have the right periodically to close off the Easement Area, as reasonably necessary, for any of these purposes, provided that any and all permits that may be required are obtained and limit such closure to the minimum amount of time and area reasonably needed for the allowed purpose.
6. Indemnity. GRANTOR shall at all times indemnify and hold CITY harmless from any claim, loss, damage, injury, action, or liability, in any way related to, or arising out of, any failure of the GRANTOR to satisfy any of its obligations listed in this Easement. Provided, however, that these provisions are subject to the legal defenses which, under law, any party is entitled to raise.
7. CITY's Access to Existing Facilities. The parties acknowledge that CITY may maintain any existing facilities (such as sewer or water mains) currently located in the Easement Area as set forth in other written easement agreements benefiting CITY and recorded against the Easement Area.
8. Binding Agreement. The easement rights granted herein and the other provisions of this Easement shall run with the Owner Property and be binding upon and inure to the benefit of GRANTOR and CITY and their respective successors and assigns.
9. Force Majeure. If any party is delayed or interrupted in the performance or completion of any of its obligations hereunder by any cause beyond its control, including, but not limited to, any act, neglect or default of another party or any agent or employee of another party (including any delay requested by another party), embargo, war, fire, flood, concealed conditions, cyclone, earthquake, epidemic or other calamity, act of God or of the public enemy, riots, insurrection or any strike, illegal walkout or secondary boycott, then the delay shall be excused and the time of performance specified in this Easement shall be extended for a period equal to the time lost as a consequence of the delay or interruption.
10. Recording. This Easement shall be recorded in the office of the Register of Deeds of Milwaukee County by CITY.
11. Applicable Law. This Easement shall be interpreted and construed in accordance with the laws of the State of Wisconsin.

12. Headings. Descriptive headings are for convenience only and shall not control or affect the meaning or construction of any provision of this Easement.
13. Counterparts. This Easement may be executed in any number of counterparts, and each counterpart shall be deemed to be an original instrument, but all such counterparts together shall constitute but one agreement.
14. Notices. All notices to be given by one party to the others under this Easement shall be in writing and given either by personal delivery or certified mail, postage prepaid, to the addresses set forth in this paragraph. A notice shall be deemed delivered either upon actual receipt or upon refusal by a party to accept delivery. Any party may change its address for purposes of receiving notice by delivering written notice thereof in accordance with the requirements of this paragraph.

To GRANTOR:

LXL PG Apartments LLC
638 Milwaukee Street
Delafield, WI 53018

To CITY:

City Engineer
9229 W. Loomis Road
Franklin, WI. 53132

15. Enforcement. This Easement may be enforced either at law or in equity, with the nonbreaching party entitled to injunctive relief and/or monetary damages. No persons other than the parties hereto shall be entitled to enforce any of the terms, covenants or conditions of this Easement.
16. Integration, Modification and Waiver. All of the terms and provisions of this Easement and the understanding of the parties pertaining to the subject matter thereof are set forth in this Easement and no prior understanding or obligation not expressly set forth herein shall be binding upon the parties. No subsequent modification of this Easement shall be binding upon the parties unless in writing, executed by the parties hereto. None of the provisions of this Easement shall be considered waived by any party except when such waivers are given in writing. No such waiver shall be construed to be a waiver of any past or future default, breach or modification of any of the terms, provisions, conditions or covenants of this Easement except as expressly stipulated therein.
17. Amendment. This Easement may be amended only by a written instrument executed by GRANTOR and CITY or their successors or assigns.

IN WITNESS WHEREOF, THE PARTIES HERETO caused this Easement to be executed by their authorized signatories as of the date first written above.

CITY: CITY OF FRANKLIN

By: _____

City Engineer

Countersigned:

By: _____
Shirley J. Roberts, City Clerk



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION
Meeting of March 19, 2026
TEMPORARY USE

RECOMMENDATION: City Development staff recommends approval of this Temporary Use permit, subject to the conditions set forth in the attached resolution and this report

Project name:	Franklin Field, 2026 season
Property Owner:	BPC County Land LLC
Applicant:	Christ David Conley. ROC Ventures, LLC
Property Address/TKN:	7035 S. Ballpark Drive / 744 1003 000
Aldermanic District:	District 6
Zoning District:	PDD No. 37 (The Rock Sports Complex)
Staff Planner:	Régulo Martínez-Montilva, AICP, CNUa, Planning Manager
Submittal date:	02-13-2026
Application number:	PPZ26-0005

This temporary use is for the Franklin Field Stadium 2026 regular baseball seasons of the UWM Panthers (March 20 – May 16) and Milwaukee Milkmen (May 15 – September 7). Associated events and locations as follow:

- Food and beverage sales (A.1), 4 locations.
- Beverage sales (A.2), 5 locations for beverage carts.
- Food truck (A.3), 1 location.
- Beverage tub (A.4), 2 locations for rolling coolers.
- Graduation ceremony.
- Candy drop.

According to the Stadium Site Plan Resolution No. 2018-016, *the applicant shall annually, at least 90 days prior to the start of each baseball season at the Ballpark Commons stadium, submit all plans and details for all semi-portable, semi-temporary, temporary, and product hawking structures, uses, and activities planned to occur at the stadium for City staff review and approval.*

City Development staff has been referring previous Franklin Field applications to the Plan Commission since 2024 due to noise complaints. The applicant is requesting a maximum sound level of 65dB as measured at the three existing sound monitors (west, east and north). The maximum sound level at this location is 55 dBA LAeq as measured at the property boundary pursuant to the Unified Development Ordinance Table 15-3.1107(C). This sound level increase requires approval by the Common Council per Municipal Code Section 183-41A.(2)

The concerts, fireworks and food & beverage events are subject to separate special event permits through the Clerk’s Office.

Noise

The uses and activities of this Temporary Use permit must comply with the maximum sound level of 55 dBA LAeq as measured at the property boundary pursuant to the Unified Development Ordinance Table 15-3.1107(C). Higher sound levels require approval by the Common Council per Municipal Code Section 183-41A.(2), the applicant is requesting a maximum sound level of 65 dBA, the Plan Commission may refer this request to the Common Council.

City Development staff doesn't recommend to set a maximum sound level for one candy drop event scheduled for August, based on the Rocks Sports Complex Sound Study (page 65): "Sound levels from fireworks and helicopter events are likely to exceed any reasonable community sound limit. Many communities, including Greendale, exempt some types of special events from their noise ordinance. The City of Franklin currently overlooks fireworks from its noise requirements. We recommend that if the City of Franklin would like to except fireworks from the requirements, that this be explicitly stated in the Development Agreement and that they limit the number of these louder events with the understanding that the noise limits will be exceeded."

STAFF RECOMMENDATION

City Development staff recommends approval of this Temporary Use permit, subject to the conditions set forth in the attached resolution and listed below:

1. This Temporary Use permit is hereby approved for uses and activities associated with the 2026 regular season of the UWM Panthers and the Milwaukee Milkmen at the Franklin Field, specifically:
 - Baseball games: UWM Panthers (March 20 – May 16) and the Milwaukee Milkmen (May 15 – September 7). See condition #13 for additional games.
 - Food and beverage sales (A.1), 4 locations.
 - Beverage sales (A.2), 5 locations for beverage carts.
 - Food truck (A.3), 1 location.
 - Beverage tub (A.4), 2 locations for rolling coolers.
 - Graduation ceremony.
 - Candy drop.
2. This 2026 Franklin Field Stadium Temporary Use permit shall be operated in accordance with the project narrative and site plan, city file-stamped February 13, 2026, attached and on file with the Department of City Development.
3. The uses and activities of this Temporary Use permit must comply with the maximum sound level of 55 dBA LAeq as measured at the property boundary per Unified Development Ordinance Table 15-3.1107(C), unless the Common Council approves higher sound levels pursuant to Municipal Code §183-41A.

Note: The Plan Commission may refer applicant's request for a 65-dBA sound level to the Common Council.

4. Per the Noise and Light Addendum (page 3), "continuous noise monitoring data shall be kept for twelve months" for the three sound monitors.

5. This Temporary Use permit does not include concerts, fireworks, and other food & beverage events listed in the project narrative, the applicant must submit separate special event permits through the City of Franklin Clerk's Office. The applicant must obtain all necessary licenses from the Clerk's Office for alcoholic beverage sales and consumption.
6. This Temporary Use approval is contingent on the applicant receiving all applicable licenses/permits through the City of Franklin. This includes, but is not limited to, all necessary licenses and permits which are required through the Inspection Services Department, Clerks Office, and Health Department.
7. Pursuant to Planned Development District Ordinance 2019-2368, hours of operation for the stadium shall be limited to 7:00 a.m. to 11:00 p.m. In the event of rain delays, extra innings, technical difficulties, or lighting maintenance, a reasonable extension of the lighting curfew, up to 12:00 a.m. (midnight), is allowed. Infrequent minor extensions beyond midnight is also allowed.
8. No display, sales, or parking shall obstruct vehicular traffic. Twenty-five feet of drive aisle must be maintained at all times to allow safe and efficient vehicular access throughout the parking lots.
9. Trash receptacles must be provided to properly dispose of any waste generated by this event.
10. Approval is based on adequate sanitary facilities being provided for the event.
11. Tents and other event activities shall be positioned on the exterior of the building so as not to impede building exits, pedestrian or vehicle traffic, "fire lanes" and accessible routes to the public right of way.
12. This Temporary Use permit is not approving any tailgating activities.
13. If additional game dates are needed for playoffs, the applicant must notify the Department of City Development prior to the games.
14. All facilities serving food items must be licensed by the City of Franklin Health Department with the exception of A.2 and A.4 which are intended for selling packaged beverage items not considered "Temperature controlled for Safety" (milk, some juices, etc).
15. Any food trucks operating in A.3 must provide proof of Mobile Retail Food Licensing and are subject to inspection per the Franklin Health Department Policy and Procedures. FHD must be notified prior to trucks operating at events
16. Any other food sales locations, equipment or vendors not specified on this application will be subject to approval by the Franklin Health Department.
17. Follow all relevant WI DSPS and IBC code requirements for fire protection systems for given occupancy, use, and construction types.
18. Fire Extinguisher placement as per NFPA 10.
19. The operation of food trucks shall comply with the administrative code provisions under the Wisconsin Department of Safety and Professional Services (DSPS), §§ SPS 314 Fire Prevention and NFPA 1, Fire Code-2012 (adopted by reference).

RESOLUTION NO. 2026-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A TEMPORARY USE FOR THE FRANKLIN FIELD 2026
BASEBALL SEASON FOR PROPERTY LOCATED AT 7035 S. BALLPARK DRIVE
(ROC VENTURES, LLC, APPLICANT)

WHEREAS, ROC Ventures, LLC having petitioned the City of Franklin for the approval of a Temporary Use to allow for the Franklin Field 2026 Season (March 20 through September 7) in the Franklin Field Stadium, for UWM Panthers and Milwaukee Milkmen baseball games, four locations for food and beverage sales, five locations for beverage sales, one food truck, two locations for beverage tubs, graduation ceremonies and candy drop event, upon property located at 7035 S. Ballpark Drive; and

WHEREAS, the Plan Commission having found that the proposed Temporary Use, subject to conditions, meets the standards set forth under §15-4-14.C of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the petition of ROC Ventures, LLC for the approval of a Temporary Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. This Temporary Use permit is hereby approved for uses and activities associated with the 2026 regular season of the UWM Panthers and the Milwaukee Milkmen at the Franklin Field, specifically:
 - Baseball games: UWM Panthers (March 20 – May 16) and the Milwaukee Milkmen (May 15 – September 7). See condition #13 for additional games.
 - Food and beverage sales (A.1), 4 locations.
 - Beverage sales (A.2), 5 locations for beverage carts.
 - Food truck (A.3), 1 location.
 - Beverage tub (A.4), 2 locations for rolling coolers.
 - Graduation ceremony.
 - Candy drop.
2. This 2026 Franklin Field Stadium Temporary Use permit shall be operated in accordance with the project narrative and site plan, city file-stamped February 13, 2026, attached and on file with the Department of City Development.
3. The uses and activities of this Temporary Use permit must comply with the maximum sound level of 55 dBA LAeq as measured at the property boundary per Unified

Development Ordinance Table 15-3.1107(C), unless the Common Council approves higher sound levels pursuant to Municipal Code §183-41A.

4. Per the Noise and Light Addendum (page 3), “continuous noise monitoring data shall be kept for twelve months” for the three sound monitors.
5. This Temporary Use permit does not include concerts, fireworks, and other food & beverage events listed in the project narrative, the applicant must submit separate special event permits through the City of Franklin Clerk’s Office. The applicant must obtain all necessary licenses from the Clerk’s Office for alcoholic beverage sales and consumption.
6. This Temporary Use approval is contingent on the applicant receiving all applicable licenses/permits through the City of Franklin. This includes, but is not limited to, all necessary licenses and permits which are required through the Inspection Services Department, Clerks Office, and Health Department.
7. Pursuant to Planned Development District Ordinance 2019-2368, hours of operation for the stadium shall be limited to 7:00 a.m. to 11:00 p.m. In the event of rain delays, extra innings, technical difficulties, or lighting maintenance, a reasonable extension of the lighting curfew, up to 12:00 a.m. (midnight), is allowed. Infrequent minor extensions beyond midnight is also allowed.
8. No display, sales, or parking shall obstruct vehicular traffic. Twenty-five feet of drive aisle must be maintained at all times to allow safe and efficient vehicular access throughout the parking lots.
9. Trash receptacles must be provided to properly dispose of any waste generated by this event.
10. Approval is based on adequate sanitary facilities being provided for the event.
11. Tents and other event activities shall be positioned on the exterior of the building so as not to impede building exits, pedestrian or vehicle traffic, “fire lanes” and accessible routes to the public right of way.
12. This Temporary Use permit is not approving any tailgating activities.
13. If additional game dates are needed for playoffs, the applicant must notify the Department of City Development prior to the games.
14. All facilities serving food items must be licensed by the City of Franklin Health Department with the exception of A.2 and A.4 which are intended for selling packaged beverage items not considered “Temperature controlled for Safety” (milk, some juices, etc).
15. Any food trucks operating in A.3 must provide proof of Mobile Retail Food Licensing and are subject to inspection per the Franklin Health Department Policy and Procedures. FHD must be notified prior to trucks operating at events

ROC VENTURES, LLC – FRANKLIN FIELD TEMPORARY USE

RESOLUTION NO. 2026-_____

Page 3

- 16. Any other food sales locations, equipment or vendors not specified on this application will be subject to approval by the Franklin Health Department.
- 17. Follow all relevant WI DSPS and IBC code requirements for fire protection systems for given occupancy, use, and construction types.
- 18. Fire Extinguisher placement as per NFPA 10.
- 19. The operation of food trucks shall comply with the administrative code provisions under the Wisconsin Department of Safety and Professional Services (DSPS), §§ SPS 314 Fire Prevention and NFPA 1, Fire Code-2012 (adopted by reference).

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2026.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2026.

APPROVED:

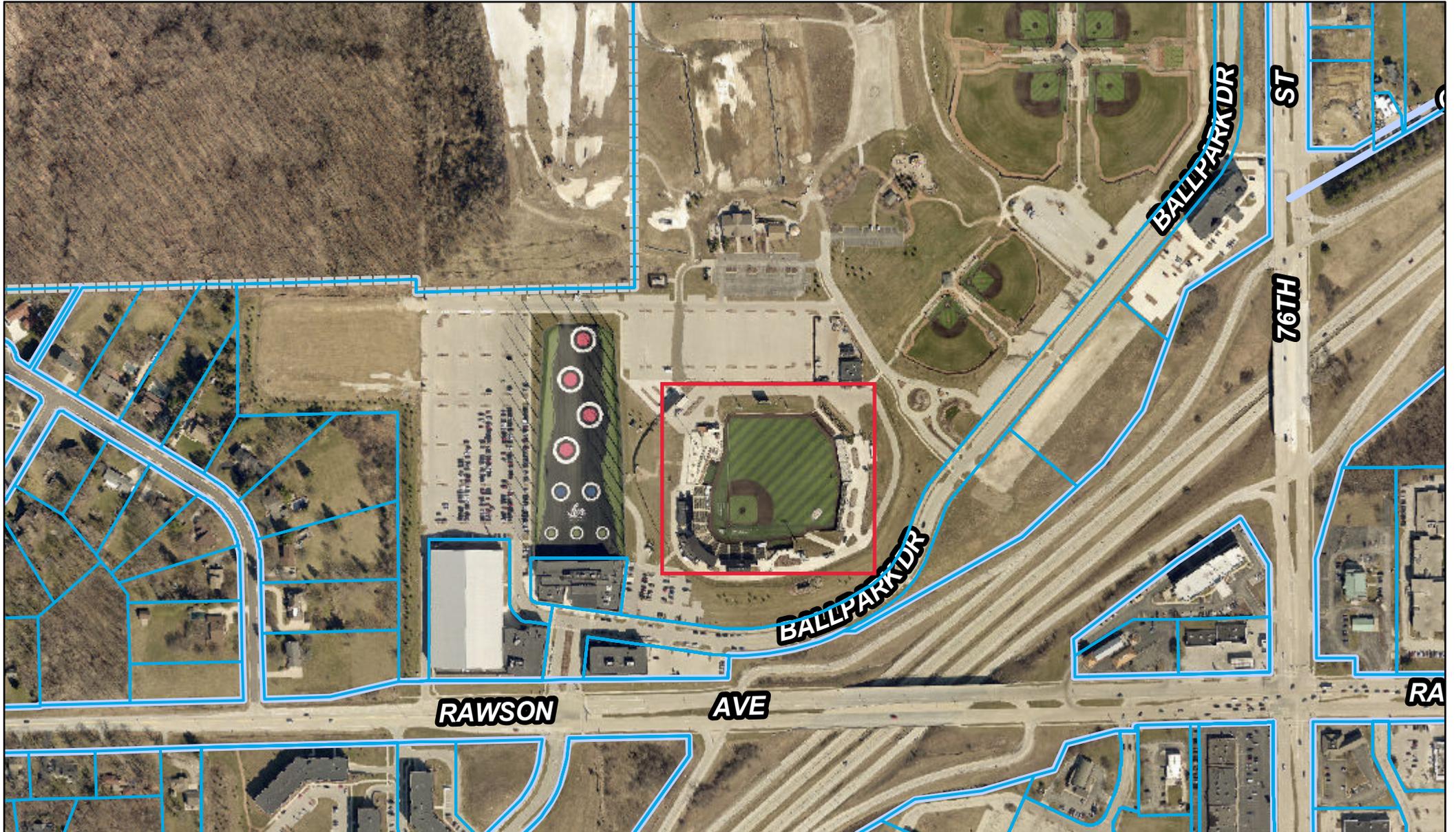
John R. Nelson, Chairman

ATTEST:

Shirley J. Roberts, City Clerk

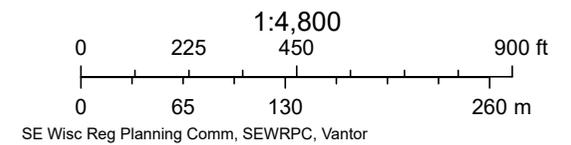
AYES _____ NOES _____ ABSENT _____

City of Franklin Property Viewer



3/3/2026, 9:59:47 AM

 Parcel



MEMORANDUM

Date: March 3, 2026
To: Christ Conley, ROC Ventures LLC
From: Régulo Martínez-Montilva, Planning Manager
City of Franklin, Department of City Development
RE: Review comments for Franklin Field Temporary Use (2026)
7035 S Ballpark Drive

Below are review comments and recommendations for the above-referenced application submitted on February 13, 2026.

Department of City Development

1. **Sound level.** The uses and activities of this Temporary Use permit must comply with the maximum sound level of 55 dBA LAeq as measured at the property boundary per Unified Development Ordinance Table 15-3.1107(C). Higher sound levels (65 dBA) require approval by the Common Council, the Plan Commission may refer your request to the Common Council.
2. Even though the location for two container structures received approval of a Site Plan amendment by Resolution No. 2025-023, separate building, plumbing and electrical permits may be required. Please contact the Inspection Services Department for more information.

Inspection Services Department

- Need more info for the shipping containers. They will most likely Building, Plumbing and Electrical permits. As well as Approved plans from Eplan Exam or DSPS.

Health Services Department

1. All facilities serving food items must be licensed by the City of Franklin Health Department with the exception of A.2 and A.4 which are intended for selling packaged beverage items not considered “Temperature controlled for Safety” (milk, some juices, etc).
2. Clarification is needed on the intended use of the shipping container listed under A.1 If any food preparation or open food is handled in this location, all food code requirements must be met including proper finishes, plumbing, equipment, etc. Approval for this structure is not approved until operations are clarified.
3. Any food trucks operating in A.3 must provide proof of Mobile Retail Food Licensing and are subject to inspection per the Franklin Health Department Policy and Procedures. FHD must be notified prior to trucks operating at events
4. Any other food sales locations, equipment or vendors not specified on this application will be subject to approval by the Franklin Health Department.

Police Department

- The Pd has no comments or concerns regarding the baseball games at Franklin Field.

Engineering Department

- Engineering has no comments on applicant's requests

BALLPARK COMMONS
FRANKLIN FIELD USAGE SUBMITTAL
PLAN COMMISSION

SUMMARY

The following submittal contains plans and details for all semi-portable, semi-temporary, temporary, and product hawking structures, uses and activities planned to occur at Franklin Field in 2026.

Uses/Activities detailed within this submittal are defined as follows. Milkman games type A or MM “A”: Milkmen games that have higher attendance expectations. Milkman games type B or MM “B”: Milkmen games that have average attendance expectations. Milkman games type C or MM “C”: Milkmen games that have lower attendance expectations. Also included in baseball game submittals are University of Wisconsin-Milwaukee baseball games. No temporary structures are required for these games and attendance expectations are extremely low.

Uses, temporary structures and approval requests as of this date are as follows:

Proposed Use/Structure	Type of Approval
Baseball Games	Permanent
A.1: Food and Beverage Structures	Annual Staff Approval
A.2: Beverage Only Structures	Permanent
A.3: Food Truck Structures	Annual Staff Approval
Product Hawking Structures	Permanent
Fireworks	Common Council
Graduation Ceremony	Annual Staff Approval
Candy Drop	Annual Staff Approval

BASEBALL GAMES

PROJECT NARRATIVE

Provide entertainment to fans attending a standard 9-inning baseball game. Games can last 3 hours or longer depending on gameplay. Food, Beverage, and Merchandise items will be available for purchase. This type of use is expected to occur annually on approximately the same dates.

ATTENDANCE EXPECTATIONS

- UWM Baseball Game: Avg. 500 Sold
- MM A: Above 75% Sold
- MM B: 40-75% Sold
- MM C: Below 40% Sold

Schedule

Below is the regular season schedule for the UWM Panthers and the Milwaukee Milkmen. There are a total of 69 games. Additional dates could be added for the playoffs. Changes will be forwarded as needed.

UWM BASEBALL GAMES

Friday, March 20, 3:00pm
Saturday, March 21, 2:00pm
Sunday, March 22, 1:00pm
Friday, March 27, 3:00pm
Saturday, March 28, 2:00pm
Sunday, March 29, 1:00pm
Tuesday, March 31, 3:00pm
Thursday, April 2, 3:00pm
Friday, April 3, 3:00pm
Saturday, April 4, 12:00pm
Tuesday, April 7, 4:00pm
Friday, April 17, 3:00pm
Saturday, April 18, 2:00pm
Sunday, April 19, 1:00pm
Tuesday, April 21, 3:00pm
Tuesday, May 5, 11:00am
Thursday, May 14, 5:00pm
Friday, May 15, 11:00am
Saturday, May 16, 11:00am

MM A GAMES

Friday, May 15, 6:30pm
Saturday, May 16, 6:00pm
Tuesday, May 19, 10:30am
Wednesday, May 20, 10:30am
Friday, June 5, 6:30pm
Saturday, June 6, 6:00pm
Friday, June 26, 6:30pm
Saturday, June 27, 6:00pm
Friday, July 10, 6:30pm
Saturday, July 11, 6:00pm
Friday, July 24, 6:30 pm
Saturday, July 25, 6:00pm
Friday, August 14, 6:30pm
Saturday, August 15, 6:00pm
Friday, August 21, 6:30pm
Saturday, August 22, 6:00pm
Friday, September 4, 6:30pm
Saturday, September 5, 6:00pm

MM B GAMES

Sunday, May 17, 1:00pm
Thursday, June 4, 6:30pm
Sunday, June 7, 1:00pm
Thursday, June 18, 6:30pm
Sunday, June 28, 1:00pm
Sunday, July 12, 1:00pm
Thursday, July 23, 6:30pm
Sunday, July 26, 1:00pm
Thursday, August 6, 12:00pm
Thursday, August 13, 6:30pm
Sunday, August 16, 1:00pm
Sunday, August 23, 1:00pm
Thursday, August 27, 12:00pm
Sunday, September 6, 1:00pm
Monday, September 7, 1:00pm

MM C GAMES

Monday, May 18, 6:30
Tuesday, June 2, 6:30
Wednesday, June 3, 6:30
Tuesday, June 16, 6:30
Wednesday, June 17, 6:30
Monday, July 6, 6:30
Tuesday, July 7, 6:30
Wednesday, July 8, 6:30
Tuesday, July 21, 6:30
Wednesday, July 22, 6:30
Tuesday, August 4, 6:30
Wednesday, August 5, 6:30
Tuesday, August 11, 6:30
Wednesday, August 12, 6:30
Monday, August 24, 6:30
Tuesday, August 25, 6:30
Wednesday, August 26, 6:30

Activities

Fireworks

Fireworks shows start no later than 10 minutes after the game ends and will end no later than 10:30pm. Each date will be permitted with an Extraordinary Events Permit obtained through the Clerk's office. Services will be provided by a third-party vendor.

Fireworks dates are as follows:

5/15,6/5,6/26,7/3,7/4,7/10,7/24,8/14,8/21,9/4

Candy Drop

A Candy Drop is an event that will happen at the conclusion of select Milwaukee Milkmen games. At a coordinated time, a helicopter will drop candy onto the field. After all the candy is dropped, we will allow kids in attendance onto the field to collect candy. Services will be provided by a third-party operator.

Candy Drop Date: Sunday, August 16th or 23rd – Awaiting confirmation.

Food and Beverage Sales

Food and beverage sales from non-permanent locations, utilizing the structures listed below.

Structures

Structures listed below can be found on the site plan that is included with this submittal package.

Semi-portable

There are no structures planned for this event.

Semi-temporary

A.1: Food and Beverage sales location. For all games scheduled. A diagram of the structure is attached. Locations will remain the same for each event.

Temporary

A.2 Beverage sales location. For all games scheduled. There are five locations that could be used for these events. The structure is on rollers and will be rolled into place before games and will be removed after or closed as attendance will require. These structures are 44.5 in. x 27.25 in. x 30.33 in. (WxDxH). A picture of the structure is attached. Locations will remain the same for each event and will be dictated by attendance.

A.3 Food Truck location. For all games scheduled. There is one location that could be utilized for these events. Standard food truck structure that will arrive before the game and will leave as attendance dictates. These vendors could be operated by a third party and will comply with all Health Department requirements. Locations will remain the same for each event.

A.4 Beverage Tub. For all games scheduled. There are two locations that could be utilized for these events. This is a small rolling cooler. Picture of the items are included in this package.

Product Hawking

For all games scheduled. There are up to 8 product hawking trays for beverages that could be utilized as attendance requires. Product hawking will be limited to concourse and seating locations. Attached is an image of the tray.

Site Plan

D.4 Main Dumpster/Trash Collection points. Receptacles will be placed throughout the event area.

A.1 Food and Beverage sales location

A.2 Beverage sales location

A.3 Food truck location

A.4 Beverage tub

D.5 Restroom locations

E.1 Emergency access point

A.5 Firework fall out/launch area. This area will be barricaded and will be a 350' diameter area.

Graduation Ceremony

Project Narrative

Standard commencement ceremony. On field staging and chairs for graduates.

Attendance Expectations

As allowed by the current capacity regulations. Not to exceed more than 100% of the stadium's capacity.

Schedule

Times included are for set up, ceremony, and load out. Operating time will be limited to 5-7 hours. The exact operating hours are TBD. Graduation date is TBD.

Activities**Food and Beverage Sales**

Food and beverage sales from non-permanent locations, utilizing the structures listed below.

Structures

Structures listed below can be found on the site plan that is included with this submittal package.

Semi-portable

There are no structures planned for this event.

Semi-temporary

There are no structures planned for this event.

Temporary

Temporary structures for this event include:

C.1 Approximate stage location. 30' x 30' wooden riser stage that will feature acoustic performances. Will only be set up on event days.

Product Hawking

No product hawking is planned for this event.

Site plan

C.2 Main event seating area. This area will include chairs for graduates to sit.

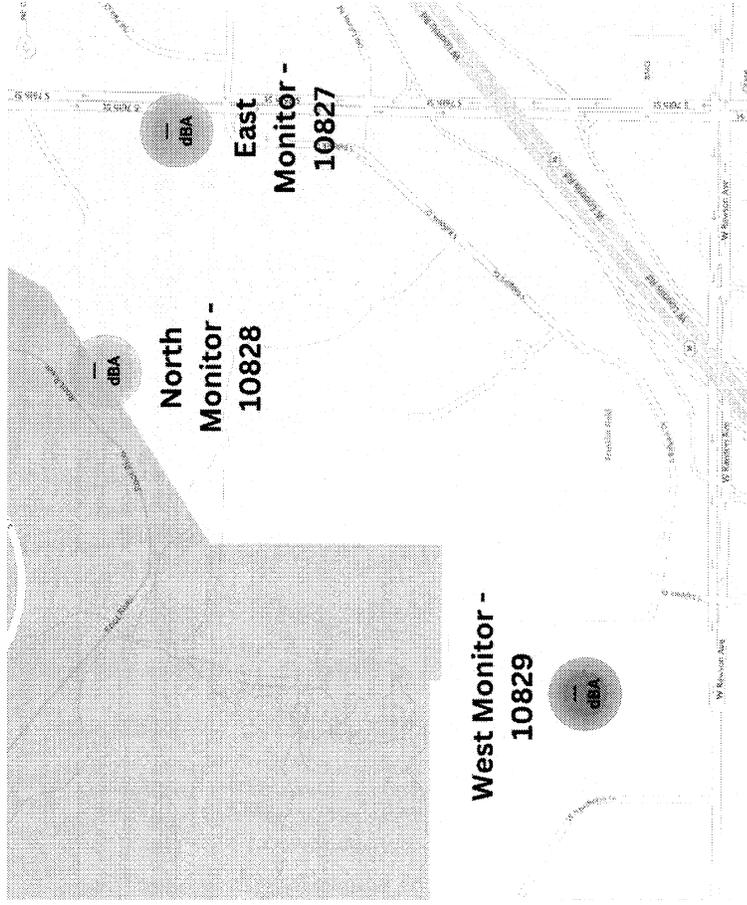
D.4 main Dumpster/Trash collection points. Receptacles will be placed throughout the event area.

D.5 Restroom locations

E.1 Emergency access points

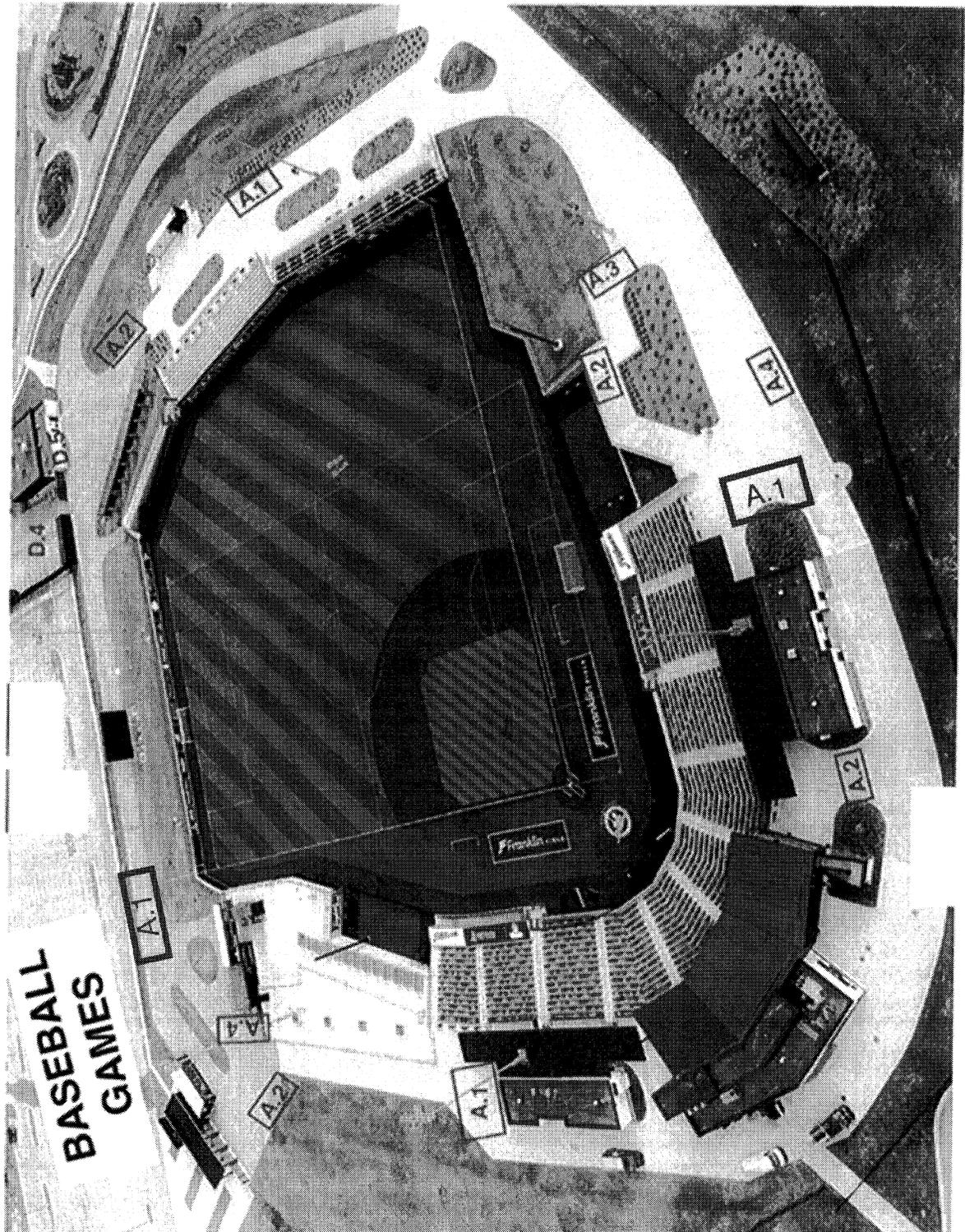


Ballpark Commons 2026 event permit – REQUESTED DB levels

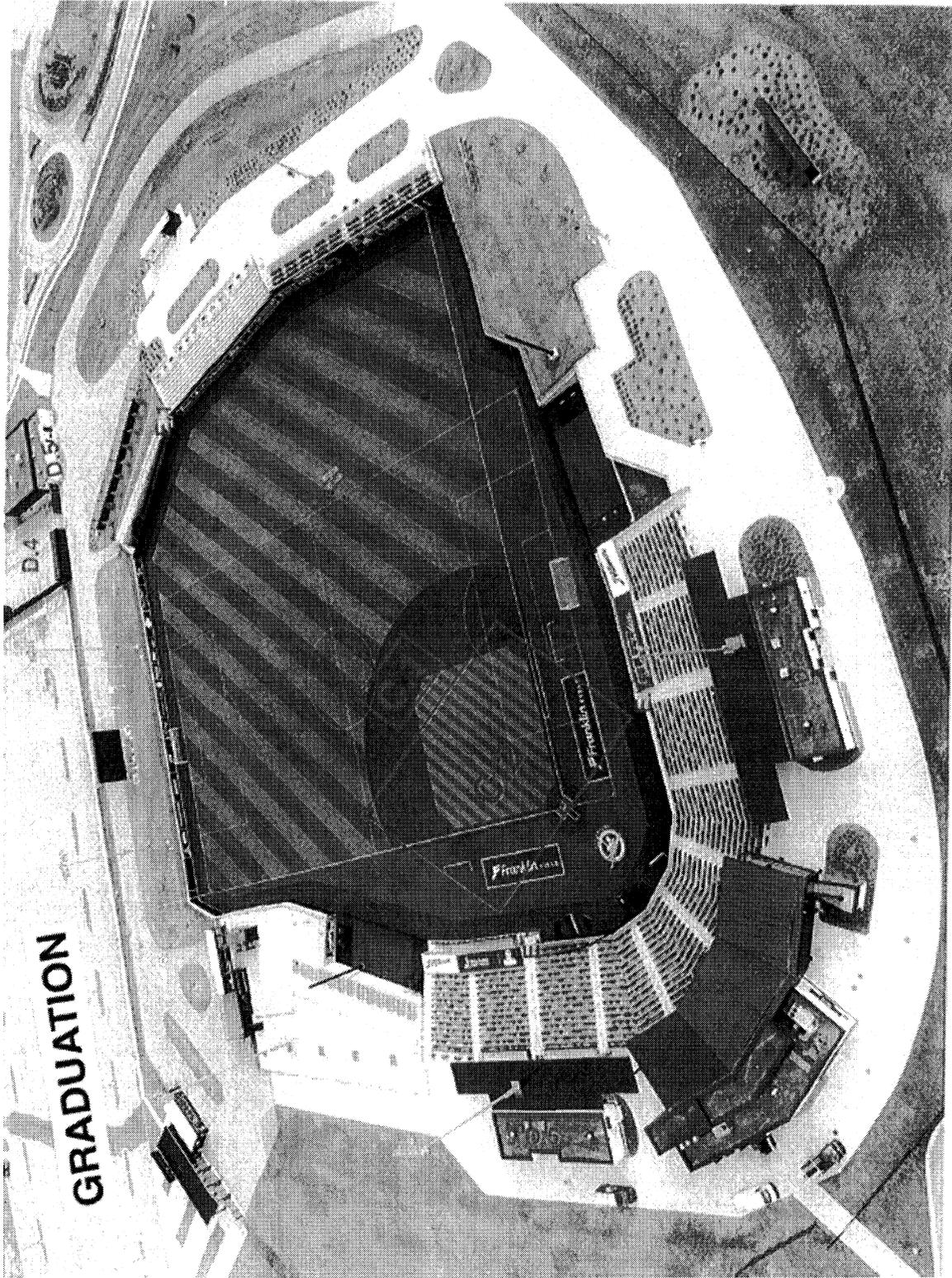


BALLPARK COMMONS 2026 EVENT PERMIT DB LEVEL REQUEST				
EVENT	NORTH MONITOR	EAST MONITOR	WEST MONITOR	
UMBRELLA BAR - SUMMER CONCERT SERIES	65DB	65DB	65DB	
FRANKLIN FIELD - MILWAUKEE MILKMEN GAMES	65DB	65DB	65DB	
THE HILL HAS EYES	69DB	60DB	60DB	
FRANKLIN FIELD - TACOS & TEQUILA / COUNTRY RISING MUSIC FESTIVAL	79DB	79DB	79DB	

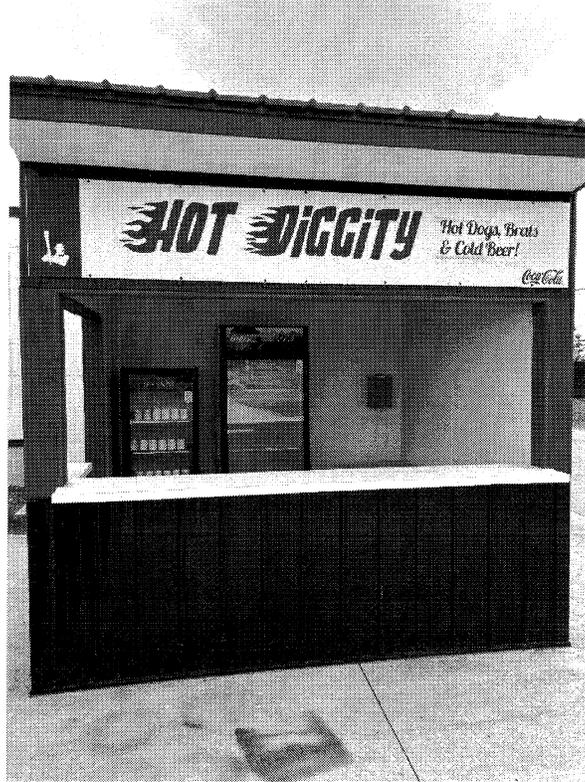
Baseball Games



Graduation



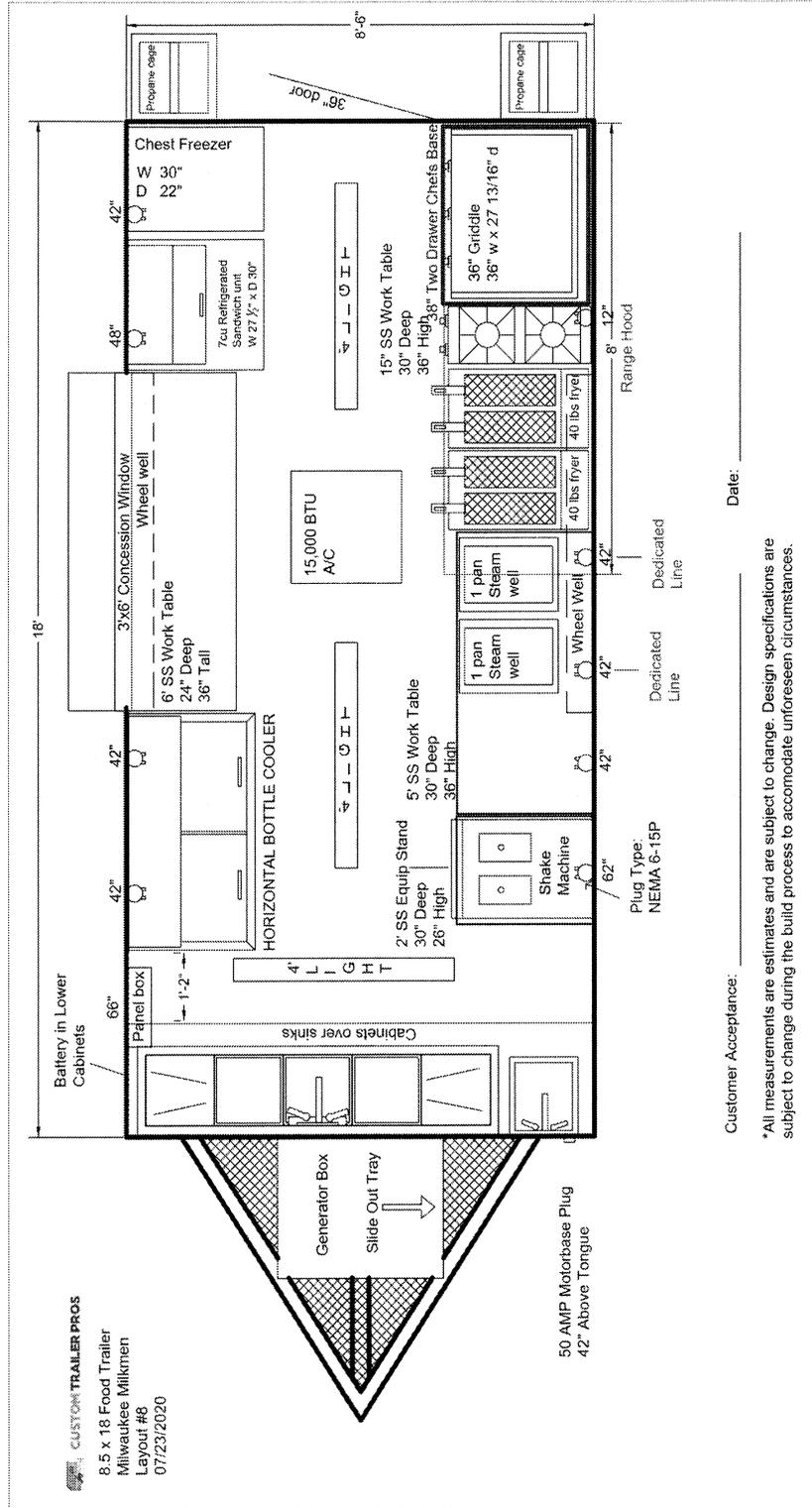
A.1 Food and Beverage sales location



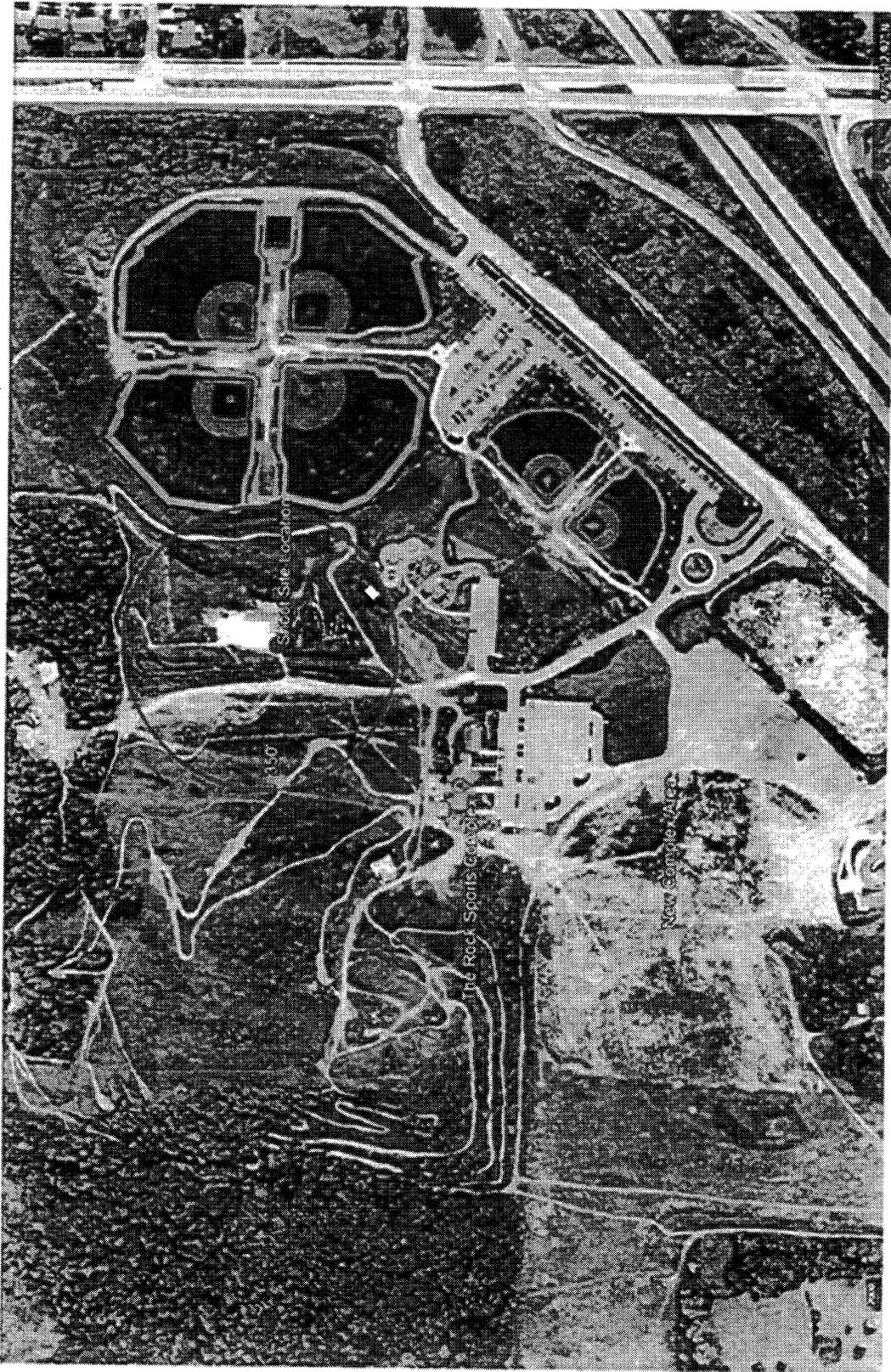
A.2/A.4 Beverage Tub



A.3 Food Truck



A.5 FIREWORKS FALLOUT AREA





CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION
Meeting of March 19, 2026
TEMPORARY USE

RECOMMENDATION: City Development staff recommends approval of this Temporary Use permit, subject to the conditions set forth in the attached resolution and in this report.

Project name:	Rock’n Food Truck Rally at Umbrella Bar (2026)
Property Owner:	BPC County Land LLC
Applicant:	Carinn Hoffman. ROC Ventures, LLC
Property Address/TKN:	7005 S. Ballpark Drive / 744 1003 000
Aldermanic District:	District 6
Zoning District:	PDD No. 37 (The Rock Sports Complex)
Staff Planner:	Régulo Martínez-Montilva, AICP, CNUa, Planning Manager
Submittal date:	02-18-2026
Application number:	PPZ26-0006

PROJECT DESCRIPTION AND ANALYSIS

Temporary Use application for the Rock’n Food Truck Rally at the Umbrella Bar. The applicant is proposing the same location and hours of operation as previous temporary use permits. The food trucks will operate in the vicinity of the Umbrella Bar from 5:00 p.m. to 9:00 p.m. on Thursday nights from May 28 to October 29, 2026. Each event day will have a maximum of ten (10) food trucks selling food and non-alcoholic beverages.

Plan Commission approval was not required for previous approvals as this event doesn't exceed 30 days. City Development staff has been referring these applications to the Plan Commission since 2024 due to noise complaints. The applicant is requesting a maximum sound level of 65dB as measured at the three existing sound monitors (west, east and north). The maximum sound level at this location is 55 dBA LAeq as measured at the property boundary pursuant to the Unified Development Ordinance Table 15-3.1107(C). This sound level increase requires approval by the Common Council per Municipal Code Section 183-41A.(2).

STAFF RECOMMENDATION

City Development staff recommends approval of this Temporary Use permit, subject to the conditions set forth in the attached resolution, which are also listed below:

1. The Rock’n Food Truck Rally Temporary Use is hereby approved from May 28 to October 29, 2026, Thursdays only. This temporary use is not approving alcoholic beverage sales.
2. The Rock’n Food Truck Rally Temporary Use shall be operated in the vicinity of the Umbrella Bar at Ballpark Commons in accordance with the Site Plan, City file-stamped February 18, 2026, attached and on file with the Department of City Development.

3. The uses and activities of this Temporary Use permit must comply with the maximum sound level of 55 dBA LAeq as measured at the property boundary per Unified Development Ordinance Table 15-3.1107(C), unless the Common Council approves higher sound levels pursuant to Municipal Code §183-41A.

Note: The Plan Commission may refer applicant's request for a maximum sound level of 65 dBA to the Common Council.

4. The maximum number of food trucks at an event shall be ten (10).
5. Hours of operation for the event shall be limited from 5:00 p.m. to 9:00 p.m.
6. All extension cords (if used) must be 3-wire (grounded), be approved for outdoor use, and be unplugged when not in use.
7. No display, sales, or parking shall obstruct vehicular traffic. Twenty-five feet of drive aisle must be maintained at all times to allow safe and efficient vehicular access throughout the parking lots.
8. Trash receptacles must be provided to properly dispose of any waste generated by this event.
9. Any temporary signage associated with the event shall be approved by the Department of City Development.
10. Tents and other event activities shall be positioned on the exterior of the building so as not to impede building exits, pedestrian or vehicle traffic, "fire lanes" and accessible routes to the public right of way.
11. Approval is based on adequate sanitary facilities being provided for the event.
12. All food trucks operating at this event must hold a current Mobile Retail Food License from DATCP or a DATCP agent. Organizers of Food Truck Rally will provide the Franklin Health Department (FHD) with a list of vendors that will be attending this event. License information will be verified by FHD prior to operating. Vendors must submit an application for inspection and applicable fees to the FHD at least 48 hours prior to the event date. Inspections will be conducted per the Franklin Health Department Policy and Procedures. All Wisconsin Food Code requirements must be met by all licensed establishments participating.
13. The operation of food trucks shall comply with the administrative code provisions under the Wisconsin Department of Safety and Professional Services (DSPS), §§ SPS 314 Fire Prevention and NFPA 1, Fire Code-2012 (adopted by reference).
14. This Temporary Use approval is contingent on the applicant receiving all applicable licenses/permits through the City of Franklin. This includes, but is not limited to, all necessary licenses which are required through the Building Inspection Department, Clerks Office, and Health Department.

RESOLUTION NO. 2026-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A TEMPORARY USE FOR THE ROCK'N FOOD TRUCK
RALLY FOR PROPERTY LOCATED AT 7005 S. BALLPARK DRIVE
(ROC VENTURES, LLC, APPLICANT)

WHEREAS, ROC Ventures, LLC having petitioned the City of Franklin for the approval of a Temporary Use to allow for the Rock'n Food Truck Rally at the Umbrella Bar, for a maximum of ten food truck locations, from May 28 to October 29, 2026, Thursdays only, upon property located at 7005 S. Ballpark Drive; and

WHEREAS, the Plan Commission having found that the proposed Temporary Use, subject to conditions, meets the standards set forth under §15-4-14.C of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the petition of ROC Ventures, LLC for the approval of a Temporary Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. The Rock'n Food Truck Rally Temporary Use is hereby approved from May 28 to October 29, 2026, Thursdays only. This temporary use is not approving alcoholic beverage sales.
2. The Rock'n Food Truck Rally Temporary Use shall be operated in the vicinity of the Umbrella Bar at Ballpark Commons in accordance with the Site Plan, City file-stamped February 18, 2026, attached and on file with the Department of City Development.
3. The uses and activities of this Temporary Use permit must comply with the maximum sound level of 55 dBA LAeq as measured at the property boundary per Unified Development Ordinance Table 15-3.1107(C), unless the Common Council approves higher sound levels pursuant to Municipal Code §183-41A.
4. The maximum number of food trucks at an event shall be ten (10).
5. Hours of operation for the event shall be limited from 5:00 p.m. to 9:00 p.m.
6. All extension cords (if used) must be 3-wire (grounded), be approved for outdoor use, and be unplugged when not in use.
7. No display, sales, or parking shall obstruct vehicular traffic. Twenty-five feet of drive aisle must be maintained at all times to allow safe and efficient vehicular access throughout the parking lots.

- 8. Trash receptacles must be provided to properly dispose of any waste generated by this event.
- 9. Any temporary signage associated with the event shall be approved by the Department of City Development.
- 10. Tents and other event activities shall be positioned on the exterior of the building so as not to impede building exits, pedestrian or vehicle traffic, "fire lanes" and accessible routes to the public right of way.
- 11. Approval is based on adequate sanitary facilities being provided for the event.
- 12. All food trucks operating at this event must hold a current Mobile Retail Food License from DATCP or a DATCP agent. Organizers of Food Truck Rally will provide the Franklin Health Department (FHD) with a list of vendors that will be attending this event. License information will be verified by FHD prior to operating. Vendors must submit an application for inspection and applicable fees to the FHD at least 48 hours prior to the event date. Inspections will be conducted per the Franklin Health Department Policy and Procedures. All Wisconsin Food Code requirements must be met by all licensed establishments participating.
- 13. The operation of food trucks shall comply with the administrative code provisions under the Wisconsin Department of Safety and Professional Services (DSPS), §§ SPS 314 Fire Prevention and NFPA 1, Fire Code-2012 (adopted by reference).
- 14. This Temporary Use approval is contingent on the applicant receiving all applicable licenses/permits through the City of Franklin. This includes, but is not limited to, all necessary licenses which are required through the Building Inspection Department, Clerks Office, and Health Department.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2026.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2026.

APPROVED:

John R. Nelson, Chairman

ATTEST:

Shirley J. Roberts, City Clerk

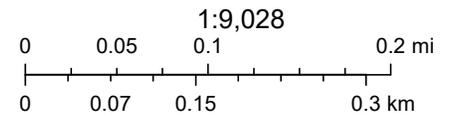
AYES _____ NOES _____ ABSENT _____

City of Franklin Property Viewer



5/1/2024, 3:28:45 PM

 Parcel



SEWRPC, Maxar, City of Franklin, WI

MEMORANDUM

Date: March 2, 2026
To: Carinn Hoffman, ROC Ventures LLC
From: Régulo Martínez-Montilva, Planning Manager
City of Franklin, Department of City Development
RE: Review comments for Rock'n Food Truck Rally Temporary Use (2026)
7005 S Ballpark Drive

Below are review comments and recommendations for the above-referenced application submitted on February 18, 2026.

Department of City Development

- **Sound level.** The uses and activities of this Temporary Use permit must comply with the maximum sound level of 55 dBA LAeq as measured at the property boundary per Unified Development Ordinance Table 15-3.1107(C). Higher sound levels (65 dBA) require approval by the Common Council, the Plan Commission may refer your sound level request to the Common Council.

Health Services Department

- All food trucks operating at this event must hold a current Mobile Retail Food License from DATCP or a DATCP agent. Organizers of Food Truck Rally will provide the Franklin Health Department (FHD) with a list of vendors that will be attending this event. License information will be verified by FHD prior to operating. Vendors must submit an application for inspection and applicable fees to the FHD at least 48 hours prior to the event date. Inspections will be conducted per the Franklin Health Department Policy and Procedures. All Wisconsin Food Code requirements must be met by all licensed establishments participating.

Police Department

- The PD has no comments or concerns.

Engineering Department

- Engineering has no comment on the applicant's Temp Use request

Inspection Services Department

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

TEMPORARY USE APPLICATION
UMBRELLA BAR – BALLPARK COMMONS
7005 S BALLPARK DRIVE

PROJECT NARRATIVE

Ballpark Commons will be hosting food truck events this summer on the dates listed below. Site plans and overall layouts will be the same for each event. Food trucks and/or vendors will be limited to a maximum of 10 participants and each will be entirely self-contained and legally licensed from an authorized state or city agency. At each event, we will utilize existing beverage infrastructure. Additionally, some trucks/vendors will be allowed to sell non-alcoholic beverages.

Rock'n Food Truck Rally – Series

Event Runtime and Attendance: 5:00pm-9:00pm

Details: Maximum 10 food trucks will be parked within the event zone selling food and non-alcoholic beverages.

Site Plan: Food Trucks/Vendors will only be allowed to set up within the event zone shown below.

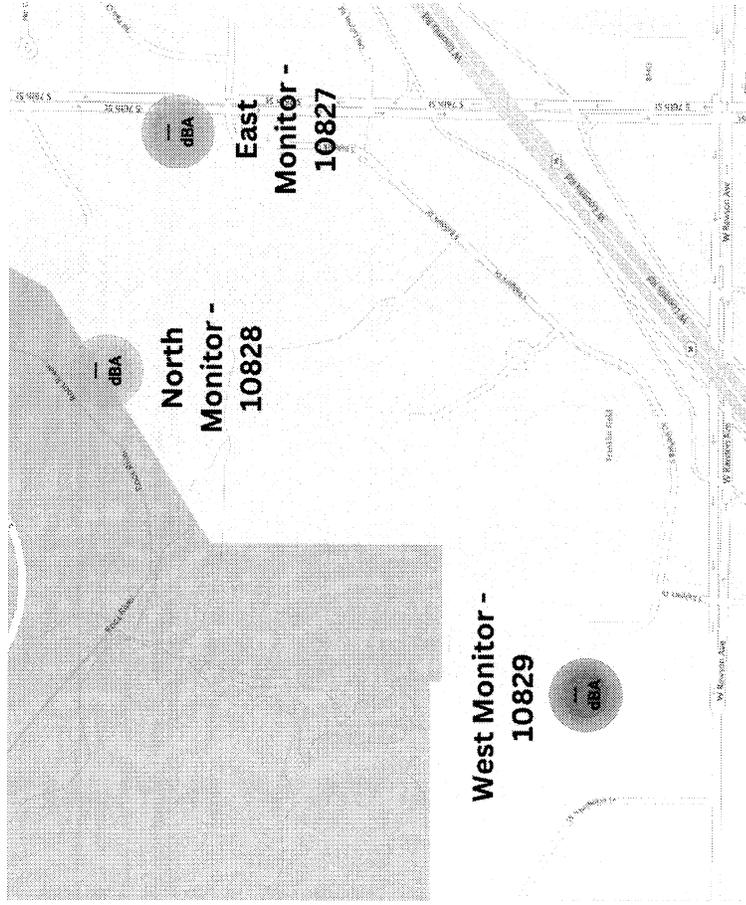
Dates: Every Thursday starting on May 28, 2028 and ending on October 29, 2026.

Decibel level maximum:

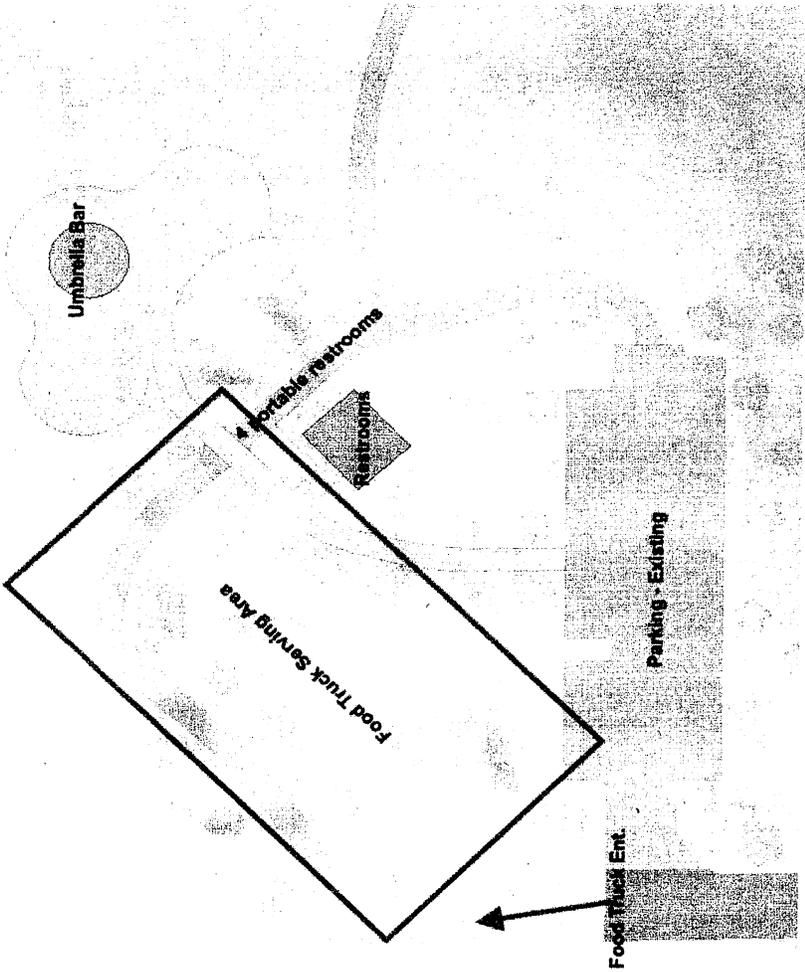
- North Monitor – 65DB
- West Monitor – 65DB
- East Monitor – 65DB
- Per our PDD we request a correction period. For this event we propose a 15-minute correction period.



Ballpark Commons 2026 event permit – REQUESTED DB levels



BALLPARK COMMONS 2026 EVENT PERMIT DB LEVEL REQUEST			
EVENT	NORTH MONITOR	EAST MONITOR	WEST MONITOR
UMBRELLA BAR - SUMMER CONCERT SERIES	65DB	65DB	65DB
FRANKLIN FIELD - MILWAUKEE MILKMEN GAMES	65DB	65DB	65DB
THE HILL HAS EYES	69DB	60DB	60DB
FRANKLIN FIELD - TACOS & TEQUILA / COUNTRY RISING MUSIC FESTIVAL	79DB	79DB	79DB





REPORT TO THE PLAN COMMISSION

Meeting of March 19, 2026

Land Combination

RECOMMENDATION: City Development Staff recommends approval of the Land Combination Application for properties located at 11836 & 0 W St. Martins Road / 797 9941 000 & 797 9942 000.

Table with 2 columns: Field Name and Value. Fields include Project name, Property Owner, Applicant, Property Address/TKN, Aldermanic District, Zoning District, and Staff Planner.

Project Analysis

The subject properties are two zoned B-SM, a commercial district that allows for single-family homes. The current request is a consolidation of the two lots. Currently, Parcel 1 is a lot with an existing single-family home and detached garage, while Parcel 2 is vacant with no structural improvements. There are no proposed changes to the use of these properties as part of this request.

The Land Combination is requesting to combine the two existing lots listed below to create a single 137,562.5 square foot (3.158 Acre) parcel.

The proposed lot configuration meets the requirements of the Unified Development Ordinance (UDO) standards with respect to lot configuration.

STAFF RECOMMENDATION

The Department of City Development staff recommends approval of the Land Combination Application for properties located at 11836 & 0 W St. Martins Road / 797 9941 000 & 797 9942 000.

RESOLUTION NO. 2026-_____

A RESOLUTION CONDITIONALLY APPROVING A LAND COMBINATION FOR 11836
& 0 W ST. MARTINS ROAD (TKN 797 9941 000 & 797 9942 000)
(MARKO GEROVAC, APPLICANTS AND PROPERTY OWNERS)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a proposed Land Combination for Marko Gerovac to combine 11836 & 0 W St. Martins Road, properties more particularly described as follows:

PARCEL A (TKN 797 9941 000):

A PARCEL OF LAND IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE TOWN OF FRANKLIN, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTH LINE OF THE SAID $\frac{1}{4}$ SECTION WHICH IS NORTH $87^{\circ}41'30''$ WEST, 486.73 FEET OF THE NORTHEAST CORNER OF THE SAID $\frac{1}{4}$ SECTION; RUNNING THENCE SOUTH $18^{\circ}36'$ WEST, PARALLEL TO THE WEST LINE OF GROSS FARM, (SOUTH $15^{\circ}5'$ WEST IN A PREVIOUS DESCRIPTION) 693.69 FEET TO THE CENTER LINE OF THE WAUKESHA-RACINE ROAD; THENCE NORTHWESTERLY ALONG THE CENTER LINE OF THE SAID ROAD, 200 FEET TO A POINT; THENCE NORTH $18^{\circ}36'$ EAST, 536.44 FEET TO A POINT IN THE NORTH LINE OF THE SAID $\frac{1}{4}$ SECTION; AND THENCE SOUTH $87^{\circ}41'30''$ EAST ALONG THE NORTH LINE OF THE SAID $\frac{1}{4}$ SECTION 175.30 FEET TO THE PLACE OF BEGINNING, RESERVING THEREFROM THE SOUTHWEST 33 FEET FOR HIGHWAY PURPOSES.

PARCEL B (797 9942 000):

A PARCEL OF LAND IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 7, IN TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE TOWN OF FRANKLIN, BOUNDED AND DESCRIBED AS FOLLOWS; COMMENCING AT A POINT IN THE NORTH LINE OF SAID $\frac{1}{4}$ SECTION WHICH IS NORTH $87^{\circ}41'30''$ WEST, 662.03 FROM THE NORTHEAST CORNER OF SAID $\frac{1}{4}$ SECTION; RUNNING THENCE SOUTH $18^{\circ}36'$ WEST AND ALONG THE WESTERLY LINE OF THE PREMISES CONVEYED TO THOMAS FRANK GEROVAC AND SOPHIE STELLA GEROVAC, HIS WIFE, BY WARRANTY DEED DOCUMENT NO. 2841166, 536.44 FEET TO THE CENTER LINE OF THE WAUKESHA RACINE ROAD; THENCE NORTHWESTERLY ALONG THE CENTER LINE OF SAID ROAD, 118.85 FEET MORE OR LESS TO THE SOUTHEASTERLY CORNER OF THE PREMISES CONVEYED TO ELIZABETH KOELSCH AND DELPHINE LOELSCH BY WARRANTY DOCUMENT NO. 2350422; THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF THE PREMISES CONVEYED TO THE KOELSCH'S,

GEROVAC – LAND COMBINATION

RESOLUTION NO. 2026-_____

Page 2

454.30 FEET TO A POINT IN THE NORTH LINE OF SAID ¼ SECTION, AND THENCE SOUTH 87°41'30" EAST ALONG THE NORTH LINE OF SAID ¼ SECTION, 104.18 FEET MORE OR LESS TO THE PLACE OF BEGINNING.

WHEREAS, the Plan Commission having reviewed such application and recommended approval thereof and the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed land combination is appropriate for approval pursuant to law upon certain conditions, all pursuant to §15-9-13B of the Unified Development Ordinance, Land Combination Permits.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Marko Gerovac, as submitted by Marko Gerovac, for the approval of a Land Combination for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions:

1. Marko Gerovac, 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 Gerovac Land Combination project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9-14 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
2. The approval granted hereunder is conditional upon Marko Gerovac Land Combination project for the properties located at 11836 & 0 W St. Martins Road (797 9941 000 & 797 9942 000): (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

BE IT 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 8th day of April, 2026.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 8th day of April, 2026.

APPROVED:

GEROVAC – LAND COMBINATION
RESOLUTION NO. 2026-_____

Page 3

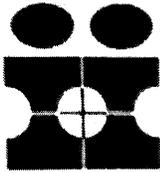
John R. Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____

Interline Surveying Services, Inc.



Surveyors
Land Planners

11221 WEST FOREST HOME AVENUE — HALES CORNERS, WISCONSIN 53130 — PHONE 414/425-2060

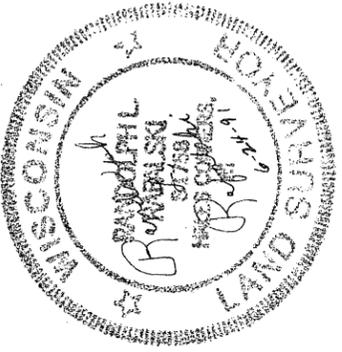
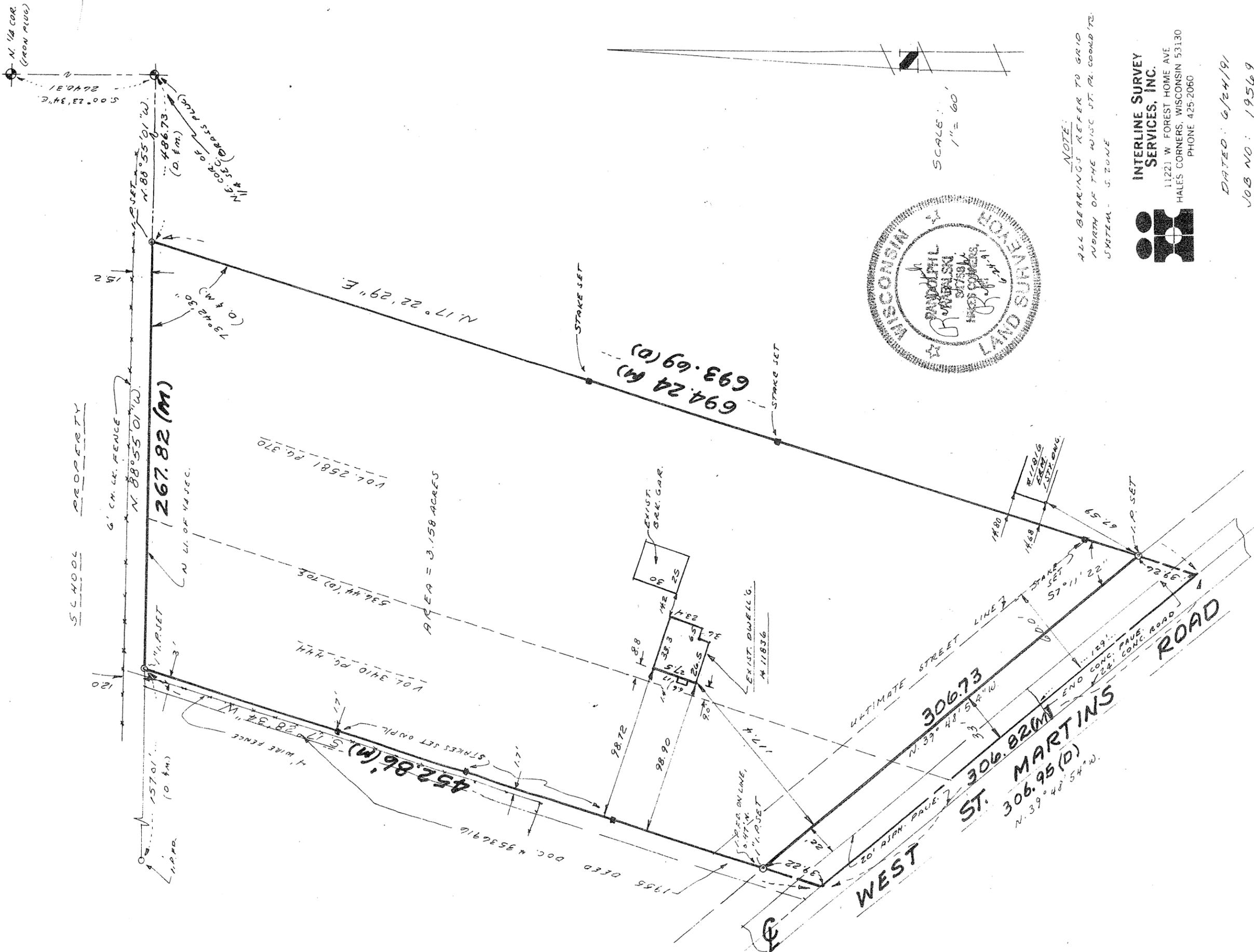
LEGAL DESCRIPTION

A parcel of land in the Southwest 1/4 of Section 7, Township 5 North, Range 21 East, in the Town of Franklin, more particularly bounded and described as follows: Commencing at a point in the North line of the said 1/4 Section which is North $87^{\circ}41'30''$ West, 486.73 feet of the Northeast corner of the said 1/4 Section; running thence South $18^{\circ}36'$ West, parallel to the West line of Gross Farm, (South $15^{\circ}5'$ West in a previous description) 693.69 feet to the center line of the Waukesha-Racine Road; thence Northwesterly along the center line of the said road, 200 feet to a point; thence North $18^{\circ}36'$ East, 536.44 feet to a point in the North line of the said 1/4 Section; and thence South $87^{\circ}41'30''$ East along the North line of the said 1/4 Section 175.30 feet to the place of beginning, reserving therefrom the Southwest 33 feet for highway purposes.

A parcel of land in the Southwest 1/4 of Section 7, in Township 5 North, Range 21 East, in the Town of Franklin, bounded and described as follows; Commencing at a point in the North line of said 1/4 Section which is North $87^{\circ}41'30''$ West, 662.03 feet from the Northeast corner of said 1/4 Section; running thence South $18^{\circ}36'$ West and along the Westerly line of the premises conveyed to Thomas Frank Gerovac and Sophie Stella Gerovac, his wife, by Warranty Deed Document No. 2841166, 536.44 feet to the center line of the Waukesha Racine Road; thence Northwesterly along the center line of said road, 118.85 feet more or less to the Southeasterly corner of the premises conveyed to Elizabeth Koelsch and Delphine Loelsch by Warranty Deed Document No. 2350422; thence Northeasterly along the easterly line of the premises conveyed to the Koelsch's, 454.30 feet to a point in the North line of said 1/4 Section, and thence South $87^{\circ}41'30''$ East along the North line of said 1/4 Section, 104.18 feet more or less to the place of beginning.

PLAT OF SURVEY

FOR: THOMAS GEROVAC
 LOCATION: 11836 W. ST. MARTINS ROAD
 DESCRIPTION: (SEE SHEET 2 OF 2)



SCALE: 1" = 60'

NOTE:
 ALL BEARINGS REFER TO GRID
 NORTH OF THE WISC. ST. PL. COORDINATE
 SYSTEM - 5 ZONE

INTERLINE SURVEY
 SERVICES, INC.
 11221 W. FOREST HOME AVE
 HALES CORNERS, WISCONSIN 53130
 PHONE 425-2060

DATED: 6/24/91
 JOB NO: 19569
 SHEET 1 OF 2