

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*  
TUESDAY, DECEMBER 6, 2016 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B.
  - 1. Citizen Comment Period.
  - 2. Mayor Announcements - 2016 Franklin Police Department Award Recipients.
- C. Approval of Minutes:  
Regular Common Council Meeting of November 15, 2016.
- D. Hearings.
- E. Organizational Business:  
Mayoral Appointment - Matt Cool, 4934 W. Forest Hill Ave., Ald. Dist. 5 –  
Community Development Authority (4 year unexpired term expiring 8/30/2017).
- F. Letters and Petitions.
  - 1. Petition from Residents Opposing any Entrance off of South North Cape Road to the New Muskego Middle School.
  - 2. Proposed Emergency Medical Service Rates (Advanced Life Support (“ALS”) for 2017.
- G. Reports and Recommendations:
  - 1. Donations:
    - (a) Donation from the Christian Women of St. Martin of Tours Parish in the Amount of \$250 to the Police Department.
    - (b) Donation from The Wal-Mart Foundation in the Amount of \$2,500 to the Police Department.
  - 2. Request from Fire Chief for Approval to Dispose of Two Vehicles That are no Longer in Service by Sending them to Auction.
  - 3. A Resolution Conditionally Approving a Preliminary Plat for Evergreen Park Estates Subdivision (at Approximately 7501 South 49<sup>th</sup> Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).
  - 4. A Resolution Amending Resolution No. 2016-7233, a Resolution Amending Resolution No. 2014-7001, a Final Resolution Directing Installation of, Payment and Levy of Special Assessment for Installation of Sanitary Sewer, Water Main, Sanitary Sewer Laterals, Water Main Laterals, the Extension of a Public Street Including Curb and Gutter along with the Necessary Appurtenances on W. Evergreen Street Extension from a Point 800 Feet East

of S. 51st Street to a Point 1,360 Feet East of S. 51st Street, as Previously Amended by Resolution No. 2016-7211.

5. An Ordinance to Amend the Unified Development Ordinance (Zoning Map) to Rezone a Certain Parcel of Land from B-2 General Business District to R-3 Suburban/Estate Single-Family Residence District (11950 West St. Martins Road) (Approximately 0.80 Acres) (Derrick M. Regalia and Alma F. Regalia, Applicants).
  6. Professional Services Contract with Ruekert & Mielke, Inc. for W. Madison Boulevard and S. 36th Street – Subsurface Drainage Biofiltration Analysis.
  7. An Ordinance to Amend Section 178-6 of the Municipal Code to Include Emerald Ash Borer as an Infectious Tree Disease.
  8. Construction Bids for Bridge on St. Martins Road Over Tess Corners Creek Between S. North Cape Road and S. Scherrei Drive.
  9. An Ordinance to Amend Ordinance 2015-2198 Adopting the 2016 Annual Budgets for the General Fund and the Capital Outlay Fund for the City of Franklin for Fiscal Year 2016, to Provide Amended Personnel Appropriations and Reclassify Contingency Appropriations to Vehicles in the Highway Department.
  10. Appropriation Authorization for Presidential Election Recount.
  11. Voluntary Long-Term Disability Insurance and Life and Accidental Death and Dismemberment Insurance Policy and Carrier Designation.
  12. 2017 Property and Casualty Insurance Coverage.
  13. Recommendations from the Committee of the Whole:
    - (a) Presentation/Training on Affirmatively Furthering Fair Housing to Satisfy the City's Requirement as Part of Milwaukee County's 3-Year Cooperative Agreement and the Community Development Block Grant (CDBG) Program.
    - (b) An Ordinance to Repeal and Recreate § 229-4 of the Municipal Code, "Room Tax," Pertaining to the Establishment of Tourism Commission and the Collection and Appropriation of Room Tax Revenues.
    - (c) Preliminary Discussion on the City Hall Remodeling Project.
  14. October 2016 Financial Report.
- H. Licenses and Permits.  
Miscellaneous Licenses from License Committee Meeting of December 6, 2016.
- I. Bills.  
Request for Approval of Vouchers and Payroll.

Common Council Meeting Agenda  
December 6, 2016  
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J. Adjournment.

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

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

REMINDERS:

December 8	Plan Commission	7:00 p.m.
December 20	Common Council Meeting	6:30 p.m.
December 22	Plan Commission	7:00 p.m.
December 23, 26, 30 and January 2		City Hall Closed

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B.2.



# **City of Franklin Police Department**

Chief of Police Richard P. Oliva

November 28, 2016

Mayor Steve Olson  
Members of the Common Council

RE: 2016 Franklin Police Department Award Recipients

Dear Mayor and members of the Common Council;

On Tuesday, November 22, 2016 the Franklin Police Department held its 2016 Awards Ceremony. The following citizens and department personnel received the noted awards. The details of their actions are as follows:

**Citizen's Community Service Award** - This recognition is given to citizens who distinguish themselves by performing outstanding service to the community or the department.

## **Dino and Rachel Flores**

On Thursday, July 7<sup>th</sup>, at 505AM, Dispatch received a call from Dino and Rachel Flores who reported observing a man pulling on car doors parked near their residence. Dino gave dispatch a very detailed description of the subject. Instead of hanging up, the Flores' stayed on the phone and kept track of the suspect's movements. They were able to advise and update dispatch of the man's change of location. Squads arrived on scene and were directed to the suspect's current location. Officers engaged in a foot with the suspect and were eventually able to take him into custody.

Officers on scene located several pieces of property on his person, including money, a cell phone, and two blank checks. These items were later reported stolen and returned to their owners.

The suspect was charged with Concealing Stolen Property and Resisting Arrest. Because of the Flores' call and continued assistance, the thief was apprehended and several people were able to have their property returned.

## **Kyle Hovanec**

On August 20<sup>th</sup>, a woman fled from the Walmart with a cartful of \$250 in merchandise. As a Walmart greeter shouted for assistance, Mr. Hovanec took it upon himself to assist by calling 911 and notifying dispatch of the incident. In addition, Kyle wrestled the cart away from the woman, returned the merchandise to Walmart and then continued to follow the suspect, updating dispatch with the woman's location and clothing description. Kyle was able to do this until Officers were able to arrive on scene, pursue the woman on foot, and eventually take her into custody.



# **City of Franklin Police Department**

Chief of Police Richard P. Oliva

**Citizen's Lifesaving Award** - This recognition is given to citizens who, without regard for personal consequences, save or endeavor to save the life of another.

## **Jon Godden**

Jon Godden was at Anytime Fitness on the morning of December 17<sup>th</sup>, 2015 working out when he observed another patron collapse with an apparent major medical event. The man was unconscious and foaming at the mouth. Godden could not locate a pulse on the subject. Godden administered CPR to the man and also used the gym's defibrillator in an attempt to save the man's life. He continued his efforts until rescue arrived on scene and was able to rush the man to the hospital where he eventually made a recovery. Godden's quick thinking and quick actions directly resulted in the saving of this man's life.

**Meritorious Dispatching Citation** - Awarded to a dispatcher that provides exceptional dispatching service under adverse circumstances bringing credit upon themselves, the department, and the dispatch profession.

## **Dispatcher Amy Hughes**

On November 5, 2016, Disp. Hughes received a call from a woman stating her husband was armed and suicidal. This woman was not only fearful for her husband's safety, but for that of herself and their children. Disp. Hughes was able to quickly get the necessary information out to squads and remained on the line with the terrified woman. The woman advised Disp. Hughes her husband was suspicious the police were coming and was looking out the windows while armed with a gun. Disp. Hughes kept the woman on the line and utilized her to maintain updated information as to the location of the husband which she relayed to the Officers whose lives were in imminent danger.

Before being disconnected, the caller advised Disp. Hughes her husband threatened to kill her if she called the police and that he was now in the front yard waiting for Officers with his gun. Dispatcher Hughes attempted to reconnect with the caller, however, instead of the woman answering the phone, it was the husband. Not wanting to put the woman's life in jeopardy, Disp. Hughes quickly created a cover and told the man she was calling after receiving a complaint from neighbors about the noise coming from the house. She was then able to convince the man to put down his weapon and meet officers in the yard with his hands in the air.

**Meritorious Arrest Citation** - Awarded to an employee for recognition of the use of trained police investigative and interrogative skill, ability, and intensity in the arrest and clearance of a felony or serious misdemeanor crime.

## **PO Ann Aide**

On Friday, November 13<sup>th</sup>, 2015 Officer Ann Aide was dispatched to an alarm at the Check N Go on S 27<sup>th</sup> St. On her arrival she turned off her lights, parked to the rear of the business, and approached on foot. As she did so, she observed a man walking away from the business. Officer Aide ordered the man to stop so she



# **City of Franklin Police Department**

Chief of Police Richard P. Oliva

could ask some questions, however, the man refused and ran off to the north. Officer Aide immediately alerted the other responding squads and used her veteran instincts to attempt to anticipate the subject's direction of flight.

She headed to a trailer park directly to the north and waited. Her hunch paid off as a man soon appeared on foot that resembled the man who had run from her. This man was not wearing the same clothing the suspect had been wearing, but she identified him as the same suspect from the call. The man was out of breath and clearly had just been running from the area of the crime scene.

This was all later proven with the help of several other Officers and a K9 unit who located the clothing the man had been wearing and the tools he had used to commit the burglary. The suspect had a long criminal record and had committed several burglaries in other cities using the same techniques. Officer Aide used good investigative technique and great instinct from start to finish during the investigation of this case and her efforts resulted in solving multiple burglaries in the Milwaukee area.

## **PO David Burkee**

A Franklin resident had the unfortunate experience of returning home on the afternoon of October 27<sup>th</sup>, 2016 to find that his home had been forcefully entered and burglarized. Among items stolen were tablets taken from the bedroom of his 2 young daughters.

On October 28<sup>th</sup>, Officer Burkee was called to the Sunrise Motel on S 27<sup>th</sup> St to assist two Detectives from the West Allis Police Department who were attempting to apprehend a subject they had recently learned was staying there. Officer Burkee knew nothing of the West Allis cases except that the man they were there to arrest was wanted for burglaries in their city. Officer Burkee kept this in mind as they were exiting the room with the suspect when he noticed two tablet cases sitting on a table near the door. Officer Burkee remembered the details from the previous day's burglaries, noted the proximity of the motel to the victim's home, and decided to search for the tablets belonging to the cases. Under a nearby pile of clothing, he located and recovered the two young girl's missing tablets.

Officer Burkee accompanied the West Allis Detectives to their department where he conducted an interview with the suspect and elicited a confession. Officer Burkee's keen observation skills resulted in the apprehension of the burglar and the recovery of the stolen property.

**Life Saving Award** - Awarded to any employee who in the line of duty saves or endeavors to save the life of another by timely actions that do not pose a risk to the employee or others.

## **Communications Supervisor Cindy Manke**

On October 3, 2016 Cindy observed a dispatcher who appeared to be choking. The dispatcher could not speak or breathe. Cindy sprang into action and performed the Heimlich maneuver on the dispatcher and was able to dislodge an aspirin that had been stuck in her throat, potentially saving her life.



# ***City of Franklin Police Department***

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Chief of Police Richard P. Oliva

## **Officer Kevin Mullikin and Jonathan Scherrer**

On April 13<sup>th</sup>, 2016 a school bus was on its route at the end of the school day. The bus driver fell unconscious and was slumped over the steering wheel. The school bus, with the driver incapacitated, had crossed several lanes of traffic and collided with two vehicles before coming to a stop in a ditch. Officer Kevin Mullikin was on scene in moments and tried to enter the bus to render aid. The children were crying and panic was setting in. Unable to pull the door open, Officer Mullikin was able to break the door and remove the driver.

Once out of the bus, Officer Mullikin performed CPR on the unconscious driver. Seeing that Officer Mullikin was becoming fatigued from several minutes of effort, a passerby, Jonathan Scherrer intervened and took over for Officer Mullikin.

Officer Mullikin and Jonathan worked in tandem to deliver life saving measures to the bus driver until rescue was able to arrive at their location. From there, the bus driver was able to be transported to a hospital and receive further treatment. The driver survived and made a full recovery.

Sincerely,

*Rick Oliva*

Rick Oliva  
Chief of Police



## C.

A. The regular meeting of the Common Council was held on November 15, 2016 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman D. Mayer, Alderwoman Kristen Wilhelm, Alderman Steve Taylor, Alderman Mike Barber and Alderwoman Susanne Mayer. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberd, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

B. Citizen comment period was opened at 6:30 p.m. and closed at 6:45 p.m.

C. Alderwoman Wilhelm moved to approve the minutes of the regular Common Council Meeting of November 1, 2016 as presented at this meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried.

D. A public hearing was called to order at 7:15 p.m. regarding 2017 proposed budget. The public hearing was closed at 7:18 p.m.

E.1. Alderman Dandrea moved to confirm the following  
E.2. Mayoral appointments: Wendy Knackert, 9049 S. 83rd  
E.4. Street, Ald. Dist. 1, to the Civic Celebrations  
Commissions to fill the unexpired 3 year term expiring  
6/30/2019; Robert Knackert, 9049 S. 83rd Street, Ald.  
Dist. 1, to the Civic Celebrations Commissions to fill the  
unexpired 3 year term expiring 6/30/2018; and Alderman  
Barber to the Board of Health to fill the unexpired 1 year  
term expiring 4/30/2017. Seconded by Alderman Taylor.  
On roll call, all voted Aye. Motion carried.

E.3. Alderman Taylor moved to table to a future meeting the Mayoral appointment of Matt Cool, 4934 W. Forest Hill Ave., Ald. Dist. 5, to the Community Development Authority to fill the unexpired 4 year term expiring 8/30/2017. Seconded by D. Mayer. On roll call, all voted Aye. Motion carried.

G.1 Alderman Taylor moved to approve the following consent agenda items:

- G.1.(a) Approve acceptance of donation from The Hill Has Eyes in the amount of \$500 to the Police Department;
  - G.1.(b) Approve acceptance of donation to the Fire Department from George and Carol Schram in the amount of \$100 in Memory of Mark Fobish and acceptance of donation to the Fire Department from the Hill Has Eyes in the amount of \$500;
  - G.1.(c) Approve of extension of Service Agreement with ADP, LLC to provide payroll services for 36 months in exchange for pricing guarantees by ADP, LLC; and
  - G.1.(d) Approve the authorization of the Director of Administration to obtain windows server 2016 Data Center and User Client Access Licenses (CAL) for Microsoft License Compliance.
- Approval of the above consent agenda items was seconded by Alderman D. Mayer. All voted Aye; motion carried.

ORD. 2016-2240  
ADOPTING 2017 ANNUAL  
BUDGET

- G.2. Alderman Taylor moved to adopt Ordinance No. 2016-2240, AN ORDINANCE ADOPTING THE 2017 ANNUAL BUDGETS FOR THE GENERAL, CIVIC CELEBRATIONS, ST. MARTINS FAIR, DONATIONS, GRANT, SOLID WASTE COLLECTION, SANITARY SEWER, CAPITAL OUTLAY, EQUIPMENT REPLACEMENT, STREET IMPROVEMENT, CAPITAL IMPROVEMENT, DEBT SERVICE, DEVELOPMENT, UTILITY DEVELOPMENT, TID 3, TID 4, TID 5, AND INTERNAL SERVICE FUNDS AND ESTABLISHING THE TAX LEVY AND OTHER REVENUE FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2017, as presented, with the following adjustments: For the purpose of incorporating a new Police Department Grant for bullet resistant vests, Grants Fund, Revenue (Police) increase \$5,000 and Expenditures (Police) increase \$5,000; for the purpose of incorporating Civic Celebration's 2017 spending authority as approved November 1, 2016, Civic Celebrations Fund, Expenditures (Other Costs) increase \$4,500; for the purpose of eliminating a used street sweeper recently authorized for purchase in 2016, Capital Outlay Fund, Expenditures (Capital Outlay), reduce \$42,000; and which adjustments shall be incorporated into a final form of the ordinance as determined by the Director of Administration. Seconded by Alderman Dandrea.

Alderman Taylor moved to amend the main motion for the purpose of eliminating any increase in total municipal

property tax revenues, General Fund: Property Tax Revenue reduce \$110,500 and Landfill Siting Revenue increase \$110,500; and Capital Improvement Fund: Landfill Siting Revenue reduce \$110,500 and Proceeds From Borrowing increase \$100,000. On roll call, Alderman Dandrea, Alderwoman Wilhelm, Alderman Taylor, Alderman Barber and Alderwoman S. Mayer voted Aye; Alderman D. Mayer voted No. Seconded by Alderwoman Wilhelm. Motion carried.

Alderwoman Wilhelm moved to amend the initial motion for the purpose of removing the levy increase from the Proposed 2017 Budget by removing the \$100,000 debt borrowings in the Capital Improvement Fund; decrease Parks expenditures for Mini Park #5 in Capital Improvement Fund in the amount of \$259,210 and remove impact fee revenue – Parks, in the Capital Improvement Fund in the amount of \$111,460, which adjustments shall be incorporated into a final form of the ordinance as determined by the Director of Administration. Seconded by Alderman Taylor. Alderwoman S. Mayer, Alderman Barber, Alderman Taylor, Alderwoman Wilhelm and Alderman Dandrea voted Aye; Alderman D. Mayer voted No. Motion carried.

Alderwoman S. Mayer moved that to amend the initial motion for the purpose of reducing General Fund Expenditures and offset of Anticipated Under Expenditures, remove \$14,400 from operating expenses of as shown on the 11/15/2016 document: Mayor, Subscriptions -\$50, Memberships -\$100, Conferences -\$1,000; Alderman, Other Professional Services -\$500, Operating Supplies -\$1,000, Volunteer Recognition -\$4,000; Administration, Employee Recognition -\$2,000, Labor Attorney -\$3,000; Municipal Buildings, Conferences/Schools -\$250; Building Inspection, Mileage -\$200; Planning, Filing Fees -\$300; and Highway Department, Traffic Signal Main -\$2,000. Seconded by Alderman Taylor. Alderman Dandrea, Alderwoman Wilhelm, Alderman Taylor, Alderman Barber and Alderwoman S. Mayer voted Aye; Alderman D. Mayer voted No. Motion carried.

On the main motion to adopt Ordinance No. 2016-2240 as amended, all voted Aye. Motion carried.

STANDARDS, FINDINGS AND  
DECISION FOR CARLISLE  
INTERCONNECT  
TECHNOLOGIES, INC.

G.3. Alderman Taylor moved to adopt the Standards, Findings and Decision of the City of Franklin Common Council upon the application of Carlisle Interconnect Technologies, Inc. for a Special Exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2016-7232  
CONSERVATION EASEMENT AT  
5300 W FRANKLIN DR  
(CARLISLE INTERCONNECT  
TECHNOLOGIES, INC.)

G.4. Alderman Taylor moved to adopt Resolution No. 2016-7232, A RESOLUTION A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN AMENDMENT AND NATURAL RESOURCE SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 5300 WEST FRANKLIN DRIVE (CARLISLE INTERCONNECT TECHNOLOGIES, INC., APPLICANT). Seconded by Alderman Dandrea. All voted Aye; motion carried.

ORD. 2016-2241  
AMEND MUNICIPAL CODE FOR  
DEFERMENT OF PAYMENT OF  
SPECIAL ASSESSMENTS

G.5. Alderman Taylor moved to adopt Ordinance No. 2016-2241, AN ORDINANCE TO AMEND THE MUNICIPAL CODE AS IT PERTAINS TO DEFERMENT OF PAYMENT OF SPECIAL ASSESSMENTS UNDER §207.15.K.(2)(G). Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2016-7233  
AMENDING RES. NO. 2014-7001  
AS PREVIOUSLY AMENDED BY  
RESOLUTION NO. 2016-7211

G.6. Alderwoman Wilhelm moved to adopt Resolution No. 2016-7233, A RESOLUTION AMENDING RESOLUTION NO. 2014-7001, A FINAL RESOLUTION DIRECTING INSTALLATION OF, PAYMENT AND LEVY OF SPECIAL ASSESSMENT FOR INSTALLATION OF SANITARY SEWER, WATER MAIN, SANITARY SEWER LATERALS, WATER MAIN LATERALS, THE EXTENSION OF A PUBLIC STREET INCLUDING CURB AND GUTTER ALONG WITH THE NECESSARY APPURTENANCES ON W. EVERGREEN STREET EXTENSION FROM A POINT 800 FEET EAST OF S. 51ST STREET TO A POINT 1,360 FEET EAST OF S. 51ST STREET, AS PREVIOUSLY AMENDED BY RESOLUTION NO. 2016-7211. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2016-  
PRELIMINARY PLAT FOR

G.7. Alderwoman Wilhelm moved to table to the December 6, 2016 Common Council meeting, a Resolution

EVERGREEN PARK ESTATES  
(7501 S. 49TH ST.)

conditionally approving a Preliminary Plat for Evergreen Park Estates Subdivision (at approximately 7501 South 49th Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant). Seconded by Alderman Taylor.

Alderman Taylor moved to suspend the regular order of business to allow Nicole Watson, Officer of Creative Homes, Inc. to speak. Seconded by Alderman D. Mayer. All voted Aye; motion carried. Alderman Taylor moved to return to regular order of business. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

On the motion to table the Resolution until the Common Council meeting of December 6, 2016, all voted Aye. Motion carried.

REVISE ENGINEERING AND  
FINANCIAL SERVICES PLANS  
WITHIN TID NO. 4

G.8.

Alderman Taylor moved to refer to the January 2017 Economic Development Commission meeting, the request from staff to solicit bids to revise engineering and financial services plans within Tax Increment District No. 4 to support development activity in Area D, an Area from approximately W. Oakwood Road south to W. South County Line Road and between S. 27th and S. 42nd Streets. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

RELEASE OF ESCROW DEPOSIT  
TO AVIAN AT TUCKAWAY  
CONDOMINIUMS

G.9.

Alderman Dandrea moved to authorize staff to release of escrow deposit for the public improvements in the Avian at Tuckaway Condominiums located west of S. 68th Street and north of W. Puetz Road. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

AGREEMENT FOR EMS USER  
FEE BILLING SERVICES

G.10.

Alderman Taylor moved to approve an agreement with EMS Medical Billing Associates for Emergency Medical Service Use Fee Billing Services. Seconded by Alderwoman Wilhelm. Upon voice vote, All voted Aye; motion carried.

AGREEMENT WITH VILLAGE OF  
GREENDALE (1994 PIERCE  
SABER FIRE ENGINE)

G.11.

Alderman Dandrea moved to approve the execution of an Intergovernmental Agreement with the Village of Greendale for the Purchase of half-share ownership in a 1994 Pierce Saber Fire Engine, subject to equitable sharing of costs, and for storage of and shared access to said fire engine, with the Agreement subject to approval by the Director of Administration and City Attorney, and to authorize release of the payment upon execution.

Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

RES. 2016-7234  
FIRST AMENDMENT TO LAND  
LEASE AGREEMENT WITH  
AMERICAN TOWER, LP

G.12. Alderman Taylor moved to adopt Resolution No. 2016-7234, A RESOLUTION TO SIGN FIRST AMENDMENT TO LAND LEASE AGREEMENT WITH AMERICAN TOWER, L.P. FOR TOWER SITE AT 5550 W. AIRWAYS AVENUE. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

LICENSES AND PERMITS

H.1. Alderman Taylor moved to approve the following Operators' licenses: Daniel Sajdowitz, 3674 S. 5th Place, Milwaukee; Stephanie Sauer, 8869 Lake Pointe Cir., Franklin; Jon P McCourt, 33606 Contour Dr., Burlington; and to hold for appearance the Operator's license application of Reiss Stapleton, 6380 S. 35th St., Franklin. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

VOUCHERS AND PAYROLL

I.1. Alderman Dandrea moved to approve the following: City vouchers with an ending date of November 10, 2016 in the amount of \$1,588,742.09; Payroll dated November 11, 2016 in the amount of \$358,850.91 and payments of the various payroll deductions in the amount of \$203,128.46, plus City matching payments; and Estimated payroll dated November 25, 2016 in the amount of \$360,000.00 and payments of the various payroll deductions in the amount of \$366,000.00, plus City matching payments and the release of various vendor payments not to exceed \$39,548.04. Seconded by Alderman Taylor. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the meeting at 8:17 p.m. Seconded by Alderman Dandrea. All voted Aye; motion carried.

<b>APPROVAL</b>  <i>Slw</i>	<b>REQUEST FOR COMMON COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>12-6-2016</b>
<b>ORGANIZATIONAL BUSINESS</b>	<b>Board and Commission Appointments</b>	<b>ITEM NUMBER</b>  <i>E.</i>

The following appointment has been submitted by the Mayor for Council confirmation:

Matt Cool, 4934 W. Forest Hill Ave., Ald. Dist. 5 – Community Development Authority (4 year unexpired term expiring 8/30/2017).

**COUNCIL ACTION REQUESTED**

Motion to confirm the following Mayoral appointments:

Matt Cool, 4934 W. Forest Hill Ave., Ald. Dist. 5 – Community Development Authority (4 year unexpired term expiring 8/30/2017).

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ADD SUSAN MAYER 427 7606

2016 DEC -1 PM 4:19

# Petition to the City of Franklin Common Council

Petition summary and background	The City of Muskego wishes to use the City of Franklins South North Cape Road as access to their new Middle School Tax key Number 2209-999 North Cape Rd
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to oppose any entrance to the new middle school off of North Cape Road. The traffic impact to our neighborhood and our new Franklin road will be dangerous and obnoxious. The result of this will be hundreds of cars and a fleet of buses daily creating undue traffic congestion.







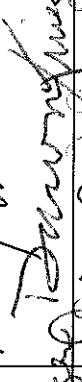

Printed Name	Signature	Address	Phone & Comment	Date
SABRA J. PEREZ	<i>Sandra Perez</i>	7922 So North Cape Rd	414-425-6909	11-15-16
Dean R. Bruemmer	<i>Dean R Bruemmer</i>	7881 S. North Cape Rd	414-427-4882	11-15-16
Shirley A. Bruemmer	<i>Shirley Bruemmer</i>	7881 S North Cape Rd	414-427-4882	11-15-16
Mark Cichacki	<i>Mark Cichacki</i>	7861 S. North Cape Rd	414-529-3616	11-19-16
SHARON PORTER	<i>Sharon Porter</i>	7946 S. NORTH CAPE RD	414-425-9008	11-20-16
Dave Schmidt	<i>Dave Schmidt</i>	7880 S. North Cape Rd	414-248-4021	11-20-16
MARY POPLAWSKI	<i>Mary Poplawski</i>	7754 S. NORTH CAPE RD.	414-425-1731	11-20-16
JAMES HANSEN	<i>James Hansen</i>	7638 S. NORTH CAPE	414 425-1116	11-20-16
Bernard Michael	<i>Bernard Michael</i>	7606 S North Cape Rd	414 425-3217	11-20-16
Willa Boz	<i>Willa Boz</i>	7605 So North Cape Rd	414 510-0097	11/20/16
Schmidt	<i>Schmidt</i>	1125 S. North Cape	414 550-097	11-28-16
Scotty Shallen	<i>Scotty Shallen</i>	7700 S North Cape Rd	414 352-7875	11-28-16

F.I.

SUSAN - MAYER

## Petition to the City of Franklin Common Council

Petition summary and background	The City of Muskego wishes to use the City of Franklins South North Cape Road as access to their new Middle School Tax key Number 2209-999 North Cape Rd		
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to oppose any entrance to the new middle school off of North Cape Road. The traffic impact to our neighborhood and our new Franklin road will be dangerous and obnoxious. The result of this will be hundreds of cars and a fleet of buses daily creating undue traffic congestion.		

Printed Name	Signature	Address	Phone & Comment	Date
CHRISTINE JURICH		8020 B. North Cape Rd.	262-794-2875	11/16/16
JULIE A OLS		8020 S North Cape Rd	414 315 8810	11/16/16
William Bloemer		12224 W. Forest Home Ave	414-651-4834 ALREADY AT COUNTRY DALE CONSIDER CONGRESSION	11/17/16
MARK SUTELL		12212 W. Forest Home Ave	414-881-9010	11/17/16
Lora Walberts		12236 W. Forest Home Ave	414-425-4219	11-18-16
Peter Walberts		12236 W Forest Home Ave	414-241-4168	11-18-16
Dawn Truesdell		7615 S. North Cape Rd	414 559-2046	11-20-16
Guy J Balistrieri		7958 S North Cape Rd	414-425-9182	11/21/16

ALD. SUSAN MAYER 427-7606

## Petition to the City of Franklin Common Council

Petition summary and background	The City of Muskego wishes to use the City of Franklins South North Cape Road as access to their new Middle School Tax key Number 2209-999 North Cape Rd		
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to oppose any entrance to the new middle school off of North Cape Road. The traffic impact to our neighborhood and our new Franklin road will be dangerous and obnoxious. The result of this will be hundreds of cars and a fleet of buses daily creating undue traffic congestion.		

Printed Name	Signature	Address	Phone & Comment	Date
RAOY DILLIG	<i>Randy Dillig</i>	7940 S. NORTH CAPE	427 0759	11/13
Chock Porter	<i>Chock Porter</i>	7946 S. North Cape Rd.	425-9008	11-14-16
Jorge Vaudy	<i>Jorge Vaudy</i>	7970 S. North Cape Rd	232-0001	11-14/16
Bonnie Lee Wenzel	<i>Bonnie Lee Wenzel</i>	8008 S. North Cape Rd	630-5308	11/14/16
JORDAN WENZEL	<i>Jordan Wenzel</i>	8008 S. NORTH CAPE RD	414-530-5308	11/14/16
Charlene Foellings	<i>Charlene Foellings</i>	112428033 N. Cape Rd.	414-425-4311	11/14/16
BRIAN BROOK	<i>Brian Brook</i>	7806 S. NORTH CAPE RD	414-416-2402	11/14/16
Fred Wenzel	<i>Fred Wenzel</i>	7821 S. North Cape Rd	414-840-5654	11/14/16
Jordi Wenzel	<i>Jordi Wenzel</i>	7821 S. North Cape	414-429-4426	11-14
<i>Jeri Stefanczyk</i>	<i>Jeri Stefanczyk</i>	7803 S. North Cape	414-425-2618	11/14
GREG SHEEN	<i>Greg Sheen</i>	7771 S. NORTH CAPE	414-759-3936	11-14
DeShir Fiskum	<i>DeShir Fiskum</i>	7771 S. NORTH CAPE RD	414-302-5047	11-14



F. 2.



## City of Franklin

Fire Department

November 22, 2016

Attention: Mayor Stephen Olson

CC: Members of the Common Council

RE: Proposed EMS Rates (ALS) 2017

Mayor Olson,

Chapter 44-10 (D) of the municipal code establishes the fee schedule for Advanced Life Support (paramedic) evaluation, treatment, and transport of resident and nonresident patients; as well as the non-reusable equipment, supplies, and medications necessary for high-quality patient care.

Chapter 44 states that: *"The fees charged to residents and nonresidents shall be as set by the Milwaukee County Association of Fire Chiefs."* (MCAFC). The Milwaukee County Association of Fire Chiefs recently met to review ALS billing rates, as they do on an annual basis.

This letter is to notify you of the 2017 fee schedule, which consists of a 2.1% increase over 2016, based on the rate of increase in the Consumer Pricing Indices for Medical Care Commodities and Medical Care Services. (Please see the enclosed letter and fee schedule from MCAFC). The "ALS1 Resident" rate and transport mileage fee were adjusted upward based on current comparable market rates, and Medicare and private insurance provider "usual and customary" rates for those services.

As required per the municipal code, the fee schedule will be posted at all City fire stations, and will be available at City Clerk's office.

The Fire Department is proposing no changes to the Basic Life Support-level treatment and transport fees for 2017, though the Fire Department will review the present rates in light of current budgetary conditions.

Respectfully,

A handwritten signature in black ink, appearing to read "A. Remington".

Adam Remington  
Fire Chief



## Milwaukee County Association of Fire Chiefs



September 9, 2016

Mayor Steve Scaffidi  
Chairman – Milwaukee County ICC  
8040 S 6<sup>th</sup> St.  
Oak Creek, WI 53154

Mayor Scaffidi,

Members of the Milwaukee County Association of Fire Chiefs that represent communities that provide advanced life support service have agreed to present the attached 2017 Fee Schedule for ALS Services to their local municipalities for consideration. While the EMS Contract with Milwaukee County does not bind the municipalities to all maintain the same fee structure, the Fire Chiefs have agreed that it is a good practice. There is no action required of the ICC. This communication is informational only.

Fees are proposed to increase for all but two services by 2.1% which is the change in the Medical Care Commodities and Medical Care Service CPI for 2016. This has been the index used to adjust rates for the past three years. The two fees with other adjustments are:

- ALS1 Resident: The current rates are considered to be below “market rates” and additional revenue opportunities exist to offset costs of providing service. An adjustment of 7% is recommended.
- Transport Mileage Rate: Again, this rate is considered to be below “market rates” and additional revenue opportunities exist to offset costs of providing the service. Recommendation is a 7% adjustment.

Respectfully,

*Mark Rohlfing*

Mark Rohlfing

President

Representing Fire Chiefs from

Cudahy – Franklin – Greendale – Greenfield – Hales Corners – Milwaukee  
Milwaukee International Airport – North Shore – Oak Creek – South Milwaukee – St. Francis – Wauwatosa – West  
Allis – Wisconsin Air National Guard

Item	2015	2016	2017
Paramedic service and/or treatment without transport (Resident)	133.36	135.76	138.61
Paramedic service and/or treatment without transport (Non-Resident)	182.33	185.61	189.51
Paramedic service with transport Level - ALS-1 (Resident)	706.40	719.11	769.45
Paramedic service with transport Level - ALS-2 (Resident)	813.71	828.36	845.75
Paramedic service with transport Level - ALS-1 (Non-Resident)	834.55	849.57	867.41
Paramedic service with transport Level - ALS-2 (Non-Resident)	962.70	980.03	1000.61
Paramedic service and invasive treatment without transport (Resident)	133.36	135.76	138.61
Paramedic service and invasive treatment without transport (Non-Resident)	187.54	190.92	194.92
Defibrillation	107.31	109.25	111.54
IV and supplies	64.60	65.76	67.14
Intubation	80.23	81.67	83.38
ALS supplies	85.43	86.97	88.80
Oxygen and supplies	80.23	81.67	83.38
Mileage (rate per loaded mile)	15.63	15.91	17.02
EKG	107.31	109.25	111.54
Drugs, Group-1: Albuterol, Amioderone (30 mg), Aspirin, Atropine, Benadryl, Calcium Gluconate, Dextrose, D5W, Glucose (oral), Nitroglycerin, Sodium Normal Saline (bags & carpujet), Versed, Zofran Tabs, Zofran IV	34.38	35.00	35.74
Drugs, Group-2: Calcium Chloride, Dopamine, Epinephrine (IM or IV, not by Epi-pen), Lidocaine, Sodium Bicarbonate	39.59	40.30	41.15
Drugs, Group-3: Fentanyl, Ketamine, Medazolam, Narcan	51.05	51.97	53.06
Epinephrine by Epi-pen	102.10	103.94	106.13
Adenosine	95.85	97.58	99.63
Glucagon, up to 1 Mg	95.85	97.58	99.63
Solmedrol, 41-125 Mg		63.64	64.98
E-Z IO	128.15	130.46	133.20
Spinal Immobilization	133.36	135.76	138.61
Triage barcode wristbands	3.13	3.18	3.25
Cyano-kits	962.70	980.03	1000.61
CPAP mask	47.93	48.79	49.81

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APPROVAL  <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE  12/06/2016
REPORTS & RECOMMENDATIONS	Police Department Donation  Christian Women of St. Martin of Tours Parish	ITEM NUMBER  <i>G. I. a.</i>

The City of Franklin Police Department received a donation from the Christian Women of St. Martin of Tours Parish in the amount of \$250.00. This donation is to be earmarked for the Drug Abuse Resistance Education (D.A.R.E.) program.

### COUNCIL ACTION REQUESTED

Motion to accept this donation of \$250.00 from Christian Women of St. Martin of Tours Parish to be deposited into the Police D.A.R.E. Donation Account.

APPROVAL  <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE  12/06/2016
REPORTS & RECOMMENDATIONS	Police Department Community Grant Award from The Wal-Mart Foundation	ITEM NUMBER  <i>G.I.B.</i>

The City of Franklin Police Department has been awarded a grant from The Wal-Mart Foundation and Facility #1551 in the amount of \$2500.00. This donation is to be earmarked for the Drug Abuse Resistance Education (D.A.R.E.) program.

### COUNCIL ACTION REQUESTED

Motion to accept this donation of \$2500.00 from The Wal-Mart Foundation and Facility #1551 to be deposited into the Police D.A.R.E. Donation Account.

<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>
<b>REPORTS AND RECOMMENDATIONS</b>	<b>Request Common Council approval to allow the Fire Department to dispose of two vehicles that are no longer in service by sending them to auction.</b>	<b>ITEM NUMBER</b> <i>G. 2.</i>

The Fire Department is seeking council approval to dispose of two older vehicles that are not currently in service with the Department. The vehicles would be sent to auction, and any funds recovered through their sale would be returned to the general fund.

Vehicle #1 is a 1999 Chevrolet Suburban that was formerly the Department command vehicle. The vehicle was replaced several years ago, but was retained for use as a non-emergency utility vehicle.

Vehicle #2 is a 2011 Ford Crown Victoria that was obtained from the police department and used as a staff vehicle.

The Fire Department has acquired two newer Ford Explorers that are no longer in service with the Police Department.

### **COUNCIL ACTION REQUESTED**

**Motion to approve Fire Department request to dispose of a 1999 Chevrolet Suburban utility vehicle and a 2011 Ford Crown Victoria staff vehicle by sending them to auction, with proceeds returned to the general fund.**

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 12/06/16
REPORTS & RECOMMENDATIONS	RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR EVERGREEN PARK ESTATES SUBDIVISION (AT APPROXIMATELY 7501 SOUTH 49TH STREET) (RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)	ITEM NUMBER  H. 3.

History:

- **March 3, 2016:** Development Review Team meeting (preliminary plat included Evergreen Park Court)
- **April 19, 2016:** Concept Review Application presented to the Common Council. The applicant presented the 6-lot concept plan as well as the Evergreen Park Court concept.
- **June 20, 2016:** Application submitted for a 6-Lot Preliminary Plat as well as a Rezoning Application to rezone a portion of the property from C-1 Conservancy District to R-6 Residence District.
- **July 5, 2016:** Staff comments were sent to the applicant.
- **July 21, 2016 Plan Commission:** The Plan Commission recommended approval of the 6-Lot Preliminary Plat and Rezoning Application.
- **August 16, 2016 Common Council:** The Council tabled the Preliminary Plat and Rezoning Applications to the September 6<sup>th</sup> meeting.
- **September 6, 2016 Common Council:** The Council tabled the Preliminary Plat and Rezoning Applications to the September 20<sup>th</sup> meeting. The applicant had not yet received a navigability determination from the WDNR, and therefore, was not able to bring forth all the natural resource information as requested.
- **September 20, 2016 Common Council meeting:** The applicant still had not yet received the required navigability determination, thus the Council once again tabled the Preliminary Plat and Rezoning Applications.
- **October 4, 2016 Common Council meeting:** The Council approved the ordinance to rezone a portion of the subject property from C-1 Conservancy District to R-6 Residence District.
- **October 7, 2016:** The applicant submitted a revised Preliminary Plat, which included Evergreen Park Court and a total of 12 Lots.
- **October 19, 2016:** Staff comments sent to the applicant regarding the revisions to the Preliminary Plat.
- **November 3, 2016 Plan Commission:** Plan Commission approved a motion "to recommend approval of a resolution conditionally approving a Preliminary Plat for Evergreen Park Estates Subdivision, including the Plan Commission recommendations of not creating a new lot if the applicant decides to utilize the City's storm water pond and instead the existing lots be widened to accommodate moving them out of the conservation easement and the trail extending from the cul-de-sac to the park parking lot be paved to the property

line and the location of the trails shown on the plat.”

- **November 15, 2016 Common Council:** The Council tabled the Preliminary Plat Application.

As indicated by the November 3<sup>rd</sup> Plan Commission motion (noted above), the applicant discussed the possibility of utilizing the existing storm water pond located at Pleasant View Neighborhood Park to accommodate the subdivision development. After further discussion with staff, the applicant submitted a revised Preliminary Plat that included a separate storm water pond for the subject development, opposed to utilizing the City’s pond. The revised plat also shifted Evergreen Park Court to the west, which widened Outlot 4 (from 13.4 feet to 20 feet) as encouraged by the Plan Commission. The small segment of walkway from the cul-de-sac to the park was shown as well.

The most recent version of the plat is attached and dated December 1, 2016. The plat has been revised to include cross hatching to better show the wetland setback. The plat also added an existing sanitary sewer easement at the south end of the property and an existing road dedication on the north end.

Staff also met with the applicant and Alderwoman onsite and are recommending that the three conditions below be added to the resolution:

1. The applicant shall place orange construction fencing along the eastern tree line, extending approximately 400-feet north from West Evergreen Street, and approximately 28-feet west from the east property line.
2. The applicant shall remove buckthorn within the tree line along the eastern tree line per the recommendations of the City’s Forester.
3. The applicant shall receive final storm water approval from the Engineering Department, prior to recording the Final Plat.

Also attached is a paragraph provided by the applicant related to the impact upon the Franklin School District, review comments from Alderwoman Wilhelm, a letter from the applicant’s attorney, Lawrence J. Haskin, and the submittal materials previously provided to the Plan Commission and Common Council. Please note that the most up-to-date version of the plat follows the draft resolution. Two older versions of the plat can be found at the end of the packet materials provided.

Please be aware that the applicant has requested the opportunity to speak if there are questions or concerns.

Application expiration:

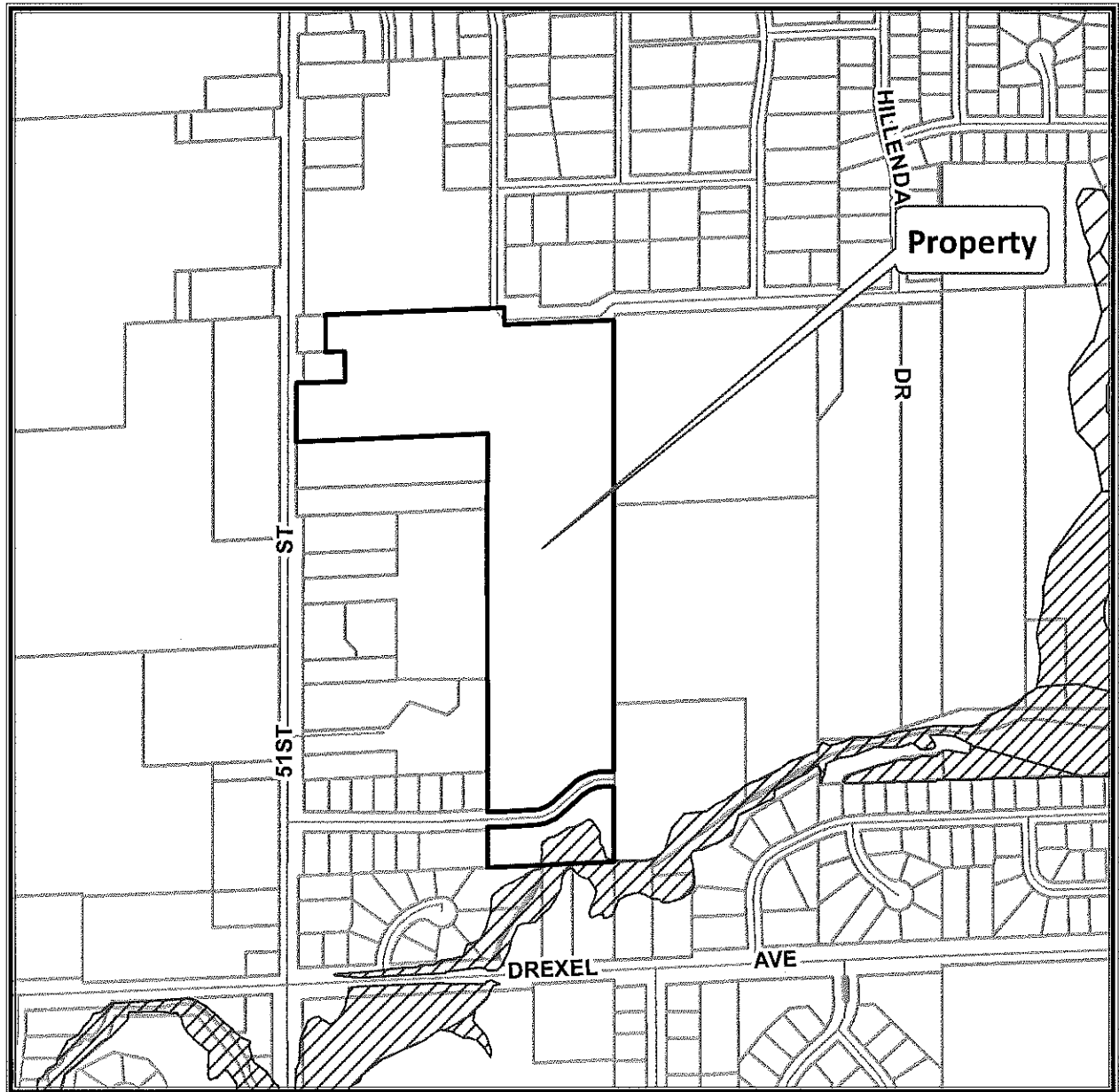
The original application was submitted on June 20, 2016. Following the Plan Commission recommendation of approval, the applicant requested that the application not move forward for Common Council review, so an amended plat could be submitted. The amended plat was submitted on October 7, 2016; therefore, the Plan Commission is required to make a recommendation to the Common Council by December 6<sup>th</sup> and the Common Council must provide a decision by January 5, 2017. As indicated above, the Plan Commission passed a motion recommending approval of the Preliminary Plat at their November 3<sup>rd</sup> meeting.

### **COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2016-\_\_\_\_\_, a resolution conditionally approving a Preliminary Plat for Evergreen Park Estates Subdivision (at approximately 7501 South 49<sup>th</sup> Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).



7501 S. 49th Street  
TKN: 788 9981 001



Planning Department  
(414) 425-4024

0 380 760 1,520 Feet

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

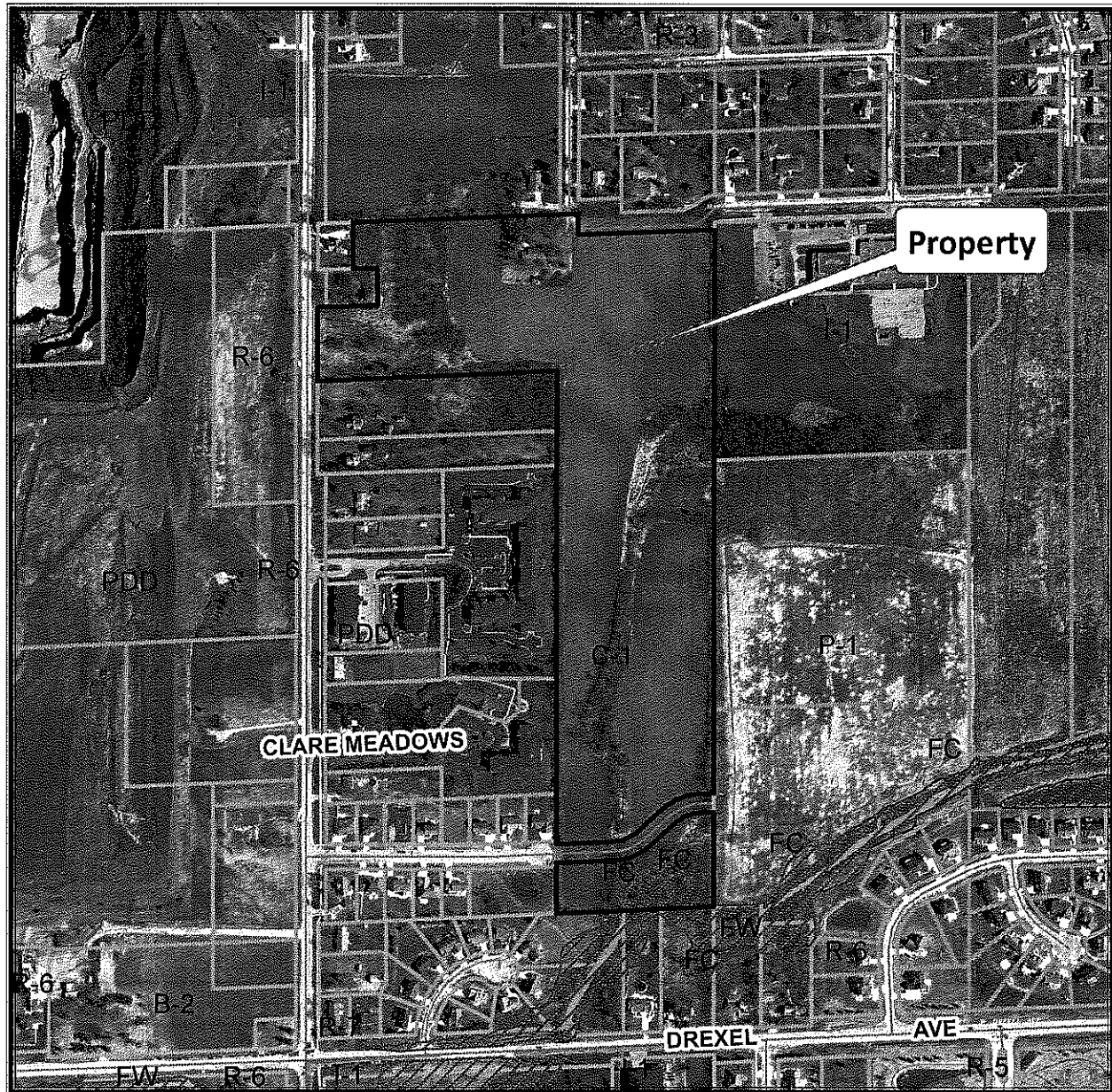


2016 Aerial Photo





7501 S. 49th Street  
TKN: 788 9981 001



Planning Department  
(414) 425-4024

0 305 610 1,220 Feet

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



2016 Aerial Photo

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2016-\_\_\_\_\_

A RESOLUTION CONDITIONALLY APPROVING A  
PRELIMINARY PLAT FOR EVERGREEN PARK ESTATES SUBDIVISION  
(AT APPROXIMATELY 7501 SOUTH 49TH STREET)  
(RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)

---

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a preliminary plat for Evergreen Park Estates Subdivision, such plat being a part of lands in the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at approximately 7501 South 49th Street, bearing Tax Key No. 788-9981-001, Rick J. Przybyla, President of Creative Homes, Inc., applicant; said application being for an in effect amended Preliminary Plat, a prior preliminary plat application for the subject property having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof at its meeting on July 21, 2016, pursuant to certain conditions, followed thereafter by the applicant's written requests to withhold further review of the original filing pending the filing of the current application and applicant's stated intent that the current application replace the original filing; and

WHEREAS, the proposed Preliminary Plat now includes one lot south of West Evergreen Street (Lot 1), one lot north of West Evergreen Street (Lot 2), two lots east of South 51st Street (Lots 11 and 12), 8 lots on the west side of a cul-de-sac extending north from West Evergreen Street, and four outlots, which are reserved for future single-family residential lots, proposed and future storm water management facilities and/or consist of protected natural resource features; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Preliminary Plat of Evergreen Park Estates Subdivision, as submitted by Rick J. Przybyla, President of Creative Homes, Inc., as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant.

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. – PRELIMINARY  
PLAT

RESOLUTION NO. 2016-\_\_\_\_\_

Page 2

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. Creative Homes, Inc., successors and assigns and any developer of the Evergreen Park Estates 12 lot single-family residential subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Evergreen Park Estates 12 lot single-family residential subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
4. The approval granted hereunder is conditional upon Rick J. Przybyla, President of Creative Homes, Inc. and the Evergreen Park Estates 12 lot single-family residential subdivision development project for the property located at approximately 7501 South 49th 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.
5. The Evergreen Park Estates 12 lot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
6. Any land disturbance and impervious surface within Lots 11 and 12 shall be made part of, and included in, the storm water calculations for any future phase of development upon the subject property.
7. The applicant shall submit a revised Preliminary Plat application for Department of City Development review and approval, prior to submittal of a Final Plat, which includes:
  - a. A Grading and Drainage Plan, including the impact upon the existing tree line along the east side of the property.
  - b. A draft Subdivision Development Agreement.

c. Storm water management calculations.

8. All building setback lines shall be a minimum of six feet from conservation easement boundaries when protected groves or woodlands are present.
9. Wherever a conservation easement exists on an individual lot, the applicant shall mark the location of the conservation easement onsite utilizing signage or boulders.
10. The applicant shall pave the walking trail between Lots 8 and 9 up to the 50-foot wetland setback line at the same time as construction of the proposed Evergreen Park Court and prior to issuance of an Occupancy Permit for an individual home.
11. The tree survey provided by the applicant shall be further reviewed by staff and the applicant's consultant or by a third party consultant to be paid for by the applicant, at the Planning Manager's discretion, to verify if additional woodlands, including groves are present onsite and require protection. Any additional woodlands present shall be shown on the Natural Resource Protection Plan and protected in a conservation easement as required by the Unified Development Ordinance view of tree survey to ensure all woodlands and groves are protected as required by the Unified Development Ordinance.
12. The applicant shall prepare a written conservation easement document for submittal as part of the Final Plat Application for Common Council review and approval.
13. Any proposed subdivision monument sign(s) shall be subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.
14. The lands within the Preliminary Plat include lands specially benefitted and specially assessed for the installation of sanitary sewer, water main, sanitary sewer laterals, water main laterals and the extension of a public street including curb and gutter along with the necessary appurtenances on West Evergreen Street as extended from a point 800 feet east of South 51st Street to a point 1,360 feet east of South 51st Street, pursuant to Resolution No. 2014-7001, as amended by Resolution No. 2016-7211; as assessed lots 3 and 4 were prior planned lots and are no longer existent under the Preliminary Plat, applicant shall pay in full the assessments of \$31,227.69 and \$28,213.00 for such previously planned lots, together with all interest and any costs accrued thereon, within 10 days of the adoption of this Resolution or this Resolution shall be null and void; pursuant to Common Council action of even-date herewith adopting an amendment to the aforesaid Resolution(s) and an amendment to Municipal Code §207-15.K.(2)(g), the lot 1 assessment of \$34,441.47 and the lot 2 assessment of \$34,526.79, together with all interest and any costs accrued thereon,

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. – PRELIMINARY  
PLAT  
RESOLUTION NO. 2016-\_\_\_\_\_  
Page 4

respectively, shall be due and paid in full upon the sale, transfer or other conveyance  
of the subject lot for such lot after the date of adoption of this Resolution.

Introduced at a regular meeting of the Common Council of the City of Franklin this  
\_\_\_\_\_ day of \_\_\_\_\_, 2016.

Passed and adopted at a regular meeting of the Common Council of the City of  
Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

ATTEST:

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

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





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



Part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

11/15/2017

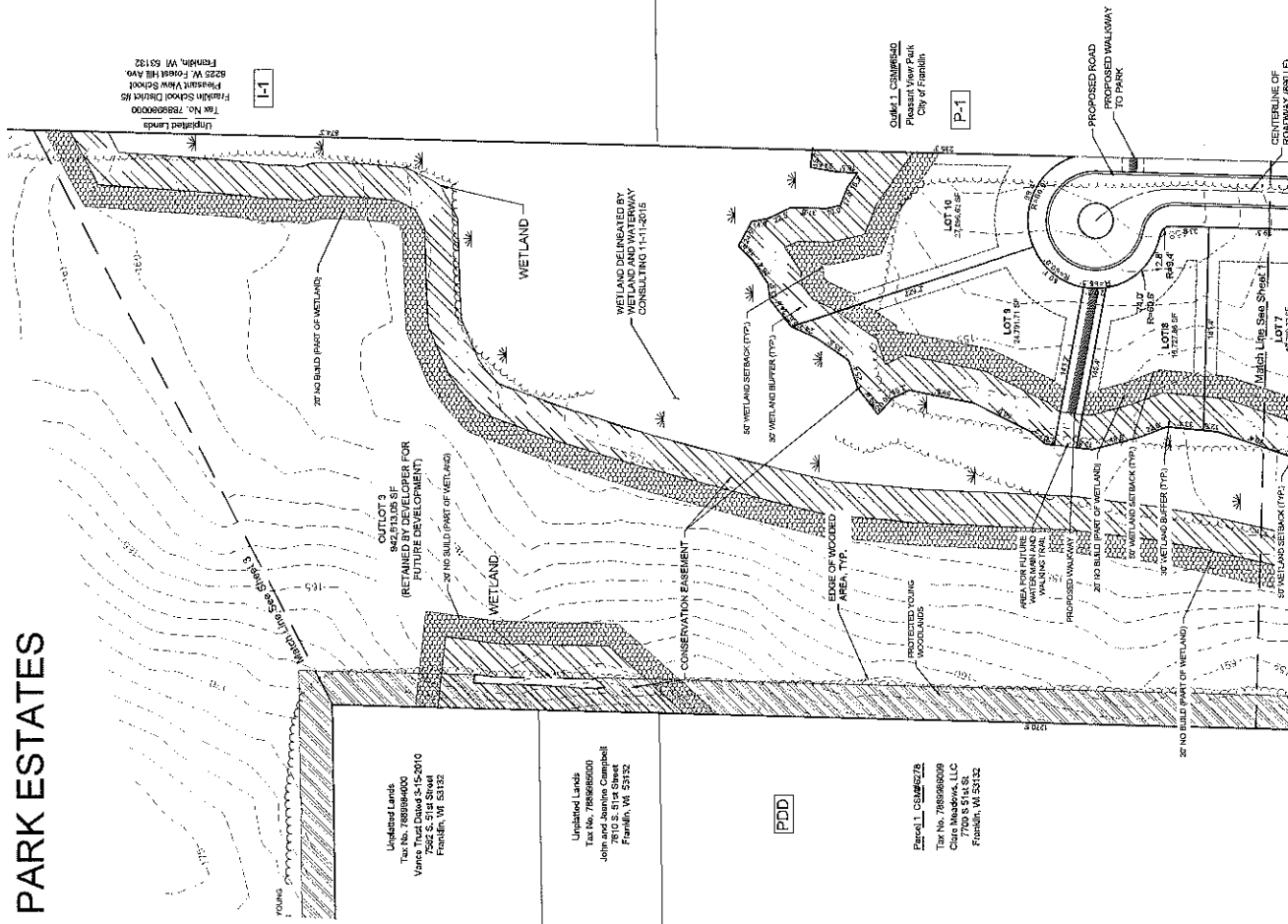


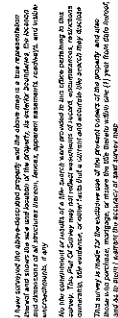
EXISTING TELEPHONE PEDESTAL  
 EXISTING CULVERT  
 EXISTING STORM INLET MANHOLE  
 EXISTING CONTOURS  
 EXISTING ZONING

**R-6**

Sheet 2 of 3  
Project No. 15-047  
Date: July 13, 2016  
Revised: November 28, 2016  
Revised: December 1, 2016



Part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.



MAP PREPARED BY:  
Kenneth B. Mehling, PLS  
Lynch & Associates Engineering Consultants, LLC  
5482 S. Westridge Dr.  
New Berlin, WI 53151

*[Signature]*  
KEVIN B. MEYER, PROFESSIONAL LAND SURVEYOR, S-2838

Sheet 3 of 3  
Project No. 15-047  
Date: July 13, 2016  
Revised: November 28, 2016  
Revised: December 1, 2016



## EVERGREEN PARK ESTATES

### SCHOOL IMPACT

The population impact statement concluded that 6 of the residents of Evergreen Park Estates would be children of school age. The average cost to educate a student is \$11,156.00 per year, and of that amount, \$6,910.00 per student comes from the Franklin tax base. For the 6 children, the cost of their education would be \$41,460.00 per year. Evergreen Park Estates would generate \$52,773.00 per year in school revenue, based on a projected valuation of \$5,100,000.00. Based on the current tax rate of .02633, a surplus of \$11,313.00 would be generated from this development.

Please note: These figures were used per the instruction of Jim Milzer. He is the Director of Business Services for the Franklin Public Schools. He also stated that the City of Franklin needs single family lots and more students!

**DIVISION 15-7.0500 PRELIMINARY PLAT**

**SECTION 15-7.0501 GENERAL**

**G. Contiguous Land Area.** Entire area contiguous to the proposed plat owned or controlled by the Subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development.

The lots of Phase 2 at the end of the cul-de-sac extending from Marquette Avenue have conservation easements upon them. Enforcement of easements within housing lots consumes staff time and is difficult to enforce. Increasing rainfall and upper watershed development are expanding water flow and may put homes at risk if setbacks are not adhered to.

Revise the Phase 2 concept plan exhibit to reflect the UDO requirement contiguous land requirements and show the full 50-ft wetland buffer/setback zone outside of the lots.

Place a condition in the resolution that states no part of a conservation easement shall be located upon any lot within Phase 2.

**J. Proposed Stormwater Management Facilities.** Locate any proposed stormwater management facilities, including detention/retention area(s), and the submission of stormwater calculations which justify the stormwater detention/retention area(s). Said submission shall indicate how the planned stormwater drainage system meets the requirements of the City's stormwater management plan. ☐

This Preliminary Plat requirement provides the ability to know the area of land needed and maintenance access points required for stormwater control preventing the need to revise the plat after the fact.

Review and revise any language that allow ponds in conservation areas on the plat and clarify why the wetland portion of Outlot 2 states "Retained by Developer for stormwater maintenance, etc. Clarify if this is correct as needed.

Receive concurrence letter from engineering that they are confident the pond(s) has access points outside of curbs, housing lots, conservation easements, and that they are adequately sized.

Add any outstanding/additional stormwater requirements to the resolution.

**K. Setbacks, Shore Buffers, Wetland Buffers, Wetland Setbacks, and Building Lines.** All required setbacks, shore buffers, wetland buffers, wetland setbacks, and building lines shall be graphically indicated and dimensioned on the Preliminary Plat.

Clearly indicate the above as required. And in reference to building permits - How will future homeowners (not given the full plat) receive the wetland building setback information? Indicate lot numbers within the resolution that include easements and buffers (Also see Engineer Bennett comment in 15-7.0507 E below).

**SECTION 15-5.0106 LOTS**

**D.Lot Depth.** Lots shall have a minimum lot depth of one hundred and ten (110) feet as measured at any point from the front lot line to the rear lot line, or to any floodplain or wetland. Excessive depth of lots in relation to width shall be avoided. The preferred ratio of depth to width is 2 to 1.

Lots within Phase 1 are an estimated 180-211-ft deep. If not for such depth they would not encroach on the wetland setbacks. In addition, the City Council has stated on many occasions to avoid placing wetland buffers inside homeowner lot.

**SECTION 15-7.0507 DECLARATION OF DEED RESTRICTIONS, PROTECTIVE COVENANTS,**

## CONSERVATION EASEMENTS, AND HOMEOWNERS' ASSOCIATION

The following documents shall be submitted with the Preliminary Plat, Certified Survey Map, or Condominium (as applicable):

**E. Declaration of Deed Restrictions and Protective Covenants.** The Plan Commission shall require the submission of a draft of declaration of deed restrictions and protective covenants whereby the Subdivider intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development. ☐

The above item did not go before the Plan Commission with the Plat and should to be included in the resolution.

**F. Conservation Easements.** The Plan Commission shall, where natural resources are present, require submission of a draft of conservation easements whereby the Subdivider intends to regulate the protection of natural resource features in the proposed Subdivision in conjunction with the "Natural Resource Protection Plan." ☐

The above items did not go before the Plan Commission with the Plat and should to be included in the resolution. Per Engineer Bennett review of Victory Creek it states, "For each easement shown on the plat the developer shall prepare a separate easement document." Adding this requirement would help with homeowner awareness and future enforcement.

**G. Wisconsin Non-Profit Membership Corporation (Homeowners' Association).** The Plan Commission shall require submission of a draft of the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners' association), when the Subdivider proposes that property within a Subdivision would be either owned or maintained by such an organization of property owners or a subunit of the City pursuant to Section 236.293 of the Wisconsin Statutes, whereby the Subdivider intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development. ☐

The above item did not go before the Plan Commission with the Plat and should to be included in the resolution.

**G. City Attorney Review.** The City Attorney shall review all draft declaration of deed restrictions and protective covenants, conservation easements, and homeowners' associations and shall approve said instruments as to form. ☐

The above items have not been reviewed by the City Attorney and should to be included in the resolution.

## SECTION 15-8.0204 EXISTING TREES AND FLORA

The Subdivider or Condominium Developer (as applicable) shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered. Towards that end, the following minimum procedures shall be followed during construction:

**Methodology for Tree Preservation to be Reviewed by Plan Commission.** The Subdivider's or Condominium Developer's (as applicable) proposed method for preserving trees shall be reviewed by the Plan Commission or its staff during the Preliminary Plat, Certified Survey Map, or Condominium approval phase of application to the City. If, in the opinion of the Plan Commission, the Subdivider or Condominium Developer (as applicable) has not taken the necessary precaution in preserving existing trees as required by this Ordinance, no Zoning Compliance Permit or Special Use Permit shall be issued, or plat approved, until such time as the Subdivider or Developer (as applicable), amends the plans for the preservation of such existing trees.

This has not been provided or reviewed. Add language to resolution.

**B. Limitation on Encroachment of Grading and Construction Equipment.** All grading and construction equipment shall be forbidden from encroaching within the tree's drip line.

**D. Snow Fence Required.** During grading and construction, a snow fence shall be installed at the periphery of the tree's drip.

There was some limited compromise by the developer (at the request of the Plan Commission, residents and alderperson) to preserve the treeline between the City park and this development. However, there will be equipment work under the dripline including under the canopy of a majestic Oak, partially on City park property. While it is preferred and required by ordinance to stay out of the dripline, fencing language and installation inspection prior to grading is a must add to the resolution if the Council is not concerned with full protection of this City park entrance feature.

There are required bufferyards to ameliorate nuisances, noise and lighting between zoning districts. The treeline and any plantings should be better addressed using the *bufferyard and landscaping requirements* within the City ordinance to avert park complaints.

## **SECTION 15-5.0110 PARKS, PLAYGROUNDS AND OTHER RECREATIONAL AND MUNICIPAL FACILITIES**

**2. Dedication of Land.** Where land has been required by the Plan Commission to be reserved or when the Developer owns other land that has been determined by the Plan Commission to be acceptable for park open space and recreation purposes, the Developer may be required to dedicate such land. ☐

Should the remaining treeline with the historic oak be dedicated to the adjacent City Park?

### **Public Pedestrian Access.**

**H. In addition to those requirements set forth under Division 15-2.0301(E)** of this Ordinance, where a Certified Survey Map, Preliminary Plat, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development abuts a public use area, such as a park, lake, stream, hunting grounds, or any similar type of public recreational area, the Developer, at the option of the City of Franklin and/or the appropriate municipality shall provide a pedestrian access easement at least twenty (20) feet wide at approved distance intervals connecting such public area with a public street. ☐

There is an important community need to provide safe pedestrian access to the adjacent park and school.

## **SECTION 15-8.0107 SIDEWALKS**

Sidewalks shall be required in the Subdivision, Certified Survey Map, or Condominium under the following conditions: one (1) side of all collector streets; on the school and/or public park side of a collector street; on minor, collector and/or arterial streets which provide adjacent access to school and/or public park sites; on arterial streets with an urban type of cross-section; and any other identified pedestrian access areas to accommodate safe and adequate pedestrian circulation. Where sidewalks are provided, they shall be a minimum of five (5) feet in width and be located within a dedicated public right-of-way or pedestrian access easement. If the sidewalk is to be located within a pedestrian access easement, said easement shall be a minimum of twenty (20) feet in width as specified in Table 15- 5.0103 of this Ordinance.

Lack of sidewalks is inconsistent with the rest of the neighborhood in its proximity to Pleasant View School. The plan as presented would work against all efforts to date in solving the 30+ year history of student access issues by again combining grade school children with cars and buses. A sidewalk should be included on the west side of the street when in such close proximity to a school and park. A 3-ft walk vs. 5-ft. could be a reasonable compromise as it would still address safety and community needs.

## SECTION 15-8.0109 BICYCLE PATHS AND TRAILS

The Subdivider or Condominium Developer shall install required bicycle paths and trails in accordance with the plans and specifications, including the City Engineer's "Standards and Specifications for Development," approved by the City. The Subdivider shall assume the entire cost of such bicycle paths and trails except in the case of dual bicycle paths and streets. The added cost for streets wider than those required by Table 15-5.0103 of this Ordinance in order to accommodate bicycle paths and trails shall be the responsibility of the municipality charged with the maintenance of the proposed facility. In the event the Subdivider wishes to install dual lane facilities, which may not be required by the City, the total cost of such improvements shall be borne by the Subdivider or Condominium Developer as applicable.

There should be some type of assurance for the building of and maintenance for the connecting walkway. While we continue to accommodate the developer by lower assessments, deferring payments, allowing natural resources and wetlands in lots, not requiring road connections, etc. at some point we have a duty to protect the public interest. This should be done by including assurance language and future maintenance of the trail that is to connect Phase 1 and Phase 2.

## SECTION 15-5.0103 STREET AND ROAD DESIGN STANDARDS

### A. Cul-de-Sac Streets.

1. **Length.** Cul-de-sac streets designed to have one (1) end permanently closed shall not ☐ exceed eight hundred (800) feet in length. ☐

The subdivision road layout and Cul-de-sac length deviate from the Comprehensive Master Plan and the UDO's Cul-de-Sac maximum length. Somehow we have resigned ourselves to adding more length to an already exceeding street length. In an email to the developer, staff quotes this very same UDO section. This stance is favorable to the developer to cut road costs while adding more lots in a tight area. It does not promote school connection or traffic flow and is viewed as an additional reason the City should be requesting walkways and avoiding Phase 2 wetland buffer in lots.

## SECTION 15-5.0105 BLOCKS

The widths, lengths, and shapes of blocks that are created shall be suited to the planned use of the land, zoning requirements, overall residential density, the need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography. In addition:

**H. Maximum Block Length.** The length of blocks in residential areas shall not, as a general rule, be less than six hundred (600) feet nor more than fifteen hundred (1,500) feet in length unless otherwise dictated by the City of Franklin Unified Development Ordinance, exceptional topography, natural resource features, request of the Plan Commission, or other limiting factors of good design. ☐

**I. Pedestrian Ways Required at Center of Blocks Over 900 Feet in Length.** Pedestrian ways (easement or dedicated public right-of-way) of not less than twenty (20) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches, or transportation facilities. ☐

### Assurance of Marquette Ave extension

In a Jan 2002 letter to the City of Franklin, Michael Kaerek states, "We feel that if West Marquette Avenue is vital to public safety, the City should use all means at its disposal to begin acquisition of the needed right-of-way. As agreed to, we will assume the cost of construction of West Marquette Avenue".

Explain what assurances the developer is providing for the extension of Marquette and what are the City's intentions on road cost and stormwater basin construction to compensate for its surface. Phase 2's concept basin does not appear any larger than Phase 1 with much fewer lots. Add language within the resolution to address the future of Marquette Ave and the basin.

### **Lighting /Signage**

Is there any lighting or signage to address in the resolution?

### **Additional items as addressed in the Preliminary Plat for the nearby Victory Creek subdivision**

*Both the City of Franklin and the applicant recognize this subdivision will be constructed in phases. Conditions within this preliminary plat resolution referring to Final plat shall apply to the phase or phases to which the condition applies.*

*A final storm water management plan shall be developed for the entire site prior to Final plat submittal. The applicant shall bare the costs of review by the city storm water consultant.*

*Lots (numbers listed) shall be designed to provide greater depth to accommodate landscape buffer and double-sided lots....*

*Lots (numbers listed) are to be designed with greater depth to allow for setbacks from the landscape buffer and the C-1 zone...*

*All lots north of the river shall not be platted until street right-of-way have been obtained for connections to... Marquette Avenue... full width right-of-way is achieved with neighboring properties.*

*A revised preliminary plat shall be resubmitted to the planning and engineering departments showing the changes given in recommendation and approved prior to submittal of any final plat.*

*Lot (listed) shall be dedicated to the city and shall be revised in size prior to final plat approval.*

*Approval of street names by departments to take place prior to final plat approval.*

*All existing buildings and foundations shall be razed and removed prior to final plat recording. Prior to site disturbance the demolition permit shall be issued.*

*Prior to issuance of a building permit the (\$) Impact fees shall be paid per each single-family dwelling.*

### **Fiscal Note as the method used for adjacent Victory Creek subdivision**

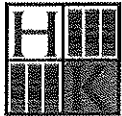
#### **METHOD 1:**

A revenue of \$ \_\_\_\_\_ would to be generated from the construction of \_\_\_\_\_ single-family homes, using the average number of \$ \_\_\_\_\_ for construction and all lot improvements. However, an expenditure of \$ \_\_\_\_\_ (including general fund and debt service) would be created for the number of \_\_\_\_\_ children ultimately residing in the first phase. Therefore a financial loss/gain of \$ \_\_\_\_\_ is estimated.

#### **METHOD 2:**

The revenue generated from an average home including the driveway and landscaping is \$ \_\_\_\_\_. Multiplying this cost times the number of lots (including the school mill rate) a \$ \_\_\_\_\_ school tax revenue is created. The 1998 ratio of children/household was .68 meaning \_\_\_\_\_ children could be generated from the subdivision. Using this sum then multiplied by the \$ \_\_\_\_\_ rate to educate each student the cost is \$ this creates a school tax deficit of \$ \_\_\_\_\_.

#### **METHOD 3:**



Haskin  
& Karls  
LAW OFFICE

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November 30, 2016

The Honorable Steve Olson, Mayor  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

Common Council Members  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

Re: Creative Homes, Inc.

Dear Mayor Olson and Common Council Members:

Please be advised that my office represents Creative Homes, Inc. regarding approval of the Preliminary Plat for Evergreen Park Estates Subdivision which is on the Common Council Agenda for its regularly scheduled meeting of December 6, 2016. My purpose in writing is to urge the Common Council to approve the Preliminary Plat. Rick Przybyla is the President of Creative Homes, Inc. He and his wife, Mary, have been residents of the City of Franklin for over 30 years and his business has been located in the City of Franklin for over 30 years.

Mr. Przybyla and Creative Homes have developed many single family subdivisions in the City of Franklin including, but not limited to, Woodbury, Wildwood Creek, Willow Point and Woodfield Terrace. Mr. Przybyla has been working diligently with the City staff for close to a year on this subdivision. It is my understanding that neither the Police nor Fire Department have any objection to the approval of the Plat, that the Plat as submitted is in compliance with state law and all City Ordinances, including the Unified Development Ordinance ("UDO") and the Plan Commission has recommended approval of the Plat. This property is zoned R-6 Residential. The application for approval of the preliminary plat was filed with the City on October 26, 2016.

Under Wisconsin Law:

"...local units of government have no discretion to reject proposed plats under Section 236.13, Stats. unless the plat consists with a conflicting statutory requirement of Chapter 236 or with an existing written ordinance, master plan, official map, or rule as provided by Section 236.13(1)(a-e), Stats." (Emphasis added.)

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Common Council Members  
November 30, 2016  
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Because the Plat conforms with state and local law, it is our position that the Common Council is required to approve this Preliminary Plat. As indicated, Mr. Przybyla has been working diligently with the Engineering Department and the Planning Department to satisfy all City requirements.

In the most recent correspondence from Nick Fuchs, Principal Planner with the Department of City Development to my client, he indicated that he had spoken with Alderperson Wilhelm who raised the following concerns regarding the approval of the subdivision:

1. A request for a trail connection to the park parking lot fully constructed as part of Phase I.
2. A sidewalk along Evergreen Park Court.
3. A financial analysis related to the impact of the development upon the school district.
4. A condition included in the Resolution approving the Preliminary Plat that no part of a conservation easement be located upon any lot within Phase II of the subdivision development.

Mr. Przybyla's response is as follows:

1. He is willing to commit to a trail connection to the park parking lot fully constructed as part of Phase I. Apparently city impact fees could help pay for the cost of constructing the connection to the park parking lot. Mr. Przybyla is hopeful that city impact fees can be so utilized.
2. The UDO does not require sidewalks along Evergreen Park Court. Evergreen Park Court is a minor street and the street itself does not provide access to the park. Attached is Section 15.8.0107 in that regard. Because the Code does not require sidewalks, Mr. Przybyla is unwilling to pay for the costs of installing sidewalks. He knows of no subdivision in the City of Franklin with sidewalks required on a cul-de-sac of a minor street.
3. My client is providing the financial analysis related to the impact of the development upon the school district prior to the meeting to the City staff. As you can see the development is slated to have a positive impact on the school district. The financial analysis related to the impact of the development on the City is significantly more complicated and would involve facts and figures to which Mr. Przybyla does not have immediate access and therefore he is unable to prepare that financial analysis.



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4. Mr. Przybyla's position is that it would be inappropriate for the City to make condition of the approval of the Preliminary Plat of Evergreen Park Estates development requirements for a future Phase. While he is willing to consider locating a conservation easement in lots within Phase II and fully intends to develop Phase II, it is possible that Mr. Przybyla may not own that land when a Preliminary Plat is submitted and it would be inappropriate for him to tie the hands of a future owner to these requirements.

During the review process, Mr. Przybyla has made a number of concessions beyond the requirements of the UDO to address the concerns of the Staff and Alderperson Wilhelm that have been raised to date including:

- Eliminated a lot which would sell for \$100,000-125,000 and increased the size of the remaining lots consistent with the City's vision for the development. This has a significant financial impact on this development.
- Moved Evergreen Park Court to the west 20 feet in order to allow the trees in existence on the east side of Evergreen Park Court to remain.
- Agreed to the walking path to the second Phase of Evergreen Park Estates.
- Adjusted the lot line for three lots so that the rear property line is outside of the buffer area for the wetlands. On the remaining lots either boulders will be placed to avoid any structures being built in the setback areas or signage to that effect will be installed.
- Mr. Przybyla has spoken to the President of the Homeowners Association for Winterhaven Subdivision who has indicated that the Association has no problems with the proposed Plat.

Under all of these circumstances, we respectfully urge the Common Council to approve the Preliminary Plat for Evergreen Park Estates Subdivision.

Very truly yours,

Lawrence J. Haskin

LJH:jem

cc: Jesse Wesolowski, City Attorney  
Nick Fuchs, Principal Planner  
Rick Przybyla, Creative Homes, Inc.



## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of November 3, 2016

**Preliminary Plat**


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**RECOMMENDATION:** City Development Staff recommends approval of the Preliminary Plat Applications for the development of 12 single-family residential lots, subject to the conditions as noted in the attached draft resolution.

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<b>Project Name:</b>	Evergreen Park Estates Rezoning and Preliminary Plat
<b>Project Address:</b>	7501 South 49 <sup>th</sup> Street
<b>Applicant:</b>	Rick Przybyla, Creative Homes, Inc.
<b>Owners (property):</b>	Franklin Oasis, LLC
<b>Current Zoning:</b>	R-6 Suburban Single-Family Residence District and C-1 Conservancy District
<b>Proposed Zoning:</b>	R-6 Suburban Single-Family Residence District
<b>Use of Surrounding Properties:</b>	Single-family residential to the north and south, Pleasant View Elementary School and Pleasant View Neighborhood Park to the east and single-family and multi-family residential to the west
<b>Applicant Action Requested:</b>	Recommendation of approval of the Rezoning and Preliminary Plat

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**Introduction:**

Please note:

- Staff recommendations are underlined, in italics and are included in the draft ordinance.
- Staff suggestions are only underlined and are not included in the draft resolution.

On June 20, 2016, the applicant submitted an application for a Rezoning and Preliminary Plat for property located at 7501 South 49<sup>th</sup> Street. The preliminary plat proposed to subdivide the existing 32.67-acre property into six R-6 single-family residential lots and five outlots. At the request of Department of City Development staff, the applicant also submitted a Rezoning Application to rezone a portion of the property from C-1 Conservancy District to R-6 Suburban Single-Family Residence District.

At the July 21, 2016 meeting, the Plan Commission recommended approval of the proposed Rezoning and Preliminary Plat. The Rezoning was approved at the October 4, 2016 Common Council meeting; however, the applicant did not move forward with the preliminary plat at that time. The applicant was waiting for a navigability determination from the Wisconsin Department of Natural Resources and later decided to revise the preliminary plat. The preliminary plat was amended to add a cul-de-sac extending from W. Evergreen Street and a storm water pond to

accommodate six additional lots. As staff considered this to be a significant change to the plat, the applicant, on October 10, 2016, submitted a revised plat for staff and Milwaukee County review.

The revised Evergreen Park Estates subdivision plat includes 12 lots and 4 outlots, which are further described below. Note that a future concept plan for the northern portion of the property has also been provided as a separate exhibit.

### **Project Description/Analysis:**

The subject property is located between West Evergreen Street and the future extension of West Marquette Avenue, east of South 51<sup>st</sup> Street (Taxkey No. 788-9981-001). The property currently contains one single-family home and is approximately 32.67 acres.

The proposed Evergreen Park subdivision layout includes 12 residential lots and 4 outlots. Lot 1 is located south of West Evergreen Street, Lot 2 is located on the north side of W. Evergreen Street opposite Lot 1, eight lots are located on a cul-de-sac extending north from W. Evergreen Street (Lots 3 through 10) and two lots are located east of South 51<sup>st</sup> Street (Lots 11 and 12).

The lots range in size from about 16,724 square feet to approximately 32,349 square feet, all exceeding the R-6 Residence District minimum of 11,000 square feet. The average or mean lot size is about 21,193 square feet. Lots 1 and 2 will be accessible from West Evergreen Street, Lots 3 through 10 will have access from the proposed Evergreen Park Court and Lots 11 and 12 will be provided ingress/egress from South 51<sup>st</sup> Street.

The applicant has included a walking trail between Lot 8 and Lot 9. This trail will be extended at the time of Phase 2 to provide a connection from the future extension of W. Marquette Avenue to Pleasant View Neighborhood Park through this subdivision development. Staff recommends that the applicant shall pave the walking trail between Lots 8 and 9 up to the 50-foot wetland setback line at the same time as construction of the proposed Evergreen Park Court and prior to issuance of an Occupancy Permit for an individual home. Staff suggests this be paved to the lot boundary, as such, a Natural Resource Protection Standards Public Streets, Sidewalks and Trails exemption would be necessary.

Outlot 1 is located south of W. Evergreen Street and mostly consists of protected natural resource features, largely the 100-year and 500-year floodplain. Outlot 2 includes protected natural resource features and the proposed storm water management pond and will be retained by the developer. Outlot 3 is located on the northern portion of the property and will also be retained by the developer for the planned future phase(s) of the subdivision. Lastly, Outlot 4 is located to the east of the proposed Evergreen Park Court. Outlot 4 is approximately 13-feet wide and will be dedicated to the City. This outlot is meant to help ensure that the existing tree line at that location is protected.

A storm water pond exists to the south east of West Evergreen Street and the proposed subdivision development. The storm water pond design anticipated six residential lots abutting West Evergreen Street and was sized and constructed accordingly; therefore, the applicant had to

provide additional storm water facilities to accommodate the additional lots. As mentioned, a pond is proposed within Outlot 2. Note that staff is recommending that any land disturbance and impervious surface within Lots 11 and 12 be made part of and included in the storm water calculations for any future phase of development upon the subject property.

Please be aware that the applicant has indicated and briefly discussed with staff, the possibility of re-sizing and utilizing the existing pond on City property for the proposed subdivision development and converting the area proposed for storm water management into a buildable lot, with a donation to the park as well. This will require additional discussions with the City; however, if this occurs it will require an amendment to the plat, which could potentially be done at the time of Final Plat, if deemed to still substantially conform to the Preliminary Plat. Staff notes that if the existing pond is utilized, the proposed Evergreen Park Court could be moved further west to greater protect the tree line on that side of the property, as opposed to the creation of an additional buildable lot.

Generally related to the plat, staff is also recommending that the applicant shall submit a revised Preliminary Plat application for Department of City Development review and approval, prior to submittal of a Final Plat, which includes:

- a grading and drainage plan, including the impact upon the existing tree line along the east side of the property;
- a draft Subdivision Development Agreement; and
- storm water management calculations.

Although there is not a second ingress/egress from West Evergreen Street to/from South 51<sup>st</sup> Street, the proposed Evergreen Park Court itself is less than 800-feet in length, which complies with Section 15-5.0103 of the UDO (below). It can also be noted that a public path, wide enough to accommodate emergency vehicles, is envisioned to extend from Evergreen Park Court northward through the future phase of this subdivision to Marquette Avenue.

**Length.** Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed eight hundred (800) feet in length.

Natural Resource Protection Plan:

A Natural Resource Protection Plan (NRPP) is required as part of the Preliminary Plat Application submittal. According to the project narrative, the site contains wetlands and associated wetland buffers and setbacks, floodplain and young woodlands.

The wetlands were delineated by Dave Meyer of Wetland and Waterway Consulting on November 11, 2015. A full and complete wetland delineation report is on file with the Department of City Development. The cover letter of that report is attached. Dave Meyer is a Wisconsin Department of Natural Resources (WDNR) assured delineator; therefore, Department of City Development staff did not require separate review by a City consultant.

The applicant has identified two wetlands on the property. The wetlands are illustrated on the Preliminary Plat. A large wetland runs through the middle of the property and a smaller wetland exists to the east of the properties located at 7582 and 7610 S. 51<sup>st</sup> Street. The Wisconsin

Department of Natural Resource Features Water Surface Data Viewer identifies the larger wetland as an intermittent stream; however, the WDNR provided a letter, dated October 3, 2016 indicating that the waterway is non-navigable.

The applicant also completed a detailed tree survey of the property, which is attached for review. The NRPP shows approximately 2.888 acres of young woodland present. The applicant is proposing to disturb 1.144 acres or 50% of young woodlands onsite, which meets the protection standard of 50% per Table 15-4.0100 of the UDO.

In review of the applicant's tree survey, staff has determined that a grove exists adjacent to the existing home on the north side of the property. Staff also finds that it is likely a grove exists within the tree line located along the east side of the property as well. Staff recommends that the tree survey be further reviewed by staff and the applicant's consultant or by a third party consultant to be paid for by the applicant, at the Planning Manager's discretion, to verify if additional woodlands, including groves are present onsite and require protection. Any additional woodlands present shall be shown on the Natural Resource Protection Plan and protected in a conservation easement as required by the Unified Development Ordinance.

The applicant has not yet provided a written conservation easement for staff review. Staff recommends that the applicant shall prepare a written conservation easement document for submittal as part of the Final Plat Application for Common Council review and approval. Staff suggests that the conservation easement also include the 50-foot wetland setback.

Staff is also recommending, with agreement from the applicant, that where a conservation easement exists on an individual lot, the applicant shall mark the location of the conservation easement onsite utilizing signage or boulders. As currently proposed, this will apply to Lots 6 through 10.

**Signage:**

The applicant did not provide any signage information for this phase of the development. Staff recommends that any proposed subdivision monument sign(s) shall be subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.

**Comprehensive Master Plan:**

The 2025 Future Land Use Map designates the property at 7501 South 49<sup>th</sup> Street as Residential and Areas of Natural Resource Features. The proposed single-family residential use, along with the protection of natural resources features within a conservation easement, is consistent with the City of Franklin 2025 Comprehensive Master Plan.

**Staff Recommendation:**

City Development Staff recommends approval of the Preliminary Plat Applications for the development of 12 single-family residential lots, subject to the conditions as noted in the attached draft resolution.



LYNCH & ASSOCIATES  
ENGINEERING CONSULTANTS, LLC

Date: 10-26-2016

Mr. Nick Fuchs,  
City of Franklin

Re: Revised Evergreen Park Estates Preliminary Plat Staff Comments  
Evergreen Park Estates

Dear Mr. Fuchs,

Thank you for your prompt review and assistance on the Evergreen Park Estates sub-division.  
Below are our responses to the comment letter provided on October 19, 2016.

**Department of City Development**

1. The lot number has been revised to 12 per the comments.
2. The conservation easement has been depicted more clearly on the preliminary plat as requested.
3. The wetland buffer and wetland setback have been more clearly labeled.
4. There are no protected natural resource areas found or indicated on the survey for Lot 1.
5. It is the preference of the developer to protect the wetland buffers by the placement of signs and stone markers. The reduction of the lot sizes would negatively impact the character of the proposed development.
  - Lot 2 has been adjusted to be out of the protected woodlands and conservation easement..
  - All building setback lines are greater than a minimum of six feet from the conservation easement.
  - Reducing the lot sizes to exclude the wetland buffers would impact the constructability and value of some of the lots. The UDO currently allows wetland buffers in residential lots and the current plan complies with the ordinance.
  - It is the developer's preference to mark the conservation easement will marked on the properties with signage or boulders.
6. By code for a mature woodland an area or strand of trees whose total combined canopy covers an area of one acre or more and at least fifty percent of which is composed of canopies of trees having a diameter of at least 10" at breast height. The eastern area is less than an acre. Therefore it cannot be a mature woodland. To be considered a young woodland, an area or strand of trees whose total combined canopy covers an area of one-half acre or more and at least fifty percent of which is composed of canopies of trees having a diameter of at least 3 inches at breast height. The southeastern area does not have a consistent canopy that is larger than half an acre. Therefore it cannot be considered a young woodland.
  - It is the developer's intent to protect as many trees as reasonable, while preserving the integrity of the development.
  - Options are being contemplated to reduce impacts to the tree line, and we would request to work with staff on those options.

7. The report has been revised to include the delineation report by Dave Meyer.
8. The NRPP narrative has been modified to say the conservation easement will be owned by the Homeowner's Association when not located on private lots.
9. The owner would like to wait to pave the walkway until the water main installation has been completed in future developments. It is our intent to extend the watermain to the limits of the conservation with this development.
10. Conversations and an agreement has been made with Nick Fuchs that the conservation easement document does not need to be submitted until the final plat.
11. The land to the south of lot 12 is planned for future maintenance access to the outlots.
12. A separate exhibit will be provided showing the future phases of the development.
13. Understood, an entrance sign is not planned at this time.
14. Understood, The length of the cul-de-sac meets current standards within the UDO.
15. The calculation worksheet is submitted with this document.
16. The Plan Commission meeting has a public hearing portion which we feel would be an appropriate venue for the discussions.

### **Engineering Department**

1. Lots 1 and 2 are considered to be part of this project and will be included in all stormwater management. It is our understanding that the regional detention pond was designed to accommodate a portion of the development.
  - Lots 12 and 13 will be included with the stormwater calculations for the development.
2. The basin that was originally depicted was conceptual. However, we have adjusted the stormwater pond to more accurately reflect DNR requirements.
3. The area between lots 9 and 10 is part of Outlot 3. A note has been added to clearly identify its purpose on the plans.
4. The right of way has been adjusted to 60 feet.
5. The stormwater pond has been adjusted to meet City of Franklin requirements.

### **Police Department**

No comments.

### **Fire Department**

The proposed road shall meet City of Franklin design standards.

### **Milwaukee County**

Thank you for sending the plans to Milwaukee County for review. We will respond to the comments once received.

Thank you for your time and consideration. If you should have any comments or questions, feel free to contact me at 262.402.5040.

Sincerely,



Daniel E. Meier, P.E.  
Director of Private Development

State of Wisconsin  
**DEPARTMENT OF NATURAL  
RESOURCES**  
Waukesha Service Center  
141 NW Barstow, Room 180  
Waukesha, WI 53188

Scott Walker, Governor  
Cathy Stepp, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



October 3, 2016

Rick Przybyla  
9244 W. Grandview Ct  
Franklin WI 53132

INF-SE-41-03710

Subject: Navigability Determination

Dear Mr. Przybyla:

This letter follows your request to the Department of Natural Resources (Department) to conduct a navigability determination for a waterway which flows through your property with a tax key number 7889981001, City of Franklin, Milwaukee County. Department staff visited the property on September 7<sup>th</sup>, 2016 and determined the waterway to be **non-navigable**.

In Wisconsin, the Supreme Court has defined a navigable waterway as one which has a defined bed and banks and carries enough water to float a canoe or other watercraft during high periods of water. Based on this definition, the waterway is non-navigable. While the waterway did have defined bed and bank much of it was either too narrow or not deep enough to float a watercraft. My assessment of the waterway included reviewing historic Department documentation and database records, USGS topographic maps and aerial photographs. The field investigation was conducted on September 7th, 2016, using standard Department protocol regarding the assessment of physical and biological characteristics.

The waterway in question originates in a wetland complex, flows south through a tree line and under Evergreen Ct. See the attached air photo for the location of the non-navigable waterway.

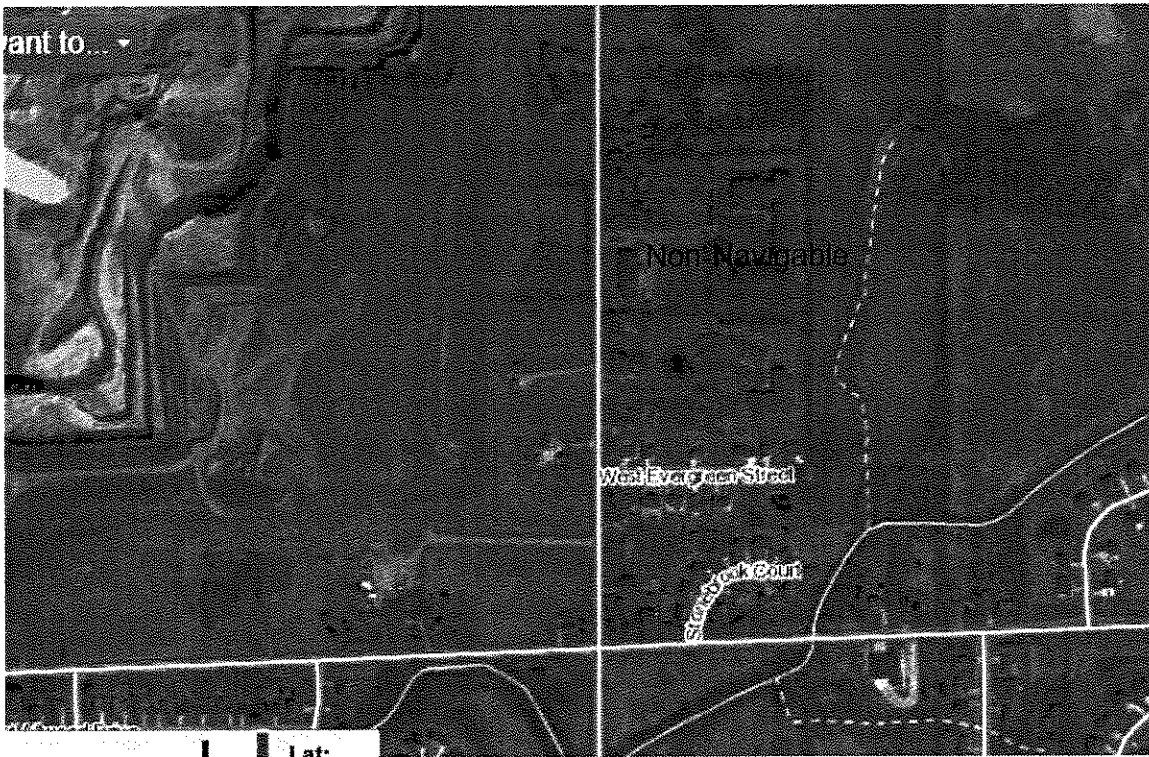
Please contact me if you have any questions.

Sincerely,

Geri Radermacher  
Water Management Specialist

Cc: City of Franklin  
ACOE  
Mike Doble, Lynch & Associates





Non-Navigable tributary to Root River. Site visit 09/07/2016

## SECTION 15-3.0502

## CALCULATION OF BASE SITE AREA

The **base site area** shall be calculated as indicated in Table 15-3.0502 for each parcel of land to be used or built upon in the City of Franklin as referenced in Section 15-3.0501 of this Ordinance.

Table 15-3.0502

**WORKSHEET FOR THE CALCULATION OF BASE SITE AREA  
FOR BOTH RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT**

<b>STEP 1:</b>	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.	32.132 acres
<b>STEP 2:</b>	Subtract ( - ) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	- $\phi$ acres
<b>STEP 3:</b>	Subtract ( - ) land which, as a part of a previously approved development or land division, was reserved for open space.	- $\phi$ acres
<b>STEP 4:</b>	In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed residential use, subtract ( - ) the land proposed for nonresidential uses; or In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed nonresidential use, subtract ( - ) the land proposed for residential uses.	- $\phi$ acres
<b>STEP 5:</b>	Equals "Base Site Area"	= 32.132 acres

## SECTION 15-3.0503

**CALCULATION OF THE AREA OF NATURAL RESOURCES  
TO BE PROTECTED**

All land area with those natural resource features as described in Division 15-4.0100 of this Ordinance and as listed in Table 15-3.0503 and lying within the **base site area** (as defined in Section 15-3.0502), shall be measured relative to each natural resource feature present. The actual land area encompassed by each type of resource is then entered into the column of Table 15-3.0503 titled "Acres of Land in Resource Feature." The acreage of each natural resource feature shall be multiplied by its respective **natural resource protection standard** (to be selected from Table 15-4.0100 of this Ordinance for applicable agricultural, residential, or nonresidential zoning district) to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature. The sum total of all resource protection land on the site equals the **total resource protection land**. The **total resource protection land** shall be calculated as indicated in Table 15-3.0503.

# PROTECTION LAND

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	
	Agricultural District	Residential District	Non-Residential District		
Steep Slopes:					
10-19%	0.00	0.60	0.40	X _____	_____
20-30%	0.65	0.75	0.70	X _____	_____
+ 30%	0.90	0.85	0.80	X _____	_____
Woodlands & Forests:					
Mature	0.70	0.70	0.70	X <u>0</u>	_____
Young	0.50	0.50	0.50	X <u>2.288</u>	_____
Lakes & Ponds	1	1	1	X <u>0</u>	_____
Streams	1	1	1	X <u>0</u>	_____
Shore Buffer	1	1	1	X <u>0</u>	_____
Floodplains/Floodlands	1	1	1	X <u>1.335</u>	_____
Wetland Buffers	1	1	1	X <u>2.566</u>	_____
Wetlands & Shoreland Wetlands	1	1	1	X <u>3.804</u>	_____
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)				<u>8.849</u>	

*Note: In conducting the calculations in Table 15-3.0503, if two or more natural resource features are present on the same area of land, only the most restrictive resource protection standard shall be used. For example, if floodplain and young woodlands occupy the same space on a parcel of land, the resource protection standard would be 1.0 which represents the higher of the two standards.*

CALCULATION OF SITE INTENSITY AND CAPACITY FOR  
RESIDENTIAL USES

In order to determine the maximum number of dwelling units which may be permitted on a parcel of land zoned in a residential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0504 shall be performed.

Table 15-3.0504

WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND  
CAPACITY FOR RESIDENTIAL DEVELOPMENT

<b>STEP 1:</b>	<b>CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE</b> Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>32.132</u> Multiple by Minimum <i>Open Space Ratio (OSR)</i> (see specific residential zoning district OSR standard): X <u>0.00</u> Equals <b>MINIMUM REQUIRED ON-SITE OPEN SPACE</b> = <u>0</u> acres	
<b>STEP 2:</b>	<b>CALCULATE NET BUILDABLE SITE AREA:</b> Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>32.132</u> Subtract <i>Total Resource Protection Land</i> from Table 15-3.0503) or <i>Minimum Required On-Site Open Space</i> (from Step 1 above), whichever is greater: <u>-8.849</u> Equals <b>NET BUILDABLE SITE AREA</b> = <u>23.283</u> acres	
<b>STEP 3:</b>	<b>CALCULATE MAXIMUM NET DENSITY YIELD OF SITE:</b> Take <i>Net Buildable Site Area</i> (from Step 2 above): <u>23.283</u> Multiply by Maximum <i>Net Density (ND)</i> (see specific residential zoning district ND standard): X <u>2.972</u> Equals <b>MAXIMUM NET DENSITY YIELD OF SITE</b> = <u>69.197</u> D.U.s	
<b>STEP 4:</b>	<b>CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE:</b> Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): <u>32.132</u> Multiple by Maximum <i>Gross Density (GD)</i> (see specific residential zoning district GD standard): X <u>2.972</u> Equals <b>MAXIMUM GROSS DENSITY YIELD OF SITE</b> = <u>95.496</u> D.U.s	
<b>STEP 5:</b>	<b>DETERMINE MAXIMUM PERMITTED D.U.s OF SITE:</b> Take the <i>lowest</i> of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above): <u>69.197</u> D.U.s	

Evergreen Estates is a planned residential development at 7501 South 51<sup>st</sup> Street within the City of Franklin. The project will be located on a 32.132-acre parcel which is bounded by Evergreen Street, S. 51<sup>st</sup> Street, and S. 49<sup>th</sup> Street. The site generally slopes from the northwest to the southeast. There are two wetland on site. There is a small wetland located along the west property line. There is a larger wetland running down the middle of the site.

This project is being developed by Creative Homes, Inc. under the direction of Rick Przybyla, President (414-529-0958). Creative Homes is located at 9244 W. Grandview Ct, Franklin, WI 53132. The current owner of the property is Christine Beringer, Franklin Oasis, LLC, 9055 W. Allerton Ave. Greenfield, WI 53228.

Survey crews have been out to the site to survey the existing trees and wetlands. The wetlands have then been checked by a natural resource professional to identify the type of wetland. The wetlands have also been delineated. Everything has been done in accordance with Division 15-4.0101 of the City of Franklin Unified Development Ordinance.

The natural resources within this parcel are as summarized in Table 1:

Table 1: Evergreen Estates Natural Resource Feature Summary

Natural Resource Feature	Protection Standard	Area Present (Acres)	Area Protected (Acres)	Protection Percent
Wetlands	100%	3.804	3.804	100%
Wetland Buffer (30')	100%	2.566	2.566	100%
Floodplain	100%	1.335	1.335	100%
Young Woodlands	50%	2.288	1.144	50%
Streams	100%	0	0	N/A
Totals		9.993	8.849	

Per Section 15-3.0502, Lynch has calculated the "Base Site Area" for the parcel. The total parcel area equals 32.132 acres. Using the "Calculation of Base Site Area for Residential Development", the site has a **"Base Site Area" of 32.132 acres.**

Per Section 15-3.0504 Lynch has also calculated the "Site Intensity and Capacity For Residential Uses." Based on using the calculations outlined in Table 15-3.0504, the **Maximum Number of Permitted Development Units for this parcel is 69.197.**

As noted in Table 1, there are **8.849 acres of natural resource features** which have been designated for protection. These features include Young Woodlands (Attachment 2: Tree Survey), Wetlands (Attachment 5: Wetland Delineation Report), floodplains, and associated buffers. Please see Attachment 3 for a graphic depiction of these areas.

The method of protection for these features will be consolidation of natural resource features into outlots with conservation easements in place to restrict future uses. All conservation easement areas not located on private land will be held in common by the property owner's association for future protection. Conservation easements located on private land will be shown with signs or boulders. A copy of the conservation easement text is attached as Attachment 1.

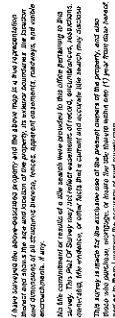
In accordance with the provisions of the City of Franklin Unified Development Ordinance, a map has been prepared to illustrate the planned natural resource protection plan for the proposed development. This is included as Attachment 3.

- Attachment 1: Conservation Easement
- Attachment 2: Tree Survey
- Attachment 3: Site Map and Development Plan
- Attachment 4: Site Intensity and Capacity Calculations
- Attachment 5: Wetland Delineation Report
- Attachment 6: Navigability Determination communication
- Attachment 7: Natural Resource Features Key

The wetlands and natural resources will be protected in accordance with the City of Franklin Unified Development Ordinance. If you have any questions concerning this Natural Resource Protection Plan, please contact Lynch and Associates via Mr. Dan Meier, 262.751.1873.



Part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.



MAP PREPARED BY:  
Kenneth B. Mehning, PLS  
Lynch & Associates Engineering Consultants, LLC  
5452 S. Westridge Dr.  
New Berlin, WI 53151

Sheet 3 of 3  
Project No. 15-047  
Date: July 13, 2016  
Revised: October 5, 2016



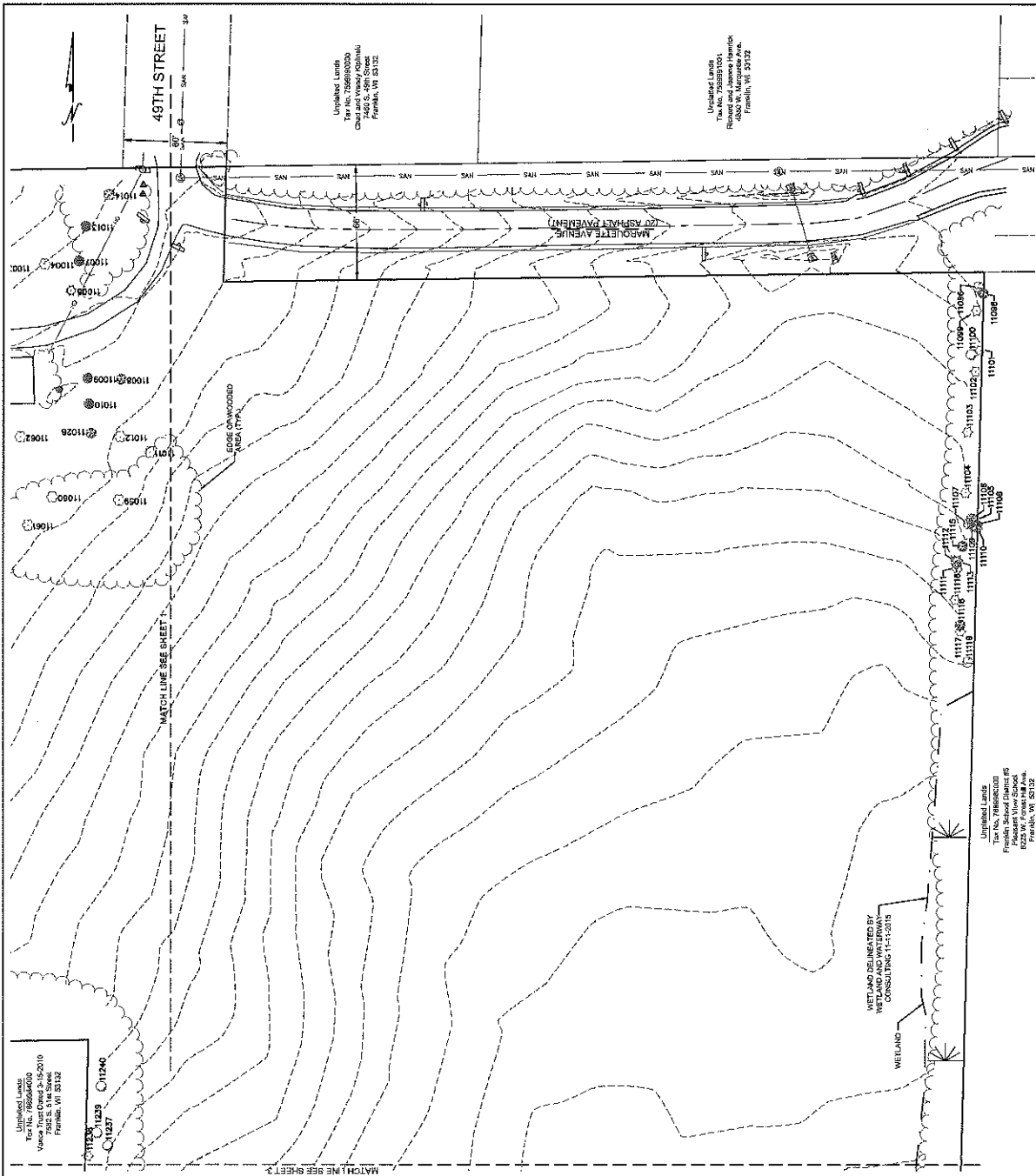








5482 S. WESTLIDGE DRIVE NEW KENIL, WI 53151 (262) 402-5540		NO. _____ REVISIONS _____ BY _____ DATE _____		CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN <b>EVERGREEN PARK ESTATES</b> <b>TREE SURVEY</b>		<b>PRELIMINARY</b> INITIALS DATE DRAWN: P.D. 09/06/16 CHECKED: DEM 09/06/16 SCALE: 1" = 30' PROJECT NO.: 15-047 SHEET NO.: 4 OF 6	
--	--	--	--	--	--	---	--



NOTE:  
SEE SHEET 5 & 6 FOR ADDITIONAL  
TREE SURVEY INFORMATION. SEE  
SHEET 4 OF 6 FOR LEGEND.

LEGEND	
	<b>SURVEY CONTROL</b>
	CONTROL POINT
	FOUND 1" IRON PIPE
	MONUMENT - CONCRETE W/ BRASS CAP
	<b>EXISTING UTILITIES</b>
	SANITARY
	SANITARY FORCE MAIN
	OVERHEAD UTILITY
	END SECTION
	HYDRANT
	MANHOLE - SANITARY
	POWER POLE
	STORM INLET - CURB
	WATER MAIN VALVE
	WELL
	<b>EXISTING SITE FEATURES</b>
	SIGN
	TREES
	<b>ENVIRONMENTAL FEATURES</b>
	WETLAND BOUNDARY
	WETLAND SYMBOL
	SOIL BORING

TREE NUMBER	SPECIES	DBH (IN.)	SHEET REFERENCE	TREE NUMBER	SPECIES	DBH (IN.)	SHEET REFERENCE	TREE NUMBER	SPECIES	DBH (IN.)	SHEET REFERENCE	TREE NUMBER	SPECIES	DBH (IN.)	SHEET REFERENCE
1000	CHERRY	18	1	1078	ELM	8	1	1149	ASH	3	2	1125	HAWTHORN	4	3
1001	APPLE	12	1	1079	POPLAR	10	1	1150	ASH	3	2	1126	CHERRY	3	3
1002	HICKORY	10	1	1080	ELM	6	1	1151	ASH	0	2	1127	CHERRY	4	3
1003	MAPLE	18	1	1081	HICKORY	3	1	1152	ASH	3	2	1128	ASH	3	3
1004	APPLE	10	1	1082	ELM	8	1	1153	ASH	10	2	1129	HAWTHORN	4	3
1005	PINE	6	1	1083	ELM	8	1	1154	DEAD	0	2	1130	HAWTHORN	12	3
1006	MAPLE	24	1	1084	MAPLE	3	1	1155	DEAD	0	2	1131	CHERRY	4	3
1007	DEAD	15	1	1085	DEAD	6	1	1156	ASH	3	2	1132	ELM	12	3
1008	MAPLE	20	1	1086	DEAD	6	1	1157	ASH	3	2	1133	ELM	8	3
1009	MAPLE	14	1	1087	DEAD	8	1	1158	ASH	6	2	1134	ELM	8	3
1010	MAPLE	12	1	1088	ELM	3	1	1159	OAK	8	2	1135	ASH	4	4
1011	APPLE	14	1	1089	POPLAR	3	1	1160	OAK	8	2	1136	ASH	6	4
1012	MAPLE	14	1	1090	POPLAR	3	1	1161	ELM	14	2	1137	ASH	6	4
1013	MAPLE	14	1	1091	MAPLE	8	1	1162	OAK	12	2	1138	ELM	16	4
1014	HICKORY	22	1	1092	MAPLE	3	1	1163	OAK	12	2	1139	DEAD	12	4
1015	SPRUCE	10	1	1093	MAPLE	3	1	1164	CHESNUT	5	2	1140	DEAD	8	1
1016	SPRUCE	16	1	1094	MAPLE	3	1	1165	CHERRY	8	2	1141	ASH	3	1
1017	MAPLE	26	1	1095	DEAD	8	1	1166	CHERRY	10	2	1142	ASH	3	1
1018	MAPLE	16	1	1096	ASH	5	1	1167	CHERRY	12	2	1143	ASH	3	1
1019	SPRUCE	15	1	1097	HICKORY	3	1	1168	CHERRY	5	2	1144	CHERRY	6	1
1020	SPRUCE	22	1	1098	ASH	6	1	1169	CHERRY	8	2	1145	CHERRY	6	1
1021	CEADAR	8	1	1099	DEAD	4	1	1170	CHERRY	8	2	1146	CHERRY	6	1
1022	CEADAR	8	1	1100	DEAD	4	1	1171	CHERRY	8	2	1147	CHERRY	6	1
1023	SPRUCE	10	1	1101	ASH	8	1	1172	CHERRY	8	2	1148	ELM	8	1
1024	SPRUCE	12	1	1102	ELM	4	1	1173	CHERRY	8	2	1149	ELM	8	1
1025	SPRUCE	8	1	1103	ASH	4	1	1174	CHERRY	10	2	1150	ELM	8	1
1026	CEADAR	14	1	1104	ASH	10	1	1175	CHERRY	12	2	1151	ELM	8	1
1027	CEADAR	10	1	1105	ASH	10	1	1176	CHERRY	12	2	1152	ELM	8	1
1028	CEADAR	10	1	1106	ASH	10	1	1177	CHERRY	12	2	1153	ELM	8	1
1029	APPLE	6	1	1107	ASH	10	1	1178	CHERRY	12	2	1154	ELM	8	1
1030	APPLE	6	1	1108	ASH	10	1	1179	CHERRY	12	2	1155	ELM	8	1
1031	APPLE	6	1	1109	ASH	10	1	1180	CHERRY	12	2	1156	ELM	8	1
1032	SPRUCE	18	1	1110	ASH	10	1	1181	CHERRY	12	2	1157	ELM	8	1
1033	SPRUCE	18	1	1111	ASH	10	1	1182	CHERRY	12	2	1158	ELM	8	1
1034	ASH	10	1	1112	ASH	10	1	1183	CHERRY	12	2	1159	ELM	8	1
1035	CEADAR	10	1	1113	ASH	10	1	1184	CHERRY	12	2	1160	ELM	8	1
1036	CEADAR	10	1	1114	ASH	10	1	1185	CHERRY	12	2	1161	ELM	8	1
1037	CEADAR	10	1	1115	ASH	10	1	1186	CHERRY	12	2	1162	ELM	8	1
1038	CEADAR	10	1	1116	ASH	10	1	1187	CHERRY	12	2	1163	ELM	8	1
1039	CEADAR	10	1	1117	ASH	10	1	1188	CHERRY	12	2	1164	ELM	8	1
1040	CEADAR	10	1	1118	ASH	10	1	1189	CHERRY	12	2	1165	ELM	8	1
1041	CEADAR	10	1	1119	ASH	10	1	1190	CHERRY	12	2	1166	ELM	8	1
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1043	CEADAR	10	1	1121	ASH	10	1	1192	CHERRY	12	2	1168	ELM	8	1
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1047	CEADAR	10	1	1125	ASH	10	1	1196	CHERRY	12	2	1172	ELM	8	1
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1049	CEADAR	10	1	1127	ASH	10	1	1198	CHERRY	12	2	1174	ELM	8	1
1050	CEADAR	10	1	1128	ASH	10	1	1199	CHERRY	12	2	1175	ELM	8	1
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1052	CEADAR	10	1	1130	ASH	10	1	1201	CHERRY	12	2	1177	ELM	8	1
1053	CEADAR	10	1	1131	ASH	10	1	1202	CHERRY	12	2	1178	ELM	8	1
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1072	CEADAR	10	1	1150	ASH	10	1	1221	CHERRY	12	2	1197	ELM	8	1
1073	CEADAR	10	1	1151	ASH	10	1	1222	CHERRY	12	2	1198	ELM	8	1
1074	CEADAR	10	1	1152	ASH	10	1	1223	CHERRY	12	2	1199	ELM	8	1
1075	CEADAR	10	1	1153	ASH	10	1	1224	CHERRY	12	2	1200	ELM	8	1



Part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

creative Homes, Inc.  
Rick Przybyla  
44 W. Grandview Ct.  
Franklin, WI 53132  
141 529-0958

### Single Family Residential

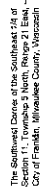
### LOADING DATA:

**Existing Zoning:** R-6, FW

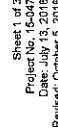
[illegible]

Those areas of land which are identified as Conservation Assessments of this subdivision plat shall be subject to the following restrictions:

- UNIVERSITY



Jeff B. Mehling, PLS  
H & Associates Engineering Consultants, LLC  
1 S. Westridge Dr.  
Berlin, WI 53151





# PRELIMINARY PLAT: EVERGREEN PARK ESTATES

Part of the Southwest 1/4 and Northwest 1/4 of the  
Southeast 1/4 of Section 11, Township 3 North, Range 21  
East, City of Franklin, Milwaukee County, Wisconsin.



Scale: 1" = 60'



I have surveyed the above-described property and the above map is a true representation of the same as the same was shown to me by the owner or his agent, and I have no knowledge of any other person or persons who have any interest in the same, and I have no knowledge of any other person or persons who have any interest in the same, and I have no knowledge of any other person or persons who have any interest in the same.

*Kenneth B. Mehring*  
KENNETH B. MEHRING, PROFESSIONAL LAND SURVEYOR, 20325

## LEGEND

	EXISTING TELEPHONE PEDIESTAL
	EXISTING CULVERT
	EXISTING STORM INLET MANHOLE
	EXISTING CONTOUR
	EXISTING ZONING

MAP PREPARED BY:  
Kenneth B. Mehring, PLS  
Lynch & Associates Engineering Consultants, LLC  
5462 S. Westridge Dr.  
New Berlin, WI 53151

Unplatted Lands  
Tax No. 789954000  
Village of Franklin  
7822 S. 51st Street  
Franklin, WI 53132

Unplatted Lands  
Tax No. 789954000  
John and Jackie Campbell  
7810 S. 51st Street  
Franklin, WI 53132

PDD

Parcel 1, CSDM#6278  
Tax No. 789954000  
CSDM#6278, LLC  
7700 S. 51st St.  
Franklin, WI 53132

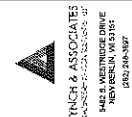
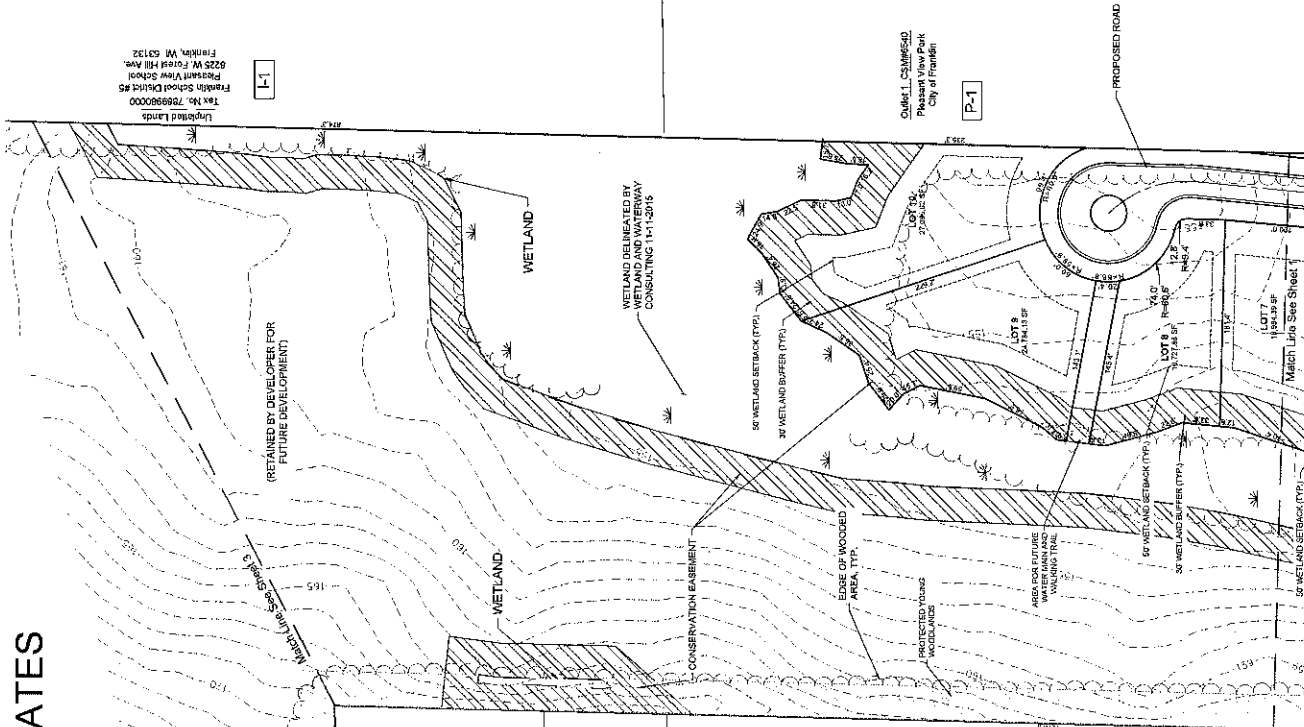
Unplatted Lands  
Tax No. 789954000  
Franklin View School #5  
6225 W. Forest Hill Ave.  
Franklin, WI 53132

1-1

Subplot 1, CSDM#6278  
Pleasant View Park  
City of Franklin

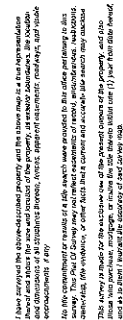
P-1

PROPOSED ROAD



Sheet 2 of 3  
Project No. 15-047  
Date: July 13, 2016  
Revised: October 5, 2016

Part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.



KENNETH B MEHRING, PROFESSIONAL LAND SURVEYOR, S-2838

Sheet 3 of 3  
Project No. 15-047  
Date: July 13, 2016  
Revised: October 5, 2016

**LYNCH & ASSOCIATES**  
3402 S. WESTRIDGE DRIVE  
NEW BERLIN, IN 46313  
(202) 244-2497

# PRELIMINARY PLAT: EVERGREEN PARK ESTATES

Part of the Southeast 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

## CONVEYANCE MAP PREPARED FOR:

Mr. Rick Proby  
5244 W. Grandview Ct.  
Franklin, WI 53132  
(414) 529-0958

## TYPE OF PLAT:

Single Family Residential

## SITE DATA:

Proposed Number of Lots = Six (6)  
One Dwelling Unit per Lot  
Gross Site Area = 1,423,215 Square Feet (32.07 acres)

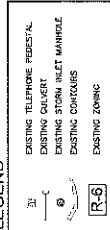
## ZONING DATA:

Existing Zoning: R-6, FW  
Proposed Zoning: R-6, Suburban Single-Family Residential, FW  
Minimum Lot Area = 11,000 Sq. Ft.  
Minimum Lot Width at Setback Line = 90 Feet  
Minimum Lot Width at Setback Line  
Minimum Front Yard Setback = 30 Feet  
Minimum Side Yard Setback = 10 Feet/19 Feet Corner  
Minimum Rear Yard Setback = 30 Feet  
Minimum Wetland Buffer = 30 Feet  
Minimum Wetland Setback = 50 Feet  
Minimum Shore Setback = 75 Feet

## BASEMENT RESTRICTION

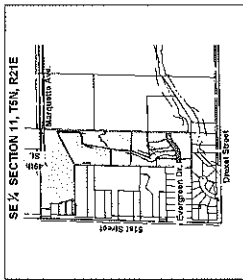
Although all lots in the Subdivision have been reviewed and approved for development with single-family residential use in accordance with Section 226 Wisconsin Statutes, some lots may be located in areas of the Subdivision that are not suitable for foundation design with regard to basement construction. It is recommended that either a licensed professional engineer or other soils expert design a basement and foundation which will be suitable to withstand the various problems associated with saturated soil conditions on basement walls or floors or that each owner's special investigation prior to construction and no specific representation is made hereon.

## LEGEND



The Southeast Corner of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

MAP PREPARED BY:  
Kenneth B. Meiring, P.L.S.  
Lynch & Associates Engineering Consultants, LLC  
5482 S. Westridge Dr.  
New Berlin, WI 53151



LOCATION DRAWING



Scale: 1" = 100'

Bearings refer to Grid North of the Wisconsin State Plane Coordinate System Grid, South Zone per NAD 83.  
The West line of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East has a reference bearing of N 91° 12' 14" W.  
Elevations based on North American Vertical Datum of 1989 (NAVD-89)

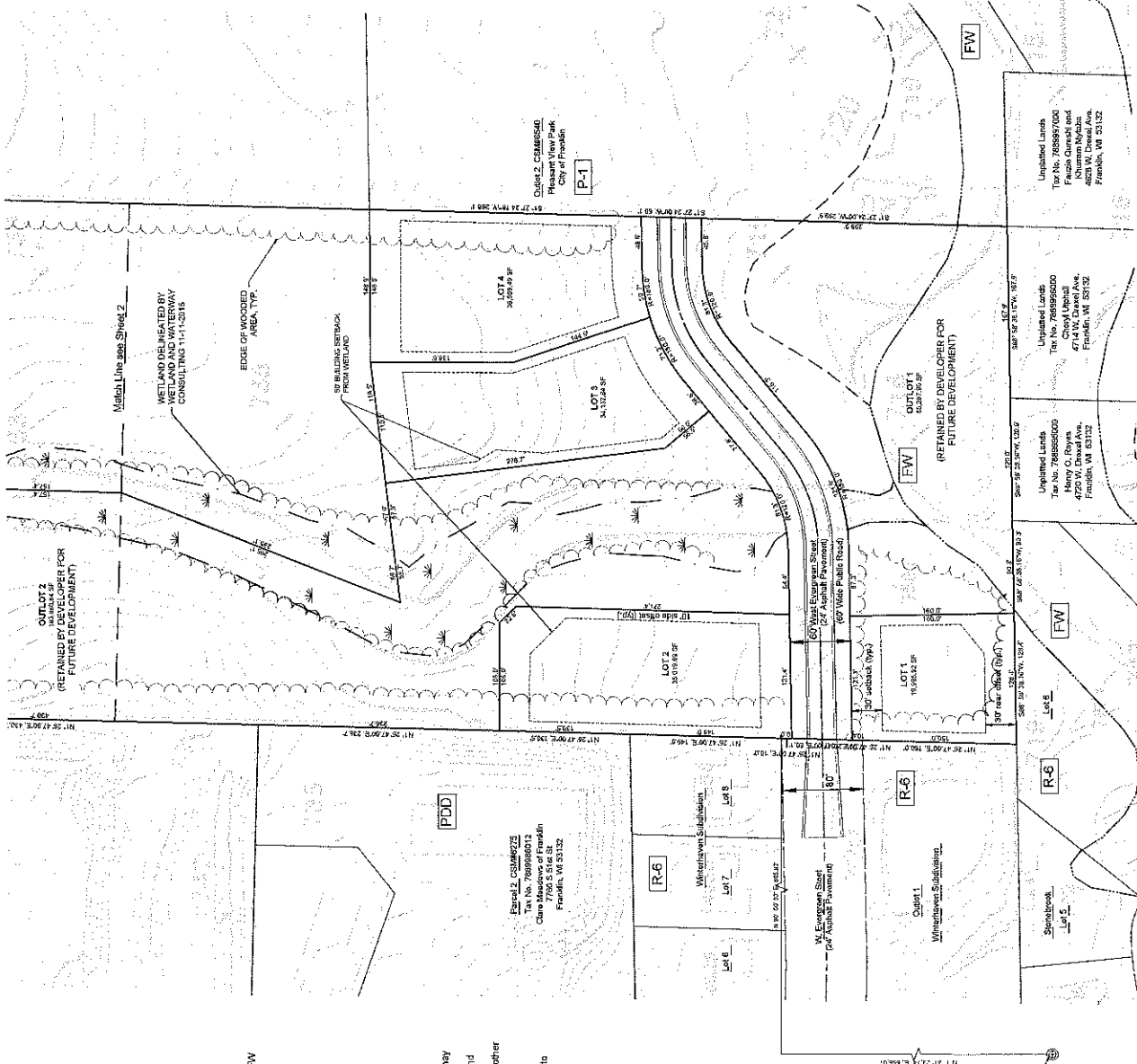


I have prepared the accompanying plat and the same is a true representation of the survey made by me or under my direction and supervision, and I am a duly licensed and qualified Professional Land Surveyor, Wisconsin, and I am not aware of any fraud or mistake in the same.  
This survey is made for the exclusive use of the proposed owners of the property, and I do not warrant the accuracy of the same for any other use.  
Kenneth B. Meiring, Professional Land Surveyor No. 14250-080

14250-080



Sheet 1 of 3  
Project No. 15-0004  
Date: July 13, 2018  
Revised:



# PRELIMINARY PLAT: EVERGREEN PARK ESTATES

Part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.



Scale: 1" = 40'



I have surveyed the above-described property and the above map is a true representation of the same as the same was shown to me by the owner or his duly authorized agent, and the dimensions of all distinct features, lines, adjacent interests, easements, and other matters shown thereon are true and correct. I have also examined the plat and find it to be a true and correct representation of the same as the same was shown to me by the owner or his duly authorized agent, and the dimensions of all distinct features, lines, adjacent interests, easements, and other matters shown thereon are true and correct. I have also examined the plat and find it to be a true and correct representation of the same as the same was shown to me by the owner or his duly authorized agent, and the dimensions of all distinct features, lines, adjacent interests, easements, and other matters shown thereon are true and correct.

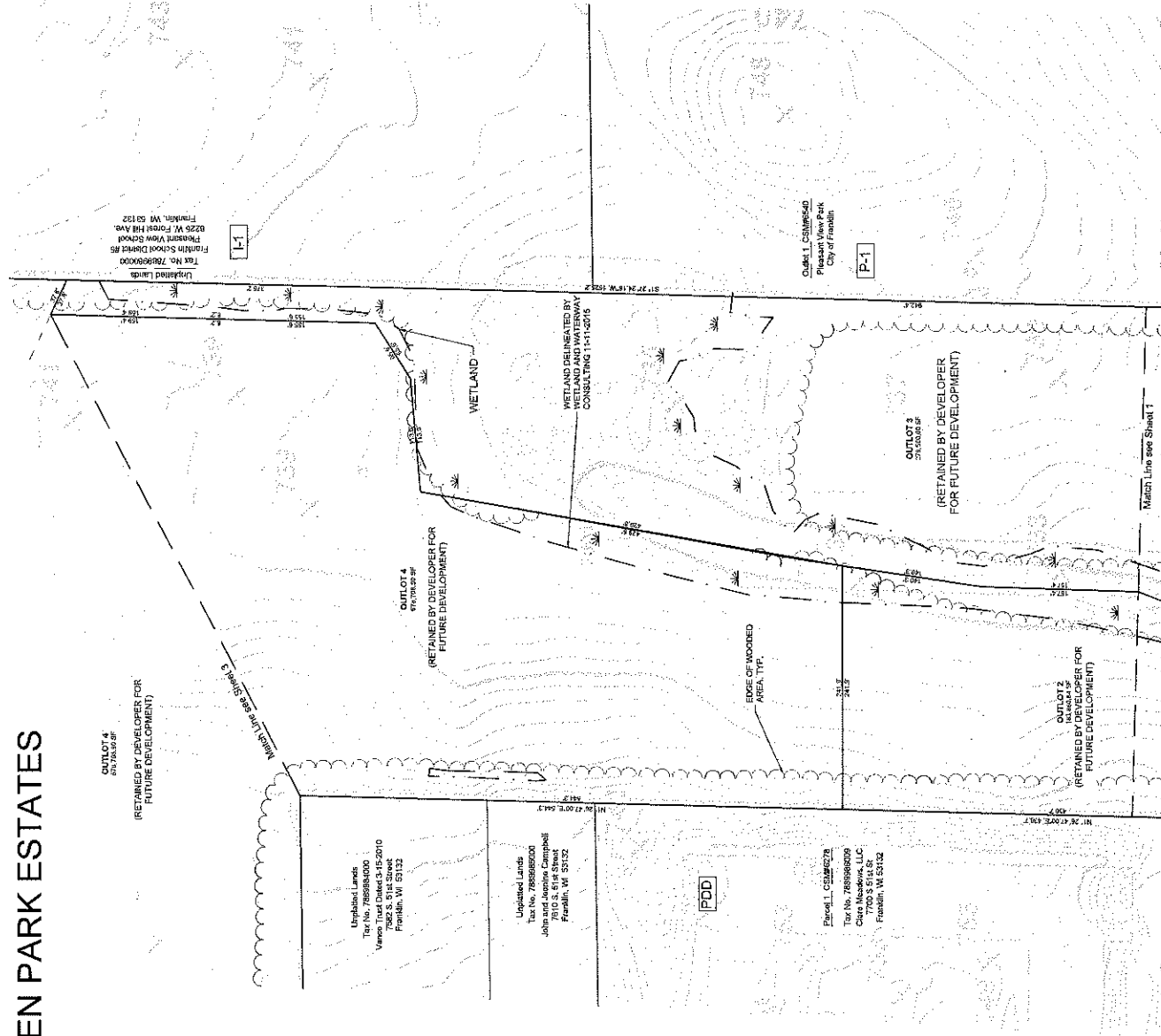
This survey is made for the exclusive use of the present owners of the property, and shall not be used for any other purpose without the written consent of the owner or owners.

*K. B. Mehring*  
KENNETH B. MEHRING, PROFESSIONAL LAND SURVEYOR, S-2339

## LEGEND

IE	EXISTING TELEPHONE FIDUCIAL
—	EXISTING CULVERT
—	EXISTING STORM INLET MANHOLE
—	EXISTING CONTOURS
R-6	EXISTING ZONING

MAP PREPARED BY:  
Kenneth B. Mehring, PLS  
Lynch & Associates Engineering Consultants, LLC  
5432 S. Westridge Dr.  
New Berlin, WI 53151



Part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.



EXISTING TELEPHONE PEDESTAL  
EXISTING CULVERT  
EXISTING STORM INLET MANHOLE  
EXISTING CONTOURS  
EXISTING ZONING

  
KENNETH B. MENRING, PROFESSIONAL LAND SURVEYOR, 5-28-88

Sheet 3 of 3  
Project No. 16-0004  
Date: July 13, 2016  
Revised:

**BLANK PAGE**

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>December 6, 2016</b></p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p>A Resolution Amending Resolution No. 2016-7233, A Resolution Amending Resolution No. 2014-7001, A Final Resolution Directing Installation of, Payment and Levy of Special Assessment for Installation of Sanitary Sewer, Water Main, Sanitary Sewer Laterals, Water Main Laterals, the Extension of A Public Street Including Curb and Gutter along with the Necessary Appurtenances on W. Evergreen Street Extension from a Point 800 Feet East of S. 51st Street to a Point 1,360 Feet East of S. 51st Street, as Previously Amended by Resolution No. 2016-7211</p>	<p><b>ITEM NUMBER</b></p> <p><i>B.4.</i></p>

The Common Council adopted Resolution No. 2016-7233, amending the above entitled special assessment final resolution relating to property within the proposed Evergreen Park Estates preliminary plat area, at its meeting on November 15, 2016. It was among three subject matter items at that meeting pertaining to the proposed Evergreen Park Estates subdivision, with action sheets and documents all cross-referencing each other. The Common Council adopted the first two items and then postponed the preliminary plat subject matter to this meeting. Copies of the action sheet and the then draft resolution materials from that meeting are attached.

The purpose of the above-entitled resolution is simply to change condition dates from November 15, 2016 to the date of this meeting. Attached is a draft copy of the proposed above entitled resolution.

### **COUNCIL ACTION REQUESTED**

A motion to adopt A Resolution Amending Resolution No. 2016-7233, A Resolution Amending Resolution No. 2014-7001, A Final Resolution Directing Installation of, Payment and Levy of Special Assessment for Installation of Sanitary Sewer, Water Main, Sanitary Sewer Laterals, Water Main Laterals, the Extension of A Public Street Including Curb and Gutter along with the Necessary Appurtenances on W. Evergreen Street Extension from a Point 800 Feet East of S. 51st Street to a Point 1,360 Feet East of S. 51st Street, as Previously Amended by Resolution No. 2016-7211.

<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>November 15, 2016</b>
<b>REPORTS AND RECOMMENDATIONS</b>	A Resolution Amending Resolution No. 2014-7001, A Final Resolution Directing Installation of, Payment and Levy of Special Assessment for Installation of Sanitary Sewer, Water Main, Sanitary Sewer Laterals, Water Main Laterals, the Extension of A Public Street Including Curb and Gutter along with the Necessary Appurtenances on W. Evergreen Street Extension from a Point 800 Feet East of S. 51st Street to a Point 1,360 Feet East of S. 51st Street, as Previously Amended by Resolution No. 2016-7211	<b>ITEM NUMBER</b>

Attached is a draft copy of the proposed above entitled resolution. The proposed amendment resulted from the circumstances with regard to the Evergreen Park Estates Subdivision Plat subject matter item also on the agenda for this meeting, whereunder the originally contemplated 6 lots to be specially assessed at the time of the adoption of the special assessment Final Resolution, and then 4 lots under the amendment thereto, have been subsequently reduced to 2 lots.

### **COUNCIL ACTION REQUESTED**

A motion to adopt A Resolution Amending Resolution No. 2014-7001, A Final Resolution Directing Installation of, Payment and Levy of Special Assessment for Installation of Sanitary Sewer, Water Main, Sanitary Sewer Laterals, Water Main Laterals, the Extension of A Public Street Including Curb and Gutter along with the Necessary Appurtenances on W. Evergreen Street Extension from a Point 800 Feet East of S. 51st Street to a Point 1,360 Feet East of S. 51st Street, as Previously Amended by Resolution No. 2016-7211.



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2016-~~7233~~

~~[Draft 11-10-16]~~

A RESOLUTION AMENDING RESOLUTION NO. 2014-7001, A FINAL RESOLUTION DIRECTING INSTALLATION OF, PAYMENT AND LEVY OF SPECIAL ASSESSMENT FOR INSTALLATION OF SANITARY SEWER, WATER MAIN, SANITARY SEWER LATERALS, WATER MAIN LATERALS, THE EXTENSION OF A PUBLIC STREET INCLUDING CURB AND GUTTER ALONG WITH THE NECESSARY APPURTENANCES ON W. EVERGREEN STREET EXTENSION FROM A POINT 800 FEET EAST OF S. 51ST STREET TO A POINT 1,360 FEET EAST OF S. 51ST STREET, AS PREVIOUSLY AMENDED BY RESOLUTION NO. 2016-7211

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WHEREAS, the Common Council adopted Resolution No. 2014-7001 on July 1, 2014, levying special assessments for a planned six lots to be created by land division, as amended by Resolution No. 2016-7211 adopted on June 28, 2016, as a result of such six lots being reduced to four lots; and

WHEREAS, upon receipt and review of a developers revised plans and a preliminary plat for a subdivision development upon such lands, the subject property in part now being reduced to two lots, and the Common Council having determined that a further amendment thereto is reasonable and necessary; and

WHEREAS, the notice and hearing requirements for the amendment of the special assessment have been waived in writing by all of the owners of property affected by the special assessment, pursuant to Wis. Stat. § 66.0703(7)(b), and the written waiver has been filed with the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that A Resolution Amending Resolution No. 2014-7001, A Final Resolution Directing Installation of, Payment and Levy of Special Assessment for Installation of Sanitary Sewer, Water Main, Sanitary Sewer Laterals, Water Main Laterals, the Extension of A Public Street Including Curb and Gutter along with the Necessary Appurtenances on W. Evergreen Street Extension from a Point 800 Feet East of S. 51st Street to a Point 1,360 Feet East of S. 51st Street, as amended by Resolution No. 2016-7211, be and the same is hereby amended to provide that as assessed lots 3 and 4 were prior planned lots and are no longer existent under the Preliminary Plat Resolution approved under even-date herewith, property owner/developer shall pay in full the assessments of \$31,227.69 and \$28,213.00 for such previously planned lots, together with all interest and any costs accrued thereon, within 10 days of the adoption of this Resolution or this Resolution shall be null and void; pursuant to Common Council action of even-date herewith adopting an amendment to Municipal Code §207-15.K.(2)(g), the lot 1 assessment of \$34,441.47 and the lot 2 assessment of \$34,526.79, together with all interest and any costs accrued thereon, respectively, shall be due and paid in

RESOLUTION NO. 2016-7233

Page 2

full upon the sale, transfer or other conveyance of the subject lot for such lot after the date of adoption of this Resolution.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be annexed to the City Engineer's Report supporting the special assessment levied pursuant to Resolution No. 2014-7001, as amended by Resolution No. 2016-7211, by the City Engineer, and such City Engineer's Report is hereby amended accordingly.

BE IT FURTHER RESOLVED, that all other terms and provisions of Resolution No. 2014-7001, as amended by Resolution No. 2016-7211, not in conflict with the terms and provisions of this Resolution shall remain in full force and effect.

BE IT FURTHER RESOLVED, that the City Clerk is directed to publish this resolution as a Class I notice under Chapter 985 of the Wisconsin Statutes and to mail a copy of this Resolution to every property owner whose name appears on the assessment roll and whose post office address is known or can be ascertained with reasonable diligence.

BE IT FINALLY RESOLVED, that any person who has an interest in property affected by this action who feels aggrieved thereby may, within 40 days after the date of adoption of this Resolution, appeal to the Circuit Court for Milwaukee County as set forth in Wis. Stat. § 66.0701 and §207-15. of the City of Franklin Municipal Code.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

ATTEST:

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

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

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

## RESOLUTION NO. 2016-\_\_\_\_\_

A RESOLUTION AMENDING RESOLUTION NO. 2016-7233, A RESOLUTION AMENDING RESOLUTION NO. 2014-7001, A FINAL RESOLUTION DIRECTING INSTALLATION OF, PAYMENT AND LEVY OF SPECIAL ASSESSMENT FOR INSTALLATION OF SANITARY SEWER, WATER MAIN, SANITARY SEWER LATERALS, WATER MAIN LATERALS, THE EXTENSION OF A PUBLIC STREET INCLUDING CURB AND GUTTER ALONG WITH THE NECESSARY APPURTENANCES ON W. EVERGREEN STREET EXTENSION FROM A POINT 800 FEET EAST OF S. 51ST STREET TO A POINT 1,360 FEET EAST OF S. 51ST STREET, AS PREVIOUSLY AMENDED BY RESOLUTION NO. 2016-7211

---

WHEREAS, the Common Council adopted Resolution No. 2016-7233 on November 15, 2016, which Resolution contemplated the subsequent adoption on that date of a resolution conditionally approving a preliminary plat for the property in part to be assessed by the subject special assessment; and

WHEREAS, the "Preliminary Plat Resolution" subject matter referred to in Resolution No. 2016-7233 was postponed to the December 6, 2016 meeting of the Common Council, upon which date the Preliminary Plat Resolution was approved; and

WHEREAS, the notice and hearing requirements for the amendment of the special assessment have been waived in writing by all of the owners of property affected by the special assessment, pursuant to Wis. Stat. § 66.0703(7)(b), and the written waiver has been filed with the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that Resolution No. 2016-7233, A Resolution Amending Resolution No. 2014-7001, A Final Resolution Directing Installation of, Payment and Levy of Special Assessment for Installation of Sanitary Sewer, Water Main, Sanitary Sewer Laterals, Water Main Laterals, the Extension of A Public Street Including Curb and Gutter along with the Necessary Appurtenances on W. Evergreen Street Extension from a Point 800 Feet East of S. 51st Street to a Point 1,360 Feet East of S. 51st Street, as Previously Amended by Resolution No. 2016-7211, be and the same is hereby amended as follows: all time references within Resolution No. 2016-7233 provisions stating "now being reduced to two lots", "Preliminary Plat Resolution approved under even-date herewith", and "within 10 days of the adoption of this Resolution", shall mean the date of adoption of this Resolution: December 6, 2016.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be annexed to the City Engineer's Report supporting the special assessment levied pursuant to Resolution No. 2014-7001, as amended by Resolution Nos. 2016-7211 and 2016-7233, by the City Engineer, and such City Engineer's Report is hereby amended accordingly.

RESOLUTION NO. 2016-\_\_\_\_\_

Page 2

BE IT FURTHER RESOLVED, that all other terms and provisions of Resolution No. 2014-7001, as amended by Resolution Nos. 2016-7211 and 2016-7233, not in conflict with the terms and provisions of this Resolution shall remain in full force and effect.

BE IT FURTHER RESOLVED, that the City Clerk is directed to publish this resolution as a Class I notice under Chapter 985 of the Wisconsin Statutes and to mail a copy of this Resolution to every property owner whose name appears on the assessment roll and whose post office address is known or can be ascertained with reasonable diligence.

BE IT FINALLY RESOLVED, that any person who has an interest in property affected by this action who feels aggrieved thereby may, within 40 days after the date of adoption of this Resolution, appeal to the Circuit Court for Milwaukee County as set forth in Wis. Stat. § 66.0701 and §207-15. of the City of Franklin Municipal Code.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

ATTEST:

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

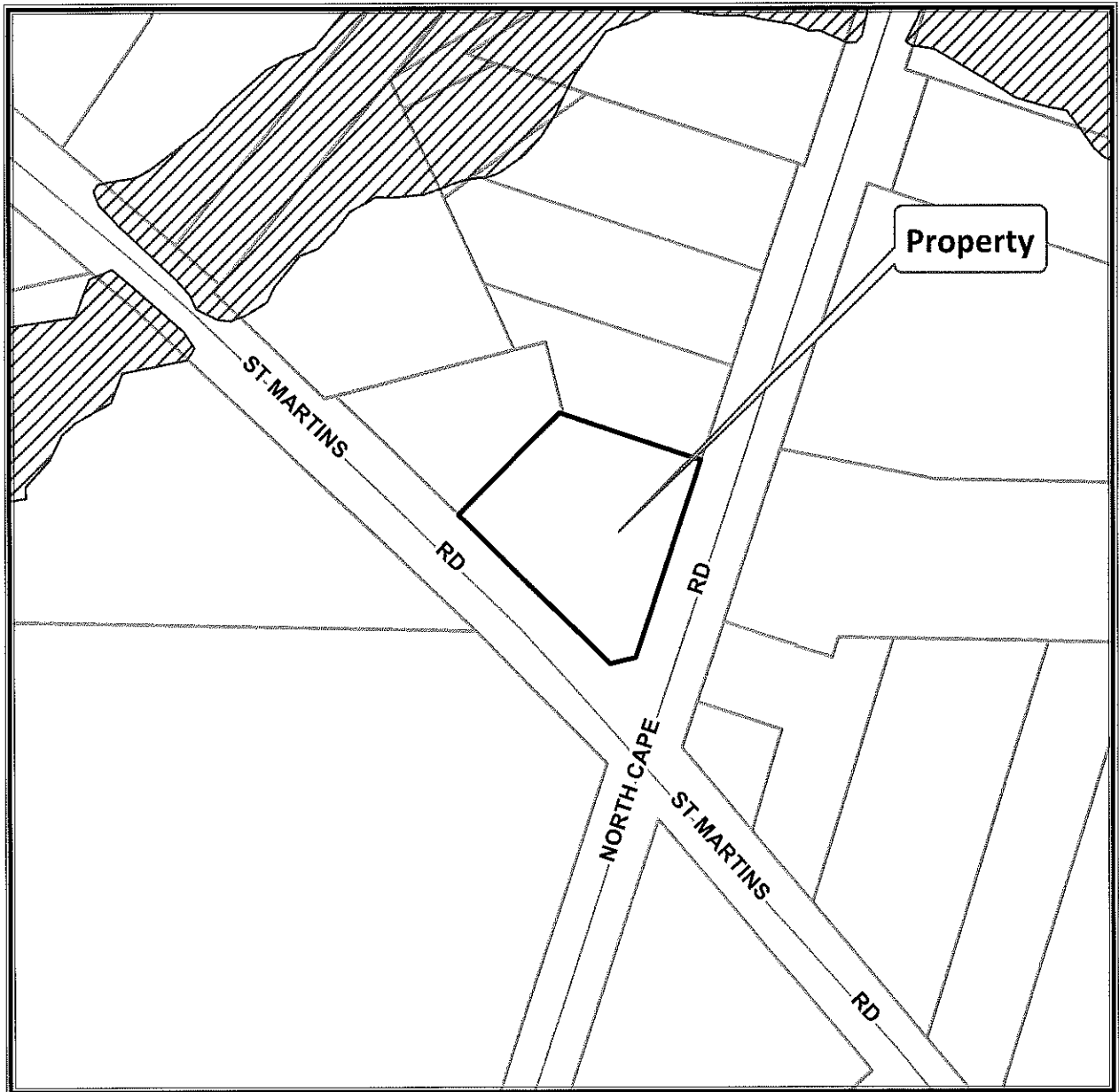
\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

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

<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  12/06/16
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM B-2 GENERAL BUSINESS DISTRICT TO R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT (11950 WEST ST. MARTINS ROAD) (APPROXIMATELY 0.80 ACRES) (DERRICK M. REGALIA AND ALMA F. REGALIA, APPLICANTS)</b>	<b>ITEM NUMBER</b>  <i>B.5.</i>
<p>At their meeting on November 17, 2016, the Plan Commission recommended approval of an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone a certain parcel of land from B-2 General Business District to R-3 Suburban/Estate Single-Family Residence District (11950 West St. Martins Road) (Approximately 0.80 acres) (Derrick M. Regalia and Alma F. Regalia, Applicants).</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to adopt Ordinance No. 2016-_____, an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone a certain parcel of land from B-2 General Business District to R-3 Suburban/Estate Single-Family Residence District (11950 West St. Martins Road) (Approximately 0.80 acres) (Derrick M. Regalia and Alma F. Regalia, Applicants).</p>		



11950 W. St. Martins Road  
TKN: 750 0017 000



Planning Department  
(414) 425-4024

0 95 190 380 Feet

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



2016 Aerial Photo

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2016-\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT  
ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL  
OF LAND FROM B-2 GENERAL BUSINESS DISTRICT TO R-3 SUBURBAN/ESTATE  
SINGLE-FAMILY RESIDENCE DISTRICT  
(11950 WEST ST. MARTINS ROAD)  
(APPROXIMATELY 0.80 ACRES)  
(DERRICK M. REGALIA AND ALMA F. REGALIA, APPLICANTS)

---

WHEREAS, Derrick M. Regalia and Alma F. Regalia having petitioned for the rezoning of a certain parcel of land from B-2 General Business District to R-3 Suburban/Estate Single-Family Residence District, such land being located at 11950 West St. Martins Road; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 17th day of November, 2016, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

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

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

SECTION 1:           §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the property described below be changed from B-2 General Business District to R-3 Suburban/Estate Single-Family Residence District:

Lot Four (4), in Tess Corners Creek Subdivision, being a redivision of Parcel 2 of Certified Survey Map No. 4368, and lands, all being in the Southeast One-quarter (1/4) of the Northwest One-quarter (1/4) and part of the Northwest One-quarter (1/4) of the Southwest One-quarter (1/4) of Section Seven (7), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, Milwaukee County, Wisconsin.

Said lands containing 34,847 square feet. Tax Key No. 750-0017-000.

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

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

ATTEST:

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

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



## Project Summary

For the property at 11950 W St Martin's Rd

This project involves the re-zoning of the property at 11950 W St Martin's Rd for R-3 residential use. This is consistent with the Comprehensive Master Plan. The scope of the project is to complete any maintenance and repairs needed to bring the existing structure, a single family home and garage, into working condition. The intent is to restore the overall appearance to the exterior, and to clean, paint, and perform needed repairs to the interior, so the house will be suitable for residential use. The impact on the neighborhood should be positive, as the property has been vacant and has fallen into some disrepair.

The legal description of the property is as follows:

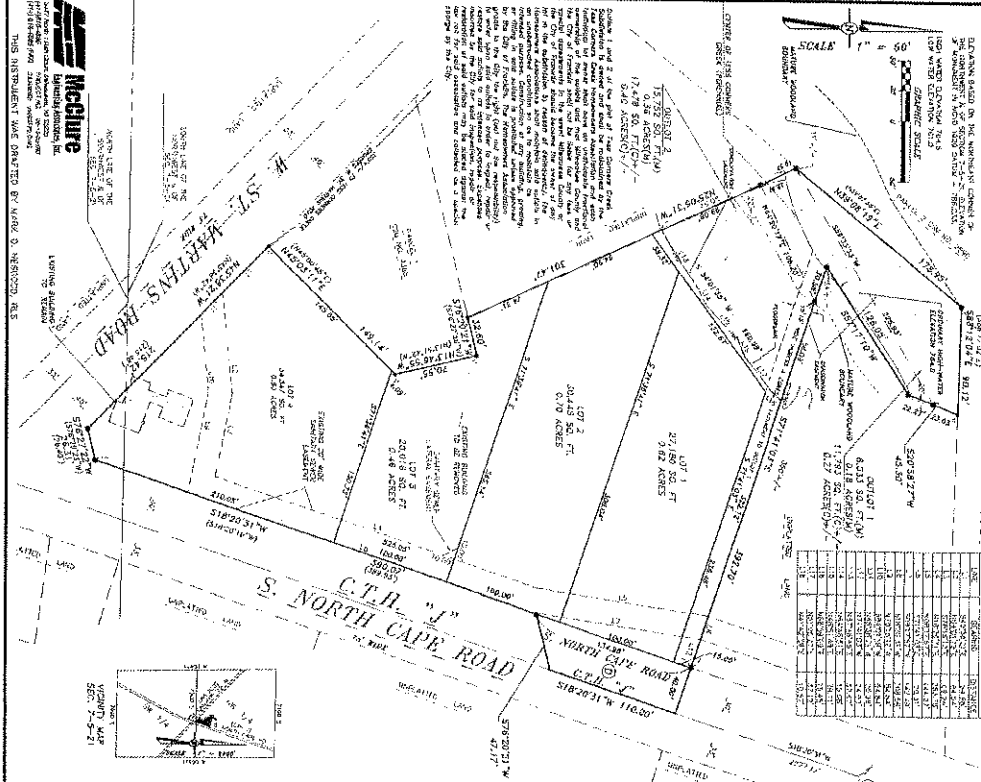
Lot Four (4), in Tess Corners Creek Subdivision, being a redivision of Parcel 2 of Certified Survey Map No. 4368, and lands, all being in the Southeast One-quarter ( $\frac{1}{4}$ ) of the Northwest One-quarter ( $\frac{1}{4}$ ) and part of the Northwest One-quarter ( $\frac{1}{4}$ ) of the Southwest One-quarter of Section Seven (7), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, Milwaukee County, Wisconsin.

**Franklin**

OCT 27 2016

**City Development**

BEING A REDIVISION OF PARCEL 2 OF CERTIFIED SURETY MAP NO. 4368, AND LANDS, ALL BEING IN THE SOUTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 7, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

[illegible][illegible]

**CREEK SUBDIVISION<sup>35</sup>**

ED SURVEY MAP NO. 4366, AND LANDS, ALL BEING  
T. 7 N. AND PART OF THE NORTHEAST 1/4 OF THE  
E. 1/4, AND S. 1/4, OF SECTION 16, OF THE  
WISCONSIN


35. 1895-1900-1905-1910-1915-1920-1925-1930-1935-1940-1945-1950-1955-1960-1965-1970-1975-1980-1985-1990-1995-2000-2005-2010-2015-2020-2025-2030-2035-2040-2045-2050-2055-2060-2065-2070-2075-2080-2085-2090-2095-2100-2105-2110-2115-2120-2125-2130-2135-2140-2145-2150-2155-2160-2165-2170-2175-2180-2185-2190-2195-2200-2205-2210-2215-2220-2225-2230-2235-2240-2245-2250-2255-2260-2265-2270-2275-2280-2285-2290-2295-2300-2305-2310-2315-2320-2325-2330-2335-2340-2345-2350-2355-2360-2365-2370-2375-2380-2385-2390-2395-2400-2405-2410-2415-2420-2425-2430-2435-2440-2445-2450-2455-2460-2465-2470-2475-2480-2485-2490-2495-2500-2505-2510-2515-2520-2525-2530-2535-2540-2545-2550-2555-2560-2565-2570-2575-2580-2585-2590-2595-2600-2605-2610-2615-2620-2625-2630-2635-2640-2645-2650-2655-2660-2665-2670-2675-2680-2685-2690-2695-2700-2705-2710-2715-2720-2725-2730-2735-2740-2745-2750-2755-2760-2765-2770-2775-2780-2785-2790-2795-2800-2805-2810-2815-2820-2825-2830-2835-2840-2845-2850-2855-2860-2865-2870-2875-2880-2885-2890-2895-2900-2905-2910-2915-2920-2925-2930-2935-2940-2945-2950-2955-2960-2965-2970-2975-2980-2985-2990-2995-3000-3005-3010-3015-3020-3025-3030-3035-3040-3045-3050-3055-3060-3065-3070-3075-3080-3085-3090-3095-3100-3105-3110-3115-3120-3125-3130-3135-3140-3145-3150-3155-3160-3165-3170-3175-3180-3185-3190-3195-3200-3205-3210-3215-3220-3225-3230-3235-3240-3245-3250-3255-3260-3265-3270-3275-3280-3285-3290-3295-3300-3305-3310-3315-3320-3325-3330-3335-3340-3345-3350-3355-3360-3365-3370-3375-3380-3385-3390-3395-3400-3405-3410-3415-3420-3425-3430-3435-3440-3445-3450-3455-3460-3465-3470-3475-3480-3485-3490-3495-3500-3505-3510-3515-3520-3525-3530-3535-3540-3545-3550-3555-3560-3565-3570-3575-3580-3585-3590-3595-3600-3605-3610-3615-3620-3625-3630-3635-3640-3645-3650-3655-3660-3665-3670-3675-3680-3685-3690-3695-3700-3705-3710-3715-3720-3725-3730-3735-3740-3745-3750-3755-3760-3765-3770-3775-3780-3785-3790-3795-3800-3805-3810-3815-3820-3825-3830-3835-3840-3845-3850-3855-3860-3865-3870-3875-3880-3885-3890-3895-3900-3905-3910-3915-3920-3925-3930-3935-3940-3945-3950-3955-3960-3965-3970-3975-3980-3985-3990-3995-4000-4005-4010-4015-4020-4025-4030-4035-4040-4045-4050-4055-4060-4065-4070-4075-4080-4085-4090-4095-4100-4105-4110-4115-4120-4125-4130-4135-4140-4145-4150-4155-4160-4165-4170-4175-4180-4185-4190-4195-4200-4205-4210-4215-4220-4225-4230-4235-4240-4245-4250-4255-4260-4265-4270-4275-4280-4285-4290-4295-4300-4305-4310-4315-4320-4325-4330-4335-4340-4345-4350-4355-4360-4365-4370-4375-4380-4385-4390-4395-4400-4405-4410-4415-4420-4425-4430-4435-4440-4445-4450-4455-4460-4465-4470-4475-4480-4485-4490-4495-4500-4505-4510-4515-4520-4525-4530-4535-4540-4545-4550-4555-4560-4565-4570-4575-4580-4585-4590-4595-4600-4605-4610-4615-4620-4625-4630-4635-4640-4645-4650-4655-4660-4665-4670-4675-4680-4685-4690-4695-4700-4705-4710-4715-4720-4725-4730-4735-4740-4745-4750-4755-4760-4765-4770-4775-4780-4785-4790-4795-4800-4805-4810-4815-4820-4825-4830-4835-4840-4845-4850-4855-4860-4865-4870-4875-4880-4885-4890-4895-4900-4905-4910-4915-4920-4925-4930-4935-4940-4945-4950-4955-4960-4965-4970-4975-4980-4985-4990-4995-5000-5005-5010-5015-5020-5025-5030-5035-5040-5045-5050-5055-5060-5065-5070-5075-5080-5085-5090-5095-5100-5105-5110-5115-5120-5125-5130-5135-5140-5145-5150-5155-5160-5165-5170-5175-5180-5185-5190-5195-5200-5205-5210-5215-5220-5225-5230-5235-5240-5245-5250-5255-5260-5265-5270-5275-5280-5285-5290-5295-5300-5305-5310-5315-5320-5325-5330-5335-5340-5345-5350-5355-5360-5365-5370-5375-5380-5385-5390-5395-5400-5405-5410-5415-5420-5425-5430-5435-5440-5445-5450-5455-5460-5465-5470-5475-5480-5485-5490-5495-5500-5505-5510-5515-5520-5525-5530-5535-5540-5545-5550-5555-5560-5565-5570-5575-5580-5585-5590-5595-5600-5605-5610-5615-5620-5625-5630-5635-5640-5645-5650-5655-5660-5665-5670-5675-5680-5685-5690-5695-5700-5705-5710-5715-5720-5725-5730-5735-5740-5745-5750-5755-5760-5765-5770-5775-5780-5785-5790-5795-5800-5805-5810-5815-5820-5825-5830-5835-5840-5845-5850-5855-5860-5865-5870-5875-5880-5

There are no objections to this bill being reported to  
June 21st at 2:30 p.m. and said bill will be  
in the State as provided by a 20th of June 21st.

Original February 5th so 62

*John A. Jones*

Department of Administration



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**Franklin**  
OCT 27 2016  
Development



# CITY OF FRANKLIN



Item C.1.

## REPORT TO THE PLAN COMMISSION

Meeting of November 17, 2016

### Rezoning

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**RECOMMENDATION:** Department of City Development Staff recommends approval of the requested rezoning for property located 11950 West St. Martins Road, subject to the conditions of approval in the attached draft ordinance.

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<b>Project Name:</b>	Regalia Rezoning
<b>Project Address:</b>	11950 West St. Martins Road
<b>Applicant:</b>	Derrick M. and Alma F. Regalia
<b>Owners (property):</b>	Derrick M. and Alma F. Regalia
<b>Current Zoning:</b>	B-2 General Business District
<b>Proposed Zoning:</b>	R-3 Suburban/Estate Single-Family Residence District
<b>Future Land Use 2025:</b>	Residential
<b>Use of Surrounding Properties:</b>	Single-family residential (zoned R-3) to the north, commercial (zoned B-2) and institutional (zoned I-1) to the east, single-family residential (zoned B-2) to the west and single-family residential (zoned R-2) to the south
<b>Applicant Action Requested:</b>	Recommendation of approval of the requested Rezoning to the Common Council.

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### **Introduction & Background:**

On September 28, 2016, the applicants submitted an application to rezone their property located at 11950 West St. Martins Road (bearing Tax Key No. 750-0017-000) from B-2 General Business District to R-3 Suburban/Estate Single-Family Residence District. The subject property is approximately 0.80 acres or 34,847 square feet and is Lot 4 of the Tess Corner Creek Subdivision Plat.

The property has an existing legal non-conforming single-family residence, built in 1849. The bulk of the building is well within the property's front setback and encroaches into the public right-of-way of W. St. Martins Road. On July 17<sup>th</sup>, 2007, the Common Council adopted Resolution No. 2007-6312 authorizing an Encroachment Agreement with Ener-Con Companies, LLC. The Encroachment Agreement allows the dwelling structure to encroach 5-feet into the West St. Martins Road right-of-way for a period not to exceed 99-years. The proposed rezoning does not expand on the current non-conforming condition, nor does it provide redress.

The single-family residence has been vacant for the past couple of years. The Regalias wish to make cosmetic improvements to the building and lease it as a single-family residence.

**Analysis:**

**Comprehensive Master Plan Consistency**

*Consistent with, as defined by Wisconsin State Statute, means "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan."*

In spite of being zoned B-2 General Business District, the City of Franklin 2025 Comprehensive Master Plan (CMP) identifies the future land use of the subject property as residential. Furthermore, the adjacent single-family residences to the north, west and south are also identified as having a future land use of residential. Therefore, Staff finds the proposed rezoning is consistent with the City's CMP.

**Staff Recommendation:**

Department of City Development staff recommends approval of the requested rezoning for property located at 11950 West St. Martins Road, subject to the conditions of approval in the attached draft ordinance.