

CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, FEBRUARY 7, 2017 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. 1. Citizen Comment Period.
- C. Approval of Minutes:
Regular Common Council Meeting of January 17, 2017.
- D. Hearings.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. Consent Agenda:
 - (a) Donation from Agnes Lehl in the Name of Earl Lehl to the Fire Department in the Amount of \$350 to be Used Towards the Purchase of an Additional Cardiac Monitor/Defibrillator.
 - (b) Donation from Jane F. Godfroy in the Amount of \$1,000; Donation From Albin and Catherine Bayer in the Amount of \$100; Donation from Mary Thebert in the Amount of \$25 and Donation From Rose Spang in the Amount of \$100 all to be Used for the Franklin Police Department Canine Donation Fund.
 - (c) Donation from Franklin Professional Firefighters IAFF Local 2760 in the Amount of \$200 to Dispense to Five Local Food Pantries.
 - (d) Reschedule Common Council Meeting of April 4, 2017 to April 3, 2017 Due to Spring Election.
 - 2. Concept Review for a Proposed Mixed Use Development Consisting of Nature's Nook Garden, Floral, and Landscape Center, a 130-Unit Senior Living Community, 20 Single-Level Townhomes and Arboretum (9801 South 27th Street, RNT Development, LLC, Applicant).
 - 3. Direct 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 Approximately Between Oakwood and County Line Roads and 27th and 42nd Streets.
 - 4. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for an Over-the-Road Trucking Company Business use Upon Property Located at 9563 South 60th Street (New Ram Express, LLC, Applicant).
 - 5. A Resolution Conditionally Approving a 3 Lot Certified Survey Map, being Part of the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Mills Hotel Wyoming, LLC, Applicant) (11906-11908 West Loomis Road).
 - 6. A Resolution Authorizing Certain Officials to Accept a Conservation Easement for and as Part of the Review and Approval of a Certified Survey Map for Property Located at 11906-11908 West Loomis Road (Mills Hotel Wyoming, LLC, Applicant).

Common Council Meeting Agenda

February 7, 2017

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7. SmartNet North America Hosting Proposal to Locate a Global Navigation Satellite System Reference Station at a City of Franklin Facility (Robert Sharp, SmartNet Project Manager, Applicant).
8. Southeast Wisconsin Regional Planning Commission Study of Traffic Flow at the Intersection of South 51st Street and West Drexel Avenue.
9. A Resolution Authorizing Change Order 1 with Lunda Construction Company to Develop a Proposal for W. St. Martins Bridge Cost Reduction Incentive.
10. Authorization to Execute and Complete Cleanup of the Property at 11436 West Swiss Street (Cynthia Girmscheid, Owner) in Accordance with an Order of the Milwaukee County Circuit Court.
11. Authorization to Purchase Two 2017 Jeep Cherokees for the Inspection Department.
12. An Ordinance to Amend Ordinance 2015-2198, an Ordinance Adopting the 2016 Annual Budgets for the General Fund for the City of Franklin for Fiscal Year 2016, to Provide Additional Parks Appropriations for Maintenance Costs.
13. An Ordinance to Amend Ordinance 2016-2240, an Ordinance Adopting the 2017 Annual Budgets for the General Fund and Capital Outlay Fund for the City of Franklin for Fiscal Year 2017, to Appropriate Funds for Software Development Professional Services and Re-Appropriate Unused 2016 Capital Outlay Appropriations in Municipal Building, Fire Department and Information Systems Equipment.

H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of February 7, 2017.

I. Bills.

Request for Approval of Vouchers and Payroll.

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:

| | | |
|-------------|-------------------------|-----------------|
| February 7 | Common Council Meeting | 6:30 p.m. |
| February 9 | Plan Commission Meeting | 7:00 p.m. |
| February 21 | Election | 7:00 am-8:00 pm |
| February 21 | Common Council Meeting | 6:30 p.m. |
| February 23 | Plan Commission Meeting | 7:00 p.m. |

CITY OF FRANKLIN
COMMON COUNCIL MEETING
JANUARY 17, 2017
MINUTES

- | | | |
|---|------|---|
| ROLL CALL | A. | The regular meeting of the Common Council was held on January 17, 2017 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 (arrived at 6:37 p.m.). Also present were City Engineer Glen Morrow, Dir. of Administration Mark Lubenda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski. |
| CITIZEN COMMENT | B. | Citizen comment period was opened at 6:31 p.m. and closed at 6:37 p.m. |
| APPROVAL OF MINUTES | C. | Alderman D. Mayer moved to approve the minutes of the regular Common Council Meeting of January 3, 2017 as presented at this meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried. |
| DONATION TO POLICE DEPARTMENT | G.1. | <p>Alderman Taylor moved to accept the following donations to the Franklin Police Department:</p> <ul style="list-style-type: none"> (a) \$100 Donation from Robert J. Jester in memory of his departed spouse Sheila, with gratitude for services the Police Force provides. (b) \$500 Donation from Lorraine Swiner to be used for the Canine Donation Fund. (c) \$300 Donation from Rose Spang, with a request that these funds be used for the Police Citizen Academy Classes. <p>Seconded by Alderman Barber. All voted Aye; motion carried.</p> |
| DONATION TO FIRE DEPARTMENT | G.2. | Alderwoman S. Mayer moved to accept a donation of \$400 from Swiss Street Pub & Grill to the Franklin Fire Department, to fund Fire and Safety Educational Programs as well as lifesaving medical equipment. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried. |
| ORD. 2017-2252 AMEND UDO FOR SPECIAL USE | G.3. | Alderwoman S. Mayer moved to adopt Ordinance No. 2017-2252, AN ORDINANCE TO AMEND THE |

(STEVE ANDERSON, RY
HOLDINGS PROPERTY 300 LLC,
APPLICANT)

UNIFIED DEVELOPMENT ORDINANCE TEXT AT
TABLE 15-3.0603 STANDARD INDUSTRIAL
CLASSIFICATION TITLE NO. 7911 "DANCE
STUDIOS, SCHOOLS, AND HALLS" TO ALLOW FOR
SUCH USE AS A SPECIAL USE IN THE M-1 LIMITED
INDUSTRIAL DISTRICT (STEVE ANDERSON,
OWNER, RY HOLDINGS PROPERTY 300 LLC\ACG
ACQUISITIONS #4 LLC, APPLICANT). Seconded by
Alderman D. Mayer. All voted Aye; motion carried.

RES. 2017-7243
SPECIAL USE AT 11217 WEST
FOREST HOME AVE., SUITE 4 &
5 (STEVE ANDERSON, RY
HOLDINGS PROPERTY 300 LLC,
APPLICANT)

G.4. Alderwoman S. Mayer moved to adopt Resolution
No. 2017-7243, A RESOLUTION IMPOSING
CONDITIONS AND RESTRICTIONS FOR THE
APPROVAL OF A SPECIAL USE FOR A DANCE
INSTRUCTION USE UPON PROPERTY LOCATED
AT 11217 WEST FOREST HOME AVENUE, SUITE 4
AND 5, (BY STEVE ANDERSON, OWNER, RY
HOLDINGS PROPERTY 300 LLC\ACG
ACQUISITIONS #4 LLC, FOR BRIDGET JASKULSKI,
TCRG, D/B/A GLENCASTLE IRISH DANCERS, INC.,
APPLICANT). Seconded by Alderman D. Mayer. All
voted Aye; motion carried.

RES. 2017-7244
CSM AT 7145 S. WOELFEL RD
(JEFFREY D PEELEN &
ROXANNE M. PEELEN,
APPLICANTS)

G.5. Alderman D. Mayer moved to adopt Resolution No. 2017-
7244, A RESOLUTION CONDITIONALLY
APPROVING A 1 LOT CERTIFIED SURVEY MAP,
OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 8048,
BEING A PART OF THE NORTHWEST 1/4 OF THE
NORTHWEST 1/4 OF SECTION 9 TOWNSHIP 5
NORTH, RANGE 21 EAST, IN THE CITY OF
FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
(JEFFREY D. PEELEN AND ROXANNE M. PEELEN,
APPLICANTS) (7145 SOUTH WOELFEL ROAD).
Seconded by Alderwoman Wilhelm. All voted Aye;
motion carried.

RES. 2017-7245
CONSERVATION EASEMENT AT
7145 S. WOELFEL RD. (JEFFREY
D. PEELEN & ROXANNE M.
PEELEN, APPLICANTS)

G.6. Alderman D. Mayer moved to adopt Resolution No. 2017-
7245, A RESOLUTION AUTHORIZING CERTAIN
OFFICIALS TO ACCEPT A CONSERVATION
EASEMENT FOR AND AS PART OF THE REVIEW
AND APPROVAL OF A CERTIFIED SURVEY MAP
FOR PROPERTY LOCATED AT 7145 SOUTH
WOELFEL ROAD (JEFFREY D. PEELEN AND
ROXANNE M. PEELEN, APPLICANTS). Seconded by
Alderman Taylor. All voted Aye; motion carried.

RECONSIDERATION OF ACTION
TAKEN AT 1/3/2017 COUNCIL
MEETING TO ADOPT RES. 2017-
7239

G.7.

Alderman Taylor moved to suspend regular order of business to allow an applicant to speak. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

Alderman D. Mayer moved to reconsider action taken on January 3, 2017 to adopt Resolution No. 2017-7239, a Resolution Imposing Conditions and Restrictions for the Approval of a Special Use to Allow for a Two Story, 48 Unit Multi-Family Senior Independent Living Apartment Complex Development Use Upon Property Located at 3709 West College Avenue (Charlotte's Garden) (Robert Williams, TDI Associates, Inc., Applicant). Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderman D. Mayer, and Alderman Barber voted Aye; Alderwoman Wilhelm, Alderman Taylor, and Alderwoman S. Mayer voted No. Mayor Olson broke the tie by voting in the Affirmative. Motion carried.

RES. 2017-7246
SPECIAL USE FOR SENIOR
APARTMENT COMPLEX
DEVELOPMENT (CHARLOTTE'S
GARDEN)

Alderwoman Wilhelm then moved to adopt Resolution No. 2017-7246, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE TO ALLOW FOR A TWO STORY, 48 UNIT MULTI-FAMILY SENIOR INDEPENDENT LIVING APARTMENT COMPLEX DEVELOPMENT USE UPON PROPERTY LOCATED AT 3709 WEST COLLEGE AVENUE (CHARLOTTE'S GARDEN) (ROBERT WILLIAMS, TDI ASSOCIATES, INC., APPLICANT), with an amendment to specify the inclusion of sidewalks in Condition Number 12. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

AGREEMENT WITH MILW.
COUNTY FOR ADVANCED LIFE
SUPPORT (PARAMEDIC)
SERVICES

G.8.

Alderman Taylor moved to approve agreement between Milwaukee County and the City of Franklin (Fire Department) for continued participation in the county-wide provision of Advanced Life Support (Paramedic) Services, subject to technical corrections. Seconded by Alderman Dandrea. Upon voice vote, five Ayes; one Abstention (Alderman D. Mayer). Motion carried.

TENTATIVE AGREEMENT WITH
FRANKLIN FIREFIGHTERS, FOR
2016-2018 SUCCESSOR LABOR
AGREEMENT

G.9.

Alderman Taylor moved to approve the Tentative Agreement between the City of Franklin and the Franklin Professional Firefighters, I.A.F.F. Local 2760, for a 2016-2018 successor labor agreement and authorize the Mayor, Director of Clerk Services, and Director of Administration

to execute a labor agreement incorporating the provisions of the agreement and to authorize the Director of Administration to incorporate such language into the Employee Handbook as he determines is necessary. Seconded by Alderman Dandrea. Upon voice vote, Five Ayes; one Abstention (Alderman D. Mayer). Motion carried.

BENEFIT EXCEPTIONS FOR
SERGEANTS WITH THE
PROFESSIONAL POLICE
OFFICER ASSOC.

- G.10. Alderman Taylor moved approve an amendment to the Employee Handbook as follows: 1) to retain a 2017 payment to Sergeants (to be issued in February) equivalent to the College Incentive payment previously provided by the WPPA labor contract that expired 12/31/15, 2) to increase the wages for Sergeants by .8% beginning with the start of the first pay period of 2017, 3) to direct the Director of Administration to modify the Employee Handbook to reflect the .8% adjustment to the Market Rate Special Circumstance for Sergeants, and 4) to amend the Sergeant's Compensatory Time policy language as set forth in the Council Action Sheet dated 1/17/2017. Seconded by Alderman Dandrea. On roll call, Alderwoman S. Mayer, Alderman Taylor, Alderwoman Wilhelm, and Alderman Dandrea voted Aye; Alderman Barber and Alderman D. Mayer voted No. Motion carried.

AMEND MUNICIPAL CODE TO
INCLUDE EMERALD ASH
BORER AS INFECTIOUS TREE
DISEASE AND AMEND TO
DECLARE INFECTED ASH
BORER TREE A PUBLIC
NUISANCE

- G.11. Alderman Taylor moved to refer to City staff (City Engineer and Arborist) to review when they feel the weather is more suitable; and following their review then refer the enforcement of emerald ash borer infected trees subject matter to the Board of Public Works and the Environmental Commission for their review and recommendations of and upon both draft ordinances, the City of Franklin Emerald Ash Borer Management Plan, the Greenfield Plan and Wisconsin Emerald Ash Borer Program materials presented at this meeting, and such further information as the Board and Commission deem appropriate, for return to the Common Council. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

REMOVAL OF STREET LIGHTS
AT FIVE LOCATIONS

- G.12. Alderman Taylor moved to direct staff to remove lights and/or service meters at approximately 1) 8441 South 47th Street, 2) South 59th Street and West Ryan Road, 4) South Grant Lane cul-de-sac, and 5) 10601 South 27th Street. Seconded by Alderman Barber.
Alderwoman S. Mayer moved to amend the motion to

delete 4) South Grant Lane cul-de-sac from the main motion. Seconded by Alderman Taylor. All voted Aye; motion carried.

On the vote to remove lights and/or service meters listed as 1), 2), and 5), all voted Aye; motion carried.

AGREEMENT WITH RA SMITH
NATIONAL FOR PROJECT AT W.
OAKWOOD RD. (S. 76TH ST. AND
S. 60TH ST.)

G.13. Alderman Taylor moved to authorize staff to execute professional services agreement with RA Smith National for \$7,400 to develop opinion of probable project costs for Oakwood Road, pending review by City Attorney. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

AGREEMENT WITH BAKER
TILLY LLP FOR AUDIT OF 2016
ANNUAL FINANCIAL
STATEMENTS

G.14. Alderman Taylor moved to direct the Mayor, City Clerk and Director of Finance & Treasurer to execute the Audit Agreement between Baker Tilly LLP and the City of Franklin for an audit of the 2016 annual financial statements subject to technical corrections by the City Attorney. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

NEW COPIER FOR PLANNING
DEPARTMENT

G.15. Alderman Taylor moved to authorize the Planning Manager to execute a purchase order with a four-year term with Sharp Electronics Corporation c/o Office Copying Equipment LTD for a new Sharp MX-3070N copier for the Planning Department under the statewide Copier Contract No. 505ENT-M15-MFDCOPIER-03 and, per Vendornet.wi.gov Contract Use/Terms & Conditions, the order is subject to WSCA-NASPO Contract #3091. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

AGREEMENT WITH LIECHTY &
ASSOCIATES, INC. FOR CITY
HALL REMODELING PROJECT

G.16. Alderman Taylor moved to authorize the Director of Administration to execute a professional services agreement with Liechty & Associates, Inc. incorporating the proposals dated July 12, 2016, and January 11, 2017, in a form as determined by the City Attorney, for professional engineering services for a preliminary HVAC Engineering Study related to the City Hall Remodeling Project. Seconded by Alderman Barber. All voted Aye; motion carried.

CARPET REPLACEMENT FOR
HEALTH DEPARTMENT

G.17. Alderman D. Mayer moved to authorize publication of a first-class notice of intent to award a contract for new carpeting in the Health Department to Stu's Flooring Ltd.

For an amount not to exceed \$9,500 and to authorize the Director of Administration to execute a purchase order for such services following publication of the notice. Seconded by Alderman Dandrea. All voted Aye; motion carried.

LICENSES AND PERMITS

- H.1. Alderman Taylor moved to approve the following:
Grant Operator licenses to Stacy Rodriguez, 6835 S. Ash St., Oak Creek with a warning letter from the City Clerk; Dao Dang, 1219 Turnberry Dr., Pewaukee; Mary Furey, 3333 5th Ave., #6I, South Milwaukee; Son Thanh Le, 4927 W. Woodland Dr., Franklin; Kerri McCracken, 3025 E. Somers Ave., Cudahy; Ashleigh Wegner, 7714 W. Arthur Ave., West Allis;
Approve the PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) Grant to Franklin Lioness Club, St. Martins Fair.
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 January 12, 2017 in the amount of \$1,698,375.94; Payroll dated January 6, 2017 in the amount of \$358,798.43 and payments of the various payroll deductions in the amount of \$203,371.16, plus City matching payments; and Estimated payroll dated January 20, 2017 in the amount of \$420,000.00 and payments of the various payroll deductions in the amount of \$373,000.00, plus City matching payments and Estimated payroll dated February 3, 2017 in the amount of \$377,000.00 and payments of the various payroll deductions in the amount of \$208,000.00, plus City matching payments and Property Tax refunds with an ending date of January 12, 2017 in the amount of \$56,219,588.62 Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 7:24 p.m. Seconded by Alderman Dandrea. All voted Aye; motion carried.

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| APPROVAL <i>Slw</i> | REQUEST FOR COUNCIL ACTION | MEETING DATE 2-7-17 |
| REPORTS AND RECOMMENDATIONS | Donation from Agnes Lehl in the name of Earl Lehl to the Fire Department in the amount of \$350.00 | ITEM NUMBER <i>G.I.a.</i> |

The Franklin Fire Department has received a donation from Agnes Lehl in the name of her late husband, Earl Lehl in the amount of \$350.00. The department intends to use the funds towards the purchase of an additional cardiac monitor/defibrillator, which will allow the Department to put a fourth ALS (paramedic) ambulance in service in the near future.

COUNCIL ACTION REQUESTED

Request approval to accept \$350.00 donation in the name of Earl Lehl, to be used toward the purchase of an additional cardiac monitor.

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| APPROVAL <i>Slw</i> | REQUEST FOR COUNCIL ACTION | MEETING DATE 2-7-16 |
| REPORTS & RECOMMENDATIONS | DONATIONS TO THE FRANKLIN POLICE DEPARTMENT | ITEM NUMBER <i>G. I. 6.</i> |

The City of Franklin Police Department has received the following donations, all of which are to be used for the Canine Donation fund:

- 1) \$1000.00 donation from Jane F. Godfroy.
- 2) \$100.00 donation from Albin & Catherine Bayer.
- 3) \$25.00 donation from Mary Thebert.
- 4) \$100.00 donation from Rose Spang.

COUNCIL ACTION REQUESTED

Motion to accept the \$1000 donation from Jane Godfroy; the \$100 donation from Albin & Catherine Bayer; the \$25.00 donation from Mary Thebert, and the \$100 donation from Rose Spang, all to be deposited into the Police Canine Donation Account.

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| APPROVAL <i>Slw</i> | REQUEST FOR COUNCIL ACTION | MEETING DATE FEB. 7, 2017 |
| | 2017 Employee Food Drive \$200 Donation | ITEM NUMBER <i>G.I.C.</i> |

The Franklin Professional Firefighters IAFF Local 2760 donated \$200.00 to the City of Franklin Health Department for the employee food drive. As in previous years the donation will be forwarded to 5 food pantries: St. Martin of Tours, St. James, Faith Presbyterian Church, Salvation Army and St. Stephen's Family Life Center, who are all members of our food pantry coalition, Feeding Franklin.

During the January 3rd-20th New Year's Resolution employee food drive 1,032 pounds of food was collected. (This is significantly more than last year's record of 852 pounds.) The health department collaborated with the Dietetic Department of Mount Mary University to conduct this year's food drive. The collection campaign centered on the Healthy Shelves model that offers employees healthy food shopping lists and insight into food pantry users. Information was distributed via employee email.

COUNCIL ACTION REQUESTED

Motion to accept the \$200.00 donation and further motion to dispense donation to 5 food pantries in the amount of \$40.00 each.

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| APPROVAL <i>Slw</i> | REQUEST FOR COUNCIL ACTION | MEETING DATE 2/07/2017 |
| REPORTS & RECOMMENDATIONS | Reschedule Common Council Meeting of April 4, 2017 to April 3, 2017 Due to the Spring Election | ITEM NUMBER <i>G.I.d.</i> |

Due to the April 4, 2017 Spring Election, staff recommends rescheduling the Common Council meeting to Monday, April 3, 2017.

COUNCIL ACTION REQUESTED

Reschedule April 4, 2017 Common Council meeting to Monday, April 3, 2017 due to the Spring Election.

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| APPROVAL <i>Slw</i> | REQUEST FOR COMMON COUNCIL | MEETING DATE 02/07/17 |
|--|--|---------------------------------|
| REPORTS & RECOMMENDATIONS | CONCEPT REVIEW FOR A PROPOSED MIXED USE DEVELOPMENT CONSISTING OF NATURE'S NOOK GARDEN, FLORAL, AND LANDSCAPE CENTER, A 130-UNIT SENIOR LIVING COMMUNITY, 20 SINGLE-LEVEL TOWNHOMES AND ARBORETUM (9801 SOUTH 27TH STREET, RNT DEVELOPMENT, LLC, APPLICANT) | <i>G.2.</i> |

On January 18, 2017, Mr. Todd Novaczyk of RNT Development, LLC filed a Concept Review Application with the Planning Department for a proposed mixed use development at 9801 S. 27th Street.

The subject property is approximately 23.48 acres and is generally located to the north of Wheaton Franciscan Hospital and medical office buildings, south of the Staybridge Suites hotel, Walgreens and Halquist Stone, east of single-family residential lots and west of the South Branch Industrial Park in Oak Creek.

The surrounding zoning includes Planned Development District No. 33, FC Floodplain Conservancy District and FW Floodway District to the north, B-4 South 27th Street Mixed Use Commercial District and B-7 South 27th Street Mixed Use Office District to the south, City of Oak Creek industrial area to the east and R-3 Suburban/Estate Single-Family Residence District and a small C-1 Conservancy District area to the west.

The subject property is zoned B-4 South 27th Street Mixed Use Commercial District. The 2025 Future Land Use Map designation is Mixed Use and Areas of Natural Resource Features.

The property is currently occupied by Nature's Nook Garden, Floral, and Landscape Center. The Nature's Nook nursery use, building and other improvements related to the business are proposed to remain onsite.

The new development plan includes a four-story, 130-unit senior living community on the northwest portion of the site. The senior living building will include independent, assisted and memory care units. Also proposed are 20, single story townhomes on the southwest corner of the property. In addition, the plan includes an arboretum, which includes parking, a pavilion, restrooms and walking paths. The applicant has indicated that this portion of the property may be donated to the City or a local school/university.

The conceptual site plan envisions improvements to the two current ingress/egress locations to the site from S. 27th Street. Currently there is an unimproved drive located at the north property line. This drive will be improved and used to access the senior living community and arboretum. The southernmost drive currently used to provide access to the Nature's Nook building will remain and be extended to provide access to the townhomes. Note that if either of these roads are proposed to be public, they may not exceed eight hundred feet in length per Section 15-5.0103A.1. of the Unified Development Ordinance.

The property contains protected natural resource features, including but not limited to wetlands, wetland buffers, wetland setbacks, mature woodland and young woodland. The Southeastern Wisconsin Regional Planning Commission conducted a field review of natural resources in 2010 (map attached). In addition, The Wisconsin Department of Natural Resources provided a

letter, dated November 4, 2014 (attached), stating that the stream on this property is not navigable.

Application Review Process

Nature's Nook was granted a Special Use Permit in 1994 (Resolution No. 94-4131) for operation of a nursery with outside sales, storage and display of nursery stock. Amendments related to Nature's Nook could potentially be completed via a Special Use Amendment.

Below is staff's review of the existing Nature's Nook use and the proposed uses. As shown below, there is not an existing zoning district available to accommodate the existing and proposed uses. The property could potentially be subdivided and rezoned to different zoning districts to match the existing and proposed uses; however, at this point, staff believes it is more likely that the proposed development would require submittal of a Planned Development District Application. Note that a Natural Resource Special Exception Application is also anticipated for impacts to wetlands, wetland buffers, wetland setbacks and woodlands.

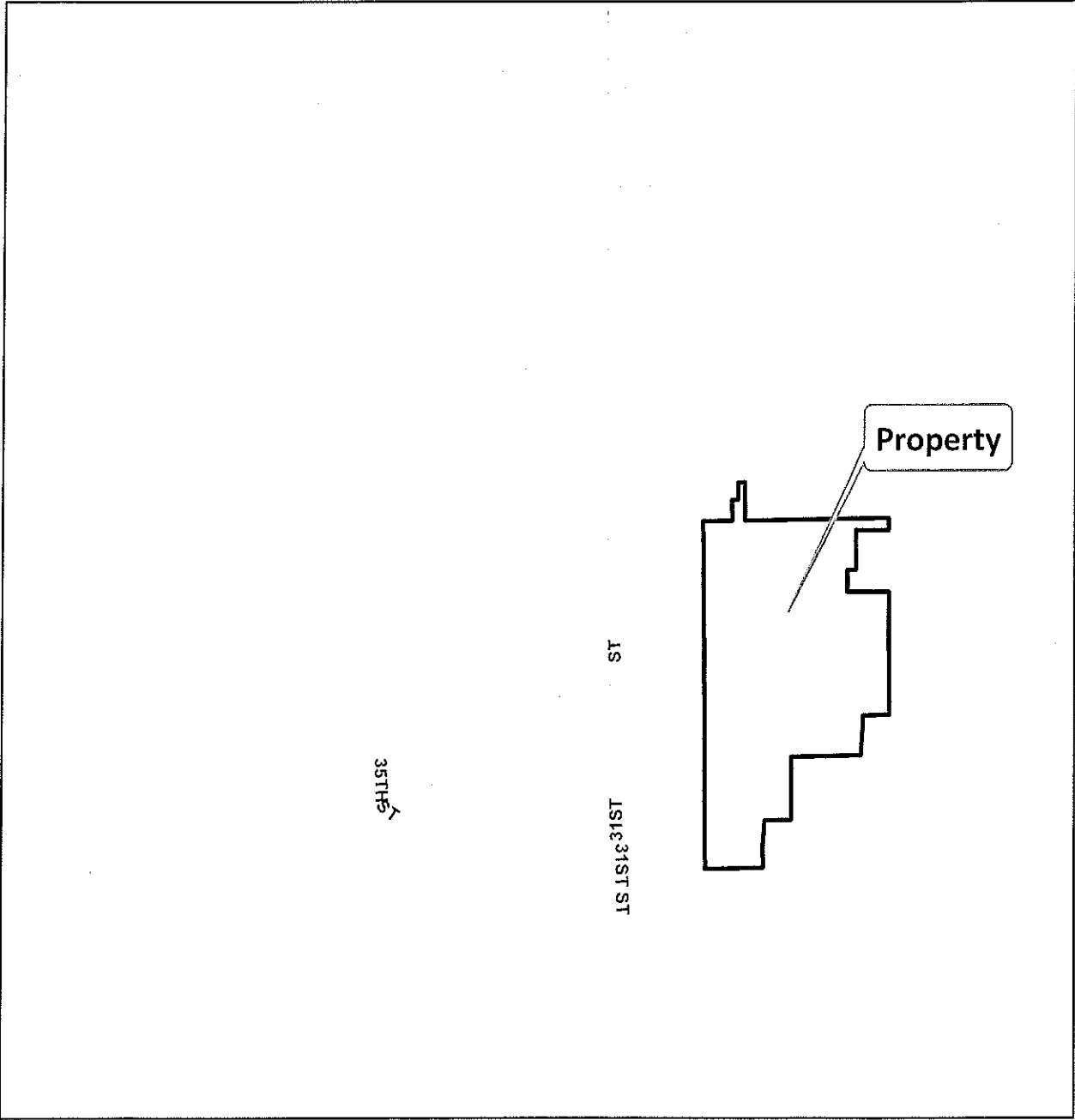
| Existing Use (Nature's Nook) | B-4 | All Districts |
|--|-------------|---|
| SIC No. 0181 Ornamental nursery products | Special Use | Permitted in M-2, A-1 and A-2. Special Use in B-2, B-3, B-4, M-1 and OL-2 |
| SIC No. 5261 Retail Nurseries, Lawn and Garden Supply Stores | Permitted | Permitted in B-4, B-5. Special Use in B-2, B-3, B-7, CC, I-1, M-1, M-2 and OL-2 |
| SIC No. 5992 Florists | Permitted | Permitted in B-1, B-2, B-3, B-4, CC, VB and OL-2. Special Use in B-7 |
| SIC No. 5193 Flowers, Nursery Stock, and Florists' Supplies | Not allowed | Permitted in B-2 and OL-2. |

| Proposed Uses | B-4 | Other Districts |
|--|-------------|--|
| Multiple-family dwellings and apartments | Special Use | Special Use in R-8, RC-1, B-4 and CC. |
| Community Living Arrangements (serving 9 or more) | Special Use | Special Use in all RES Districts, B-4 and CC. |
| SIC No. 8361 Residential care | Not allowed | Not allowed |
| SIC No. 8051 Skilled nursing care facilities | Not allowed | Permitted in B-7, I-1, BP and OL-1. Special Use in VB. |
| SIC No. 8052 Intermediate care facilities | Not allowed | Permitted in B-7, I-1, BP and OL-1. Special Use in VB. |
| SIC No. 8059 Nursing and personal care, not elsewhere classified | Not allowed | Permitted in B-7, I-1, BP and OL-1. Special Use in VB. |
| SIC No. 8422 Arboreta and Botanical or Zoological Gardens | Not allowed | Permitted in I-1 |

COMMON COUNCIL ACTION REQUESTED

Provide direction to the applicant regarding the proposed mixed use development (9801 South 27th Street) (RNT Development, LLC, Applicant).

9801 S. 27th Street
Nature's Nook



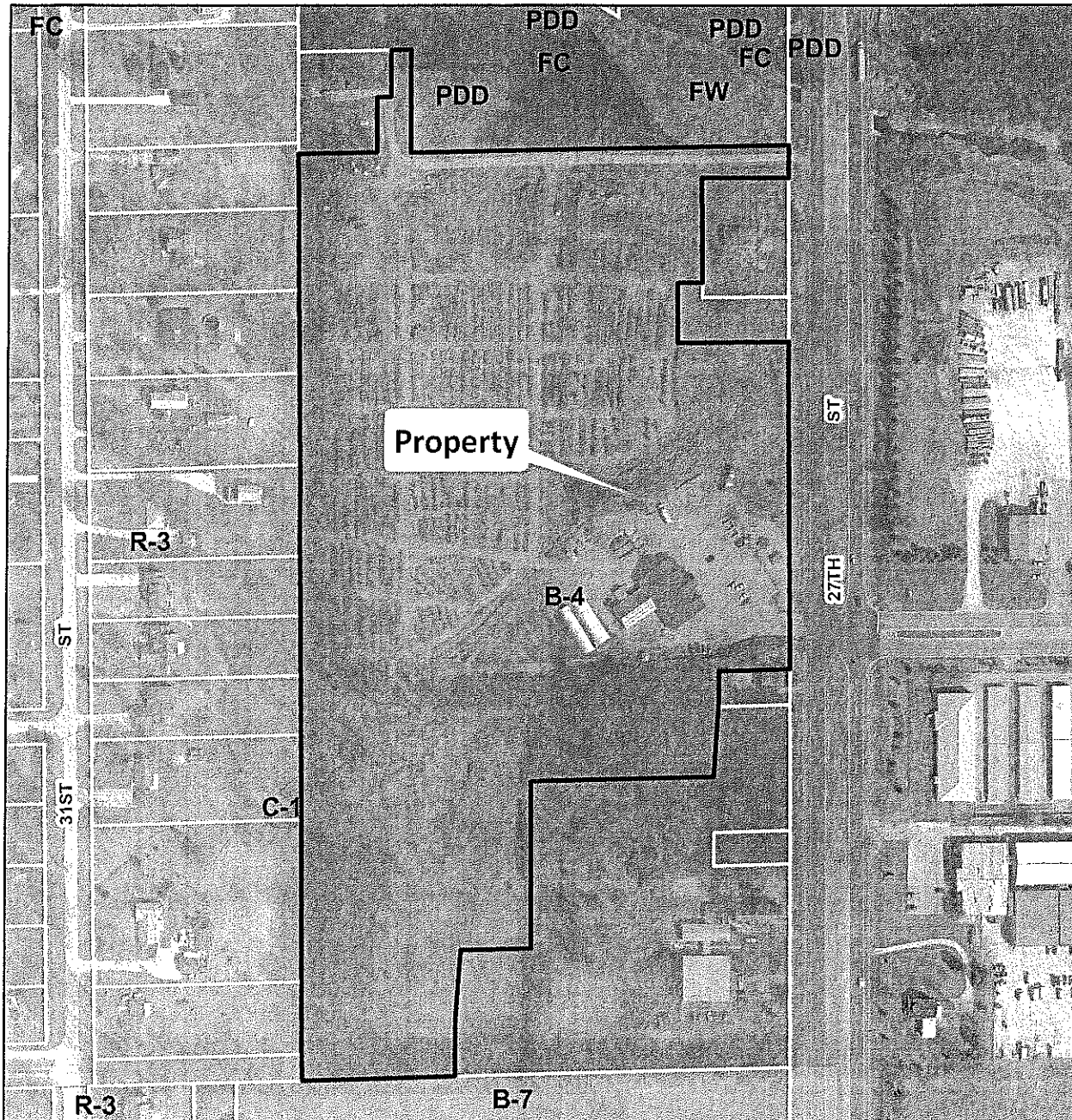
0 425 850 1,700 Feet

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.

City Development 2012
(2010 Aerial Layer)



9801 S. 27th Street Nature's Nook



0 160 320 640 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.

City Development 2012
(2010 Aerial Layer)

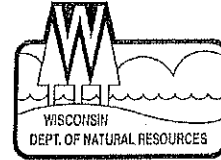


Joseph, Rose, and S. Roeske (Natures Nook)
 9801 South 27th Street
 NE Quarter, Section 25, T5N, R21E
 City of Franklin, Milwaukee County



State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Plymouth Service Center
1155 Pilgrim Road
Plymouth, WI 53073

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



Franklin

November 4, 2014

NOV 10 2014

INF-SE-2014-41-04000

SEH

Brian Depies
501 Maple Avenue
Delafield, WI 53018

City Development

RE: Request for Navigability Determination, for Oak Creek Tributary , located in the City of Franklin, Milwaukee County at 9801 S. 27th Street.

Dear Mr. Depies:

Thank you for your patience on this issue. I visited this site on 11/03/2014. 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 the spring high water periods. Based on this definition and the conditions observed at your site, the stream on this property has been determined to be not navigable/public because it does not have a well-defined channel. The area is definitely wetland and part of it is within the mapped floodplain of Oak Creek but the waterway is not navigable.

If you have any questions about your permit, please call me at (920) 893-8531 or email Kathleen.Kramasz@wisconsin.gov.

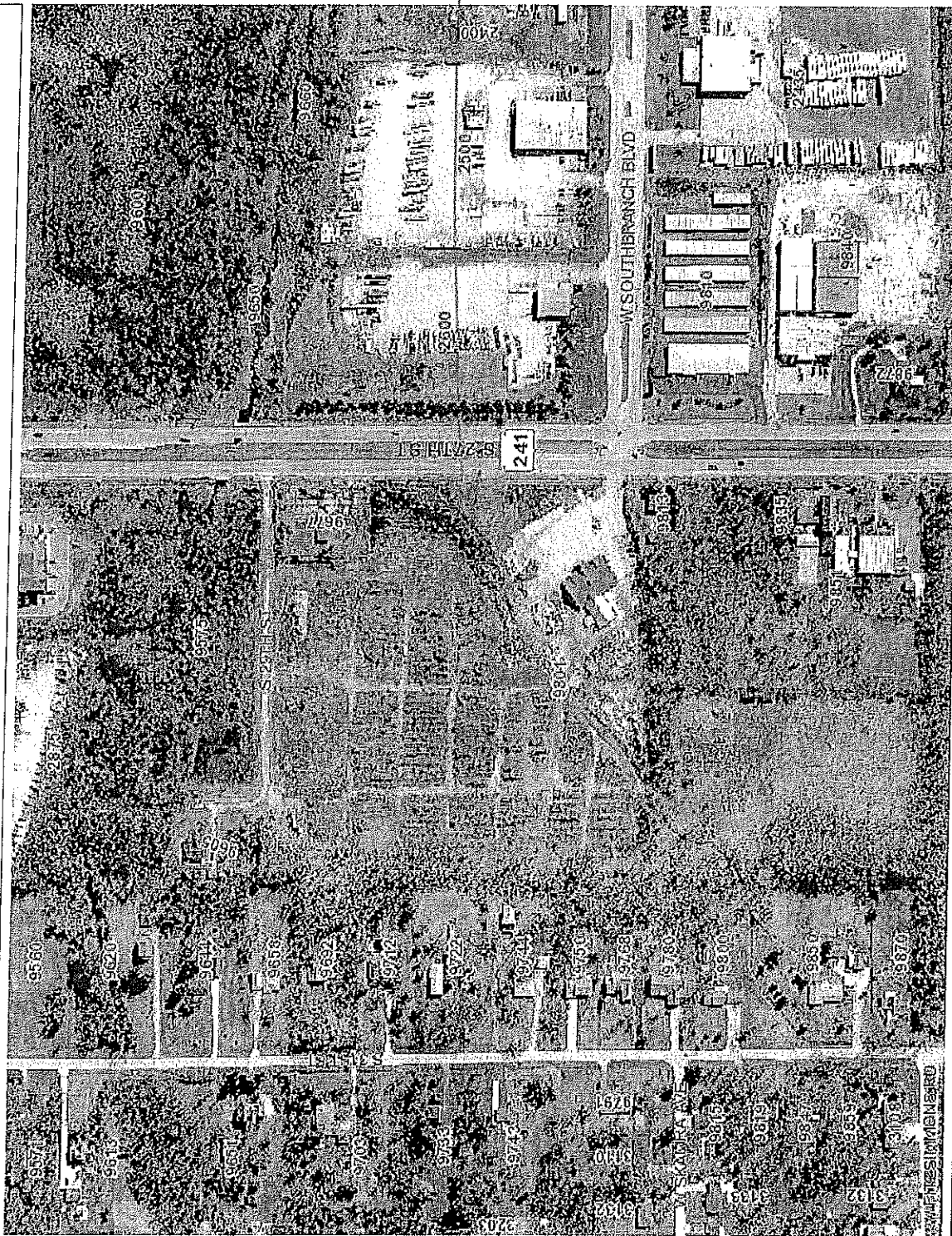
Sincerely,


Kathi Kramasz
Water Management Specialist

cc: Marie Kopka, U.S. Army Corps of Engineers
City of Franklin



9801 S. 27th Street



Legend

- Tax Parcels
- Plat of Survey
- FORECLOSURE
- Subdivision Docs
- Condo Docs
- CSM Docs
- 2013 ACUPLUS
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Structure

not
navigable

1:3,849



Notes

DISCLAIMER: This map is a user generated static output from the Milwaukee County Land Information Office Interactive Mapping Service website. The contents herein are for reference purposes only and may or may not be accurate, current or otherwise reliable. No liability is assumed for the data collected herein either expressed or implied by Milwaukee County or its employees.

642 0 321 642 Feet
NAD_1927_StatePlane_Wisconsin_South_FIPS_4803
© MCAMLIS
THIS MAP IS NOT TO BE USED FOR NAVIGATION

City of Franklin Concept Review A New Senior Living Community in Franklin

RNT Development, LLC, is proposing to redevelop part of the property currently owned by Nature's Nook. The site is designated B-4 Commercial. The proposal would convert part of the property to R-8, multifamily housing and P-1 as a park/arboretum while a portion would remain B-4 for a scaled back Nature's Nook.

The plan contemplates construction of a four-story, 130-unit senior living building. The building – which would include independent, assisted and memory care units – would be served by both underground and surface parking. (See attachments)

The plan also includes 20, single-story townhomes on a cul-de-sac. These could be targeted towards 55+ to complement the senior living building.

Last, the plan would include returning some wetlands portions to the city or be gifted to a local university. The plan would include parking, a pavilion, rest rooms and walking paths.

The Senior Living building will be a four-story wood frame structure over a concrete and precast basement, used for enclosed parking and support functions. The facility is being designed to accommodate a continuum of aging, including Independent Living, Assisted Living and Memory Care Units. The total square footage of the project is proposed to be 156,000 GSF, including the underground parking.

Senior Living with Services:

- Private apartments with full kitchens and laundry. Support services for those who have more complex care requirements. Staff is on-site 24-hours-a-day.
- Independent Living is for seniors who wish to eliminate the burden of home ownership for an apartment and facility offering numerous conveniences and amenities.
- Assisted Living is for seniors who wish to live as independently as possible, yet may require assistance with some of the activities of daily living.
- The facility will create a dynamic environment that promotes activities throughout the day.

Memory Care:

The private memory care apartments will be secure and specially designed for those with mild to moderate memory loss from Alzheimer's and other forms of dementia. The area is designed to bring comfort, peace and familiarity to the residents while providing exceptional care.

Proposed Building Features:

- State-of-the-art memory care programs
- Warm water pool
- Workout center
- 24-hour care
- Bar
- Bistro
- Made to order meals
- Library
- Art Center
- 70 full-time employees

Property to be managed by New Perspective Senior Living: (see attached)

- 20 senior living community throughout the Midwest
- 17 years of serving seniors
- 6 Wisconsin communities
- 2000 residents Living Life on Purpose

Contact:

Barton Cottle

New Perspective Senior Living

7625 Golding Triangle Drive

Eden Prairie, MN 55344

bcottle@npseiorliving.com

952-241-8207

Exhibit A
Legal Description

Parcel 1:

Parcel 1 of Certified Survey Map No. 6044, recorded on November 17, 1994, as Document No. 7026224 in Reel 3419, Images 833-835 in the Office of the Register of Deeds, Milwaukee County, Wisconsin, being a re-division of all of Parcel 2 of Certified Survey Map No. 5782, Document No. 6698838, located in the Northeast Quarter and Southeast Quarter of the Northeast Quarter of Section 25, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin. Excepting therefrom that part of Parcel I of said Certified Survey Map No. 6044, more fully described as follows: Commencing at the Southeast Corner of said Parcel I; thence South 88°29'34" West along the South line of said Parcel I, 131.00 feet to a point; thence North 00°22'41" West, 95.11 feet to a point; thence North 04°31'38" East, 116.30 feet to a point; thence North 88°29'34" East, 121.00 feet to a point on the Westerly right of way line of South 27th Street (U.S.H. "41"); thence South 00°23'33" East, along said Westerly right of way line, 210.79 feet to the place of beginning. ALSO excepting that part deeded in Warranty Deed recorded as Document No. 7701197.

Tax Key No. 902-9965-006
Address: 9801 S. 21St.
Franklin, WI. 53132

Parcel 2:

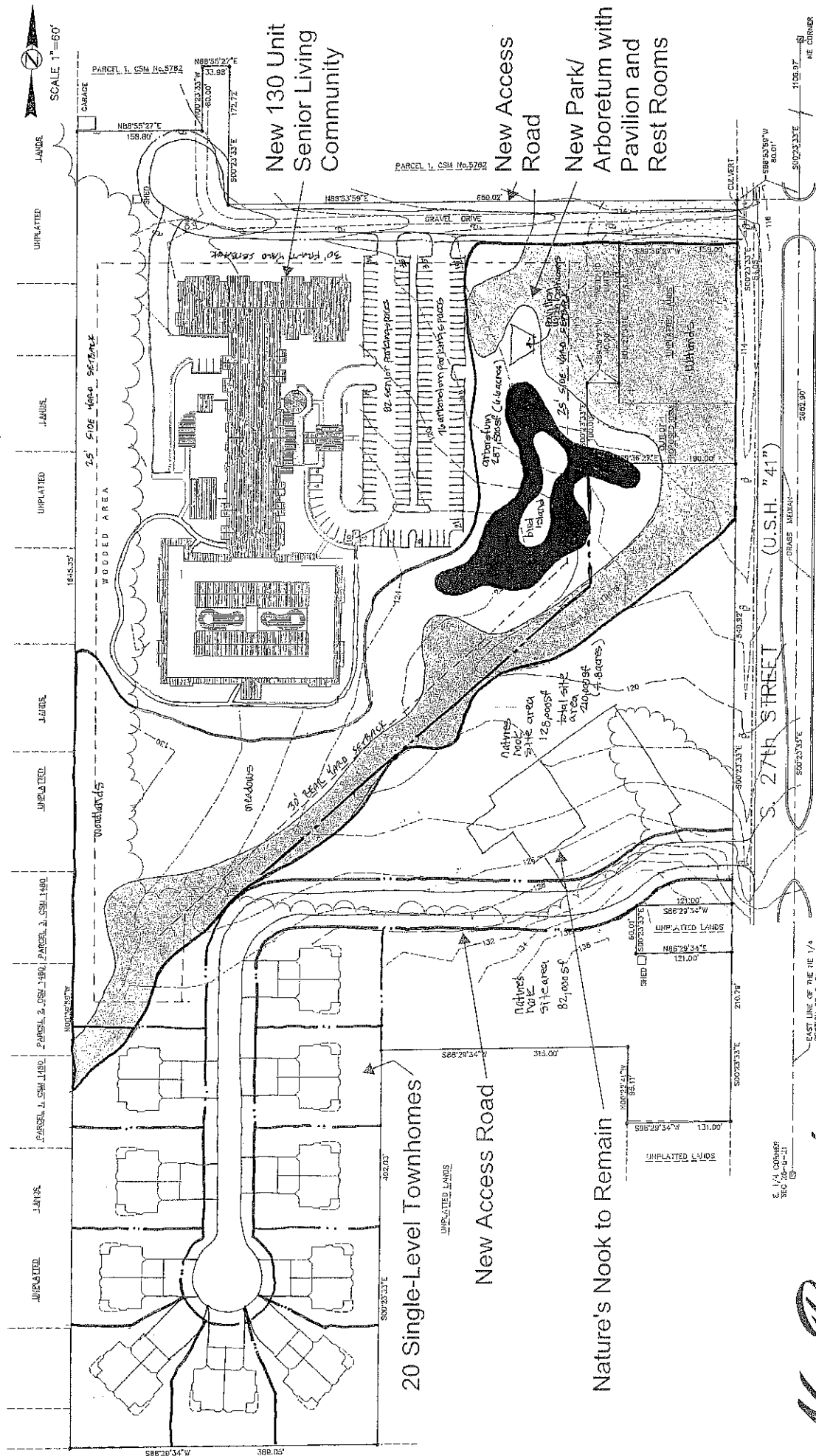
Tax Key No. 902-9965-004

Outlot 1 of lot 1 of Certified Survey Map 6044, being a re-division of all of parcel 2 of certified survey map 5982 Document #6698838, located in the NE ¼ and SE ¼ of the NE ¼ all in section 25 in Township 5 North range 21 East in the City of Franklin, Wisconsin and recorded at the register of deeds office for Milwaukee County on November 17th, 1994 on reel 3419 image 833-835 inclusive as to document number 7026224.

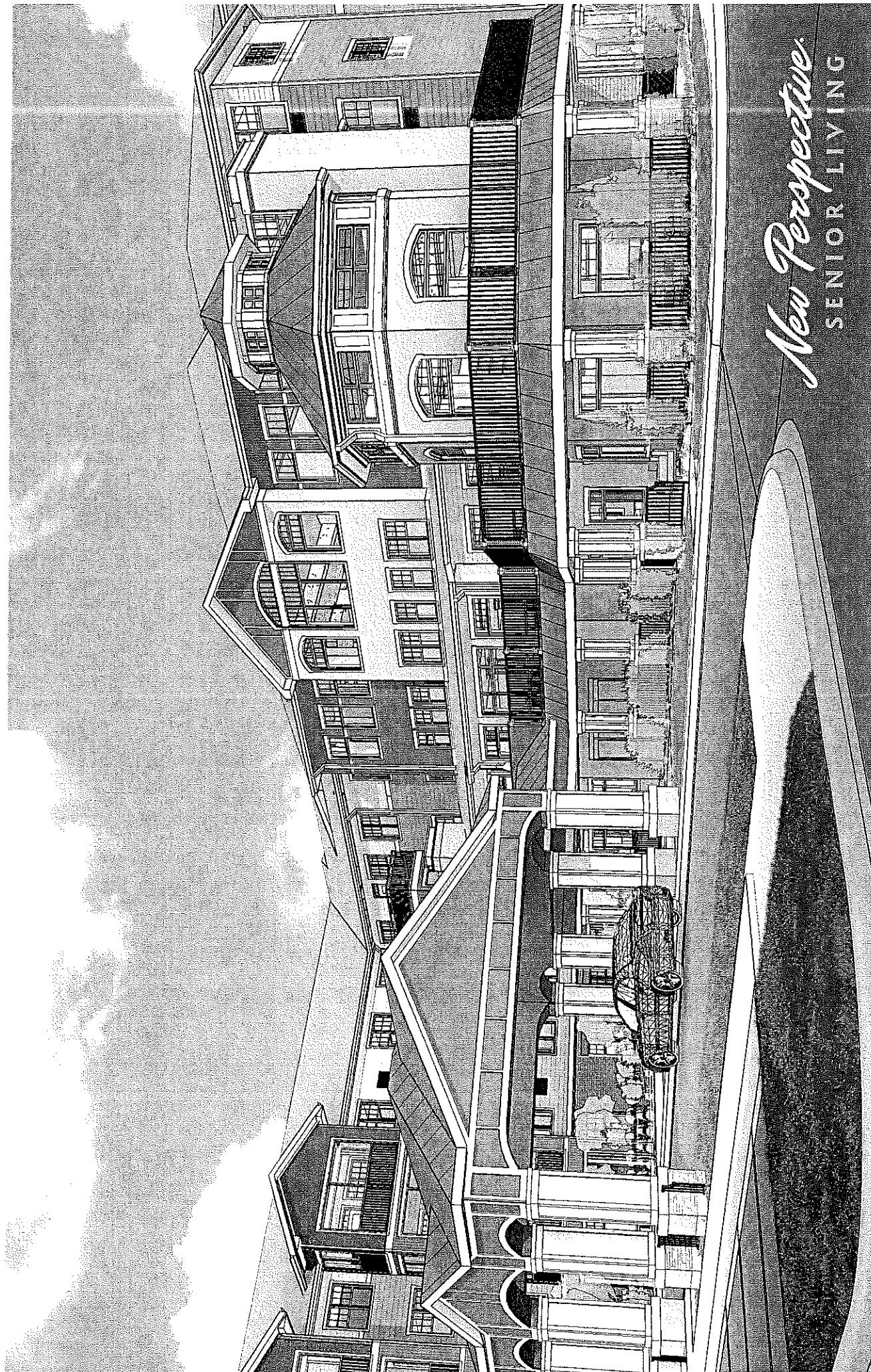
Exhibit B
Location



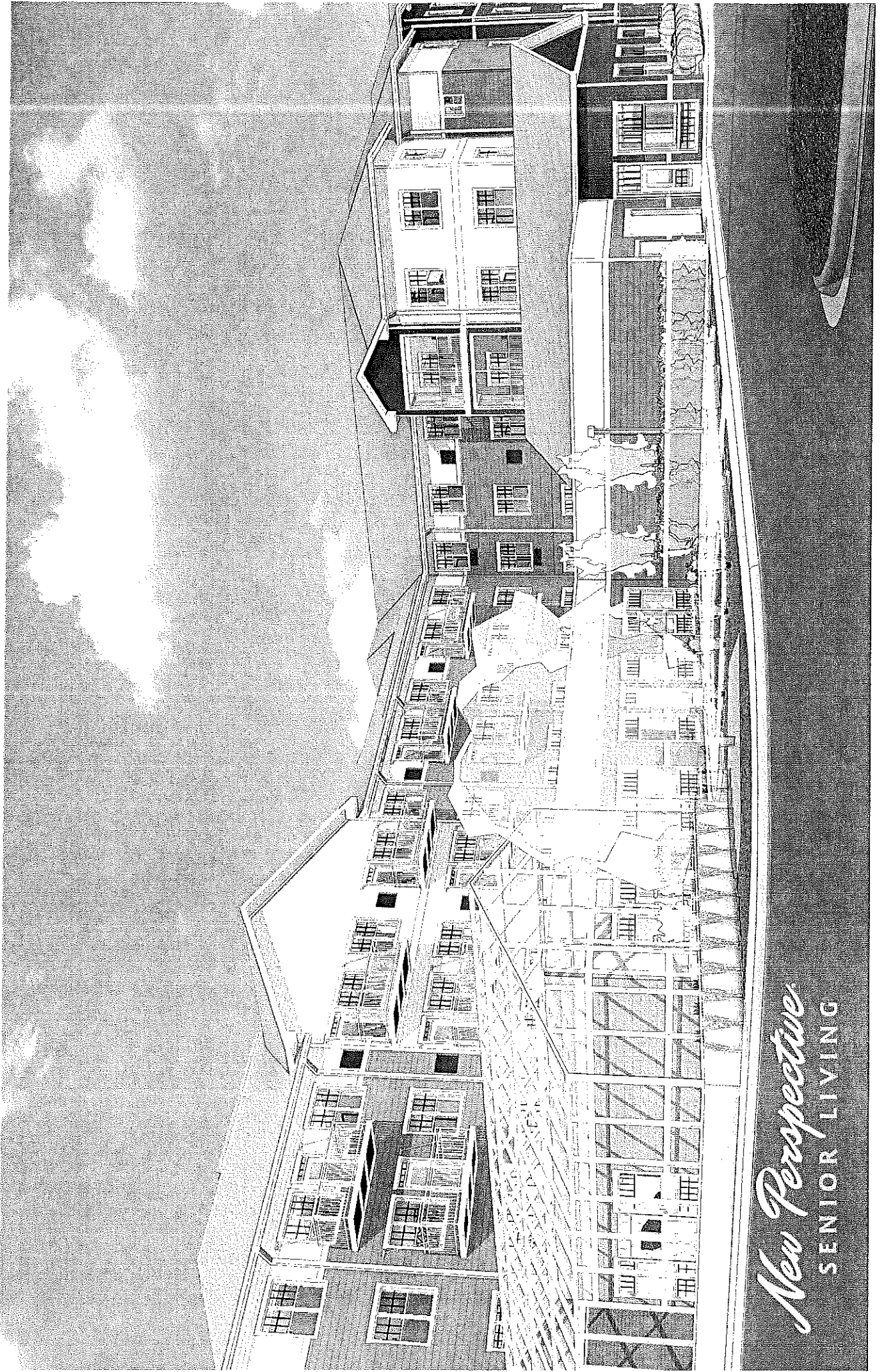
9801 S. 27th Street / Currently zoned B-4 / Proposed zoning B-4, R-8, P-1



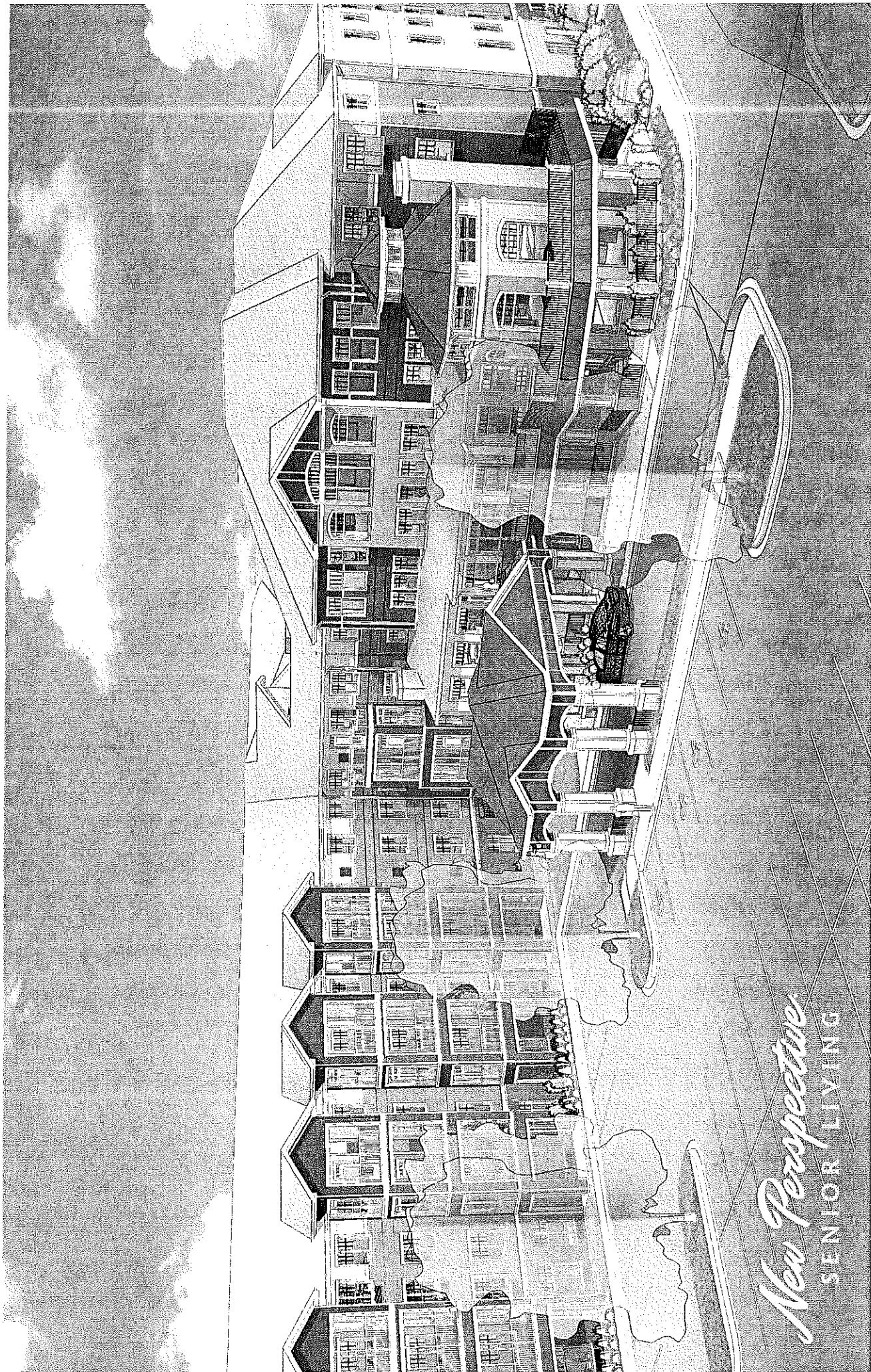
New Perspective.
SENIOR LIVING



New Perspective.
SENIOR LIVING



New Perspective
SENIOR LIVING



New Perspective
SENIOR LIVING

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| | | |
|--|--|--------------------------------------|
| APPROVAL <i>Slw</i> | REQUEST FOR Council ACTION | MEETING DATE 2/7/17 |
| REPORTS AND RECOMMENDATIONS | Direct 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 approximately between Oakwood and County Line Roads and 27 th and 42 nd Streets | ITEM NUMBER <i>G. 3.</i> |

INTRODUCTION

The Director of Economic Development is requesting permission to solicit bids to revise engineering and financial services plans within Tax Increment District (TID) No. 4 to support development activity in Area D, an area from approximately between Oakwood and County Line Roads and 27th and 42nd Streets. The Common Council approved rezoning this land for Mixed-Use Business Park at the November 1, 2016 Council Meeting. This item was referred to the Economic Development Commissions' January meeting by the Council on November 15, 2016. The Economic Development Commission considered the item at its January 23, 2017 meeting and approved a motion to recommend approval of the motion now before the Common Council.

If approved, staff will seek proposals from consultants to assist in determining the necessity and design of infrastructure improvements and potentially development incentives to stimulate development activity throughout the area. For example, sewer and water service is limited for parcels off of Oakwood Road. Staff will also seek proposals to analyze the current and projected future funds available in TID 4 to pay for such expenses. Partnerships and alternative sources of revenue to assist with infrastructure build out will also be pursued. Work would include revisiting plans prepared in 2015 and an attempt to more narrowly focus on development necessities rather than comprehensive development of a business park. It should be noted that some comprehensive analysis will be required to consider utility placement.

The use of an existing TID can help to mitigate City risk in infrastructure investment, as increment from prior development can help pay down TID expenditures. However, with limited life remaining in TID 4, time is of the essence if the City hopes to maximize the value of the district prior to its scheduled closing in 2026.

DISCUSSION

The City has long envisioned the lands south of Oakwood Road and west of 27th Street for industrial and/or business park uses. In 2015, the City conducted further study of the subject area (commonly referred to as Area D) for business park uses as part of a larger study of three separate potential Tax Incremental Tax Finance District creation/amendment areas (commonly referred to as Areas A, D, and G).

The Common Council took action on June 10, 2015 to prioritize development activity in Area A, near 76th Street, West Rawson Avenue, and Loomis Road. An approved motion at that meeting also stated that "no action be taken by any person associated with the City from entering contracts or negotiations of such contracts concerning a new business park until specifically directed by this Common Council as a result of a majority vote of this Council." The direction sought today will supersede the June 10, 2015 action. As noted, only consultant bids for analysis are sought at this time. Any potential consultant contracts would need to return to the Council for consideration. It should also be noted, that staff has worked diligently over the last year and continues to work on development plans in other sections of the City including in Area A, as directed by the Council in 2015.

With the recent rezoning of Area D, staff anticipates development can occur where parcels have existing access to public sewer and water infrastructure, specifically along Oakwood Road. Following conversations with the brokerage and development community regarding the rezoning, it has been noted that development will likely remain challenging for those parcels without direct access to critical utilities including sewer and water service.

The subject area is already located within TID 4, a district formed in 2005, with a maximum life of 20 years. Project expenditures for the district must occur prior to June of 2020, with increment available to the district until 2026, if necessary. Most of the increment in the district has come from the development of the Wheaton Franciscan complex

to the north of Oakwood Road and Area D. All remaining debt from previous district expenditures was retired in 2016.

Future revenue from the District could be used to support investment to catalyze development in Area D. Having access to these revenues helps to reduce City risk in future investment as increment gained from existing development can contribute to future TID expenditures. That said, with limited remaining life in the TID, the City must act quickly if it intends to move forward. Opportunities will be explored to reduce TID costs and focus on infrastructure most critical to stimulating development activity prior to the TID closing.

Maps included:

A map showing the area of focus, Area D, within TID 4.

A concept map showing potential development parcels within Area D. With action on this item, this concept plan would be subject to revision.

COUNCIL ACTION REQUESTED

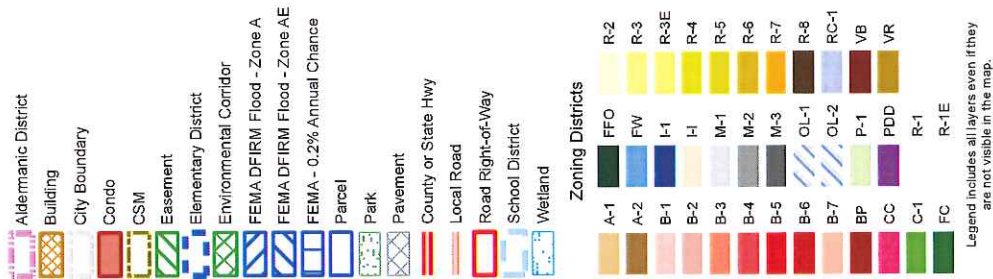
A motion to direct staff to solicit bids to revise engineering and financial services plans within Tax Increment District No. 4 to support development activity in Area D, an area approximately between Oakwood and County Line Roads and 27th and 42nd Streets.

Economic Development: AMH

TID 4 and Area D



Overview Map



Property Viewer beta v3.6g
9229 W. Loomis Rd. Franklin, WI 53132
www.franklinwi.gov

(C) City of Franklin, WI

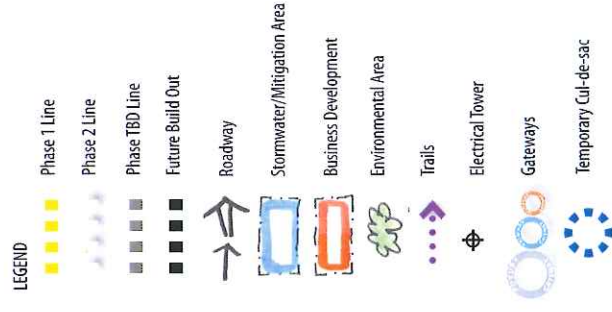
The maps and information provided by the City of Franklin's Property Viewer are not legal instruments and are to be used for reference purposes only, not as a substitute for legally recorded maps, surveys, or other instruments. The City of Franklin assumes no liability for any damages or loss resulting from the use or misuse of the maps and information offered for public use. The maps and information provided here may have been compiled from various state, county, municipal, and private sources, and are maintained by their sources for a wide variety of purposes. Therefore, the City of Franklin cannot guarantee the quality, content, accuracy, completeness, or currency of the information transmitted by this site, and provides such information without expressed or implied warranties, subject to the terms and conditions stated in this Disclaimer and as otherwise provided for by law. While the City of Franklin makes every attempt to provide accurate, complete, and up-to-date information, it shall not be held responsible for any discrepancies contained herein. Each individual accesses and uses the information herein at their own risk. Use of the Property Viewer constitutes acceptance of all terms and conditions in this Disclaimer.



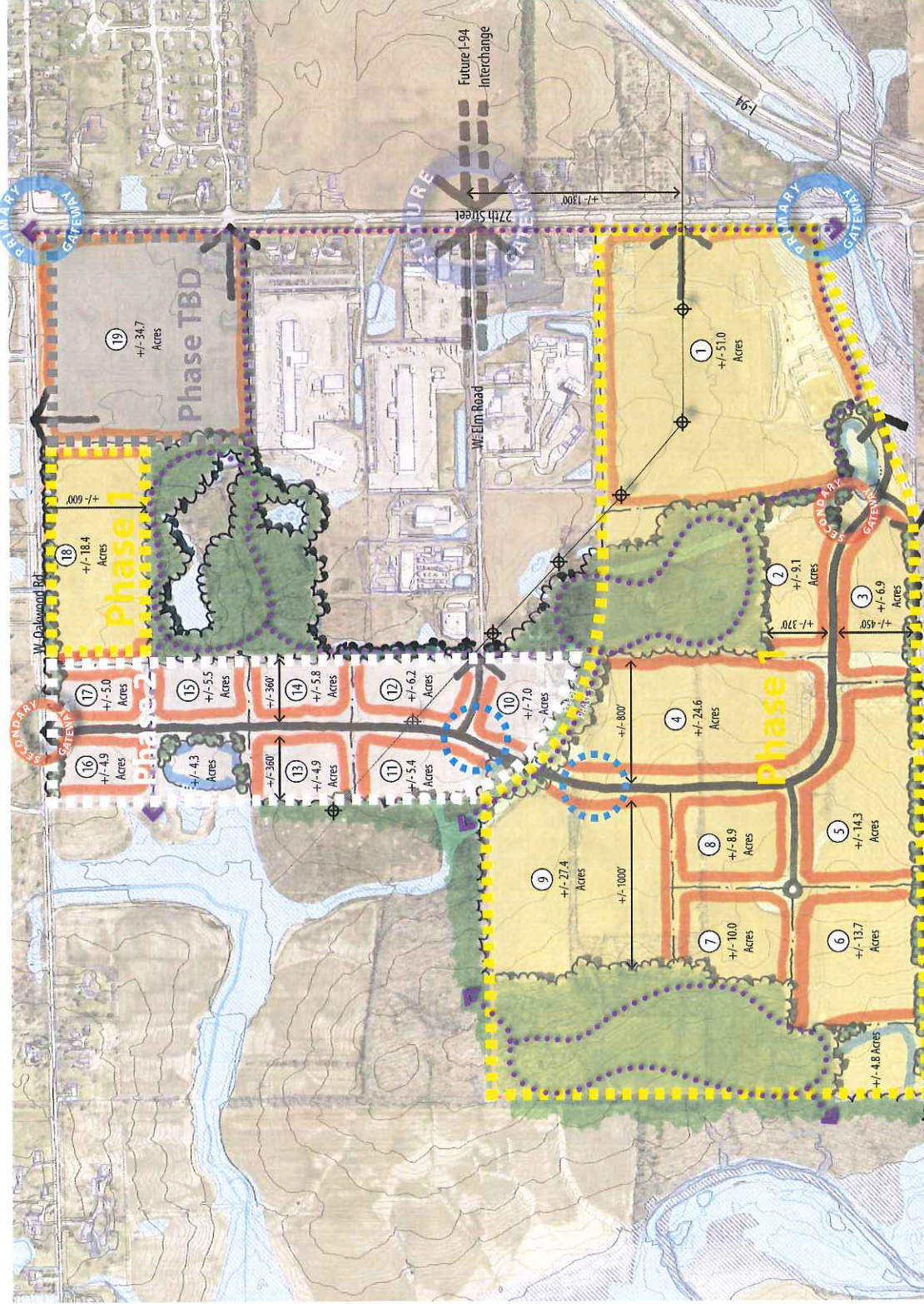
Map Printed: 11/10/2016

Development Data:

| | |
|-------------|----------------------------|
| 263.7 acres | Developable area |
| 12.9 acres | Stormwater/Mitigation area |
| 98.5 acres | Environmental area |
| 375.1 acres | TOTAL* (excludes ROW area) |



City of Franklin
Ruekert-Mielke



Concept Plan - Phase 1 and Phase 2

Franklin Corporate Park

Franklin, Wisconsin



| | | |
|------------------------------|--|-----------------------------|
| APPROVAL <i>Slw</i> | REQUEST FOR COUNCIL ACTION | MEETING DATE 02/07/17 |
| REPORTS & RECOMMENDATIONS | RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR AN OVER-THE-ROAD TRUCKING COMPANY BUSINESS USE UPON PROPERTY LOCATED AT 9563 SOUTH 60 TH STREET (NEW RAM EXPRESS, LLC, APPLICANT) | ITEM NUMBER <i>G.4.</i> |

At the January 19, 2017 meeting of the Plan Commission the following action was approved: move to recommend approval of a resolution imposing conditions and restrictions for the approval of a Special Use for an over-the-road trucking company business use upon property located at 9563 South 60th Street, subject to removal of asphalt within the right-of-way and striking the requirement for slats in the fence on the south side of the building in Condition No. 5.

Per the above motion, Staff added the following condition to the draft resolution: "Asphalt associated with the existing off-street parking stalls shall be removed from the South 60th Street right-of-way and new off-street parking stalls shall be striped in accordance with Section 15-5.0202 of the City of Franklin Unified Development Ordinance".

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2017-_____, a resolution imposing conditions and restrictions for the approval of a Special Use for an over-the-road trucking company business use upon property located at 9563 South 60th Street (New Ram Express LLC, Applicant)

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2017-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE FOR AN OVER-THE-ROAD
TRUCKING COMPANY BUSINESS USE UPON PROPERTY LOCATED
AT 9563 SOUTH 60TH STREET
(MILICA RASIC, OWNER, NEW RAM EXPRESS LLC, APPLICANT)

WHEREAS, Milica Rasic, owner, New Ram Express LLC, having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District under Standard Industrial Classification Title No. 4213 "Trucking, Except Local", to allow for an over-the-road trucking company business use, with a maximum of ten trucks and trailers parked overnight at the rear of the property located at 9563 South 60th Street, bearing Tax Key No. 898-9997-018, more particularly described as follows:

Parcel 2 of Certified Survey Map No. 4929 being a Re-division of Parcel 2 of Certified Survey Map No. 4144, being a Re-division of Parcel 1 of Certified Survey Map No. 2247 of lands in the Northeast 1/4 of the Northeast 1/4 of Section 27, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 5th day of January, 2017, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Milica Rasic, owner, New Ram Express LLC, for the approval of a Special Use for the property particularly described in the

MILICA RASIC, OWNER, NEW RAM EXPRESS LLC – SPECIAL USE

RESOLUTION NO. 2017-_____

Page 2

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

1. That this Special Use is approved only for the use of the subject property by Milica Rasic, owner, New Ram Express LLC, successors and assigns, as an over-the-road trucking company business use, which shall be developed in substantial compliance with, and operated and maintained by Milica Rasic, owner, New Ram Express LLC, pursuant to those plans City file-stamped January 9, 2017 and annexed hereto and incorporated herein as Exhibit A.
2. Milica Rasic, owner, New Ram Express LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the New Ram Express LLC over-the-road trucking company business, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon Milica Rasic, owner, New Ram Express LLC and the over-the-road trucking company business use for the property located at 9563 South 60th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. Precast truck wheel stops shall be installed for each of the ten (10) truck parking spaces in the existing gravel lot on the west side of the building, to ensure parked trailers do not encroach onto Milwaukee County's property to the west.
5. Vinyl slats of a type and color to be reviewed and approved by Staff shall be installed into the existing 6-foot tall chain-link fence on the east side of the building to screen the semi-truck and trailer parking area from the view of the public.
6. Any dumpster being stored outside of the building shall either be removed from the property or moved into the building.
7. Asphalt associated with the existing off-street parking stalls shall be removed from the South 60th Street right-of-way and new off-street parking stalls shall be striped in accordance with Section 15-5.0202 of the City of Franklin Unified Development Ordinance.

MILICA RASIC, OWNER, NEW RAM EXPRESS LLC – SPECIAL USE

RESOLUTION NO. 2017-_____

Page 3

BE IT FURTHER RESOLVED, that in the event Milica Rasic, owner, New Ram Express LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2017.

MILICA RASIC, OWNER, NEW RAM EXPRESS LLC – SPECIAL USE
RESOLUTION NO. 2017-_____

Page 4

Passed and adopted at a regular meeting of the Common Council of the City of
Franklin this _____ day of _____, 2017.

APPROVED:

Stephen R. Olson, Mayor

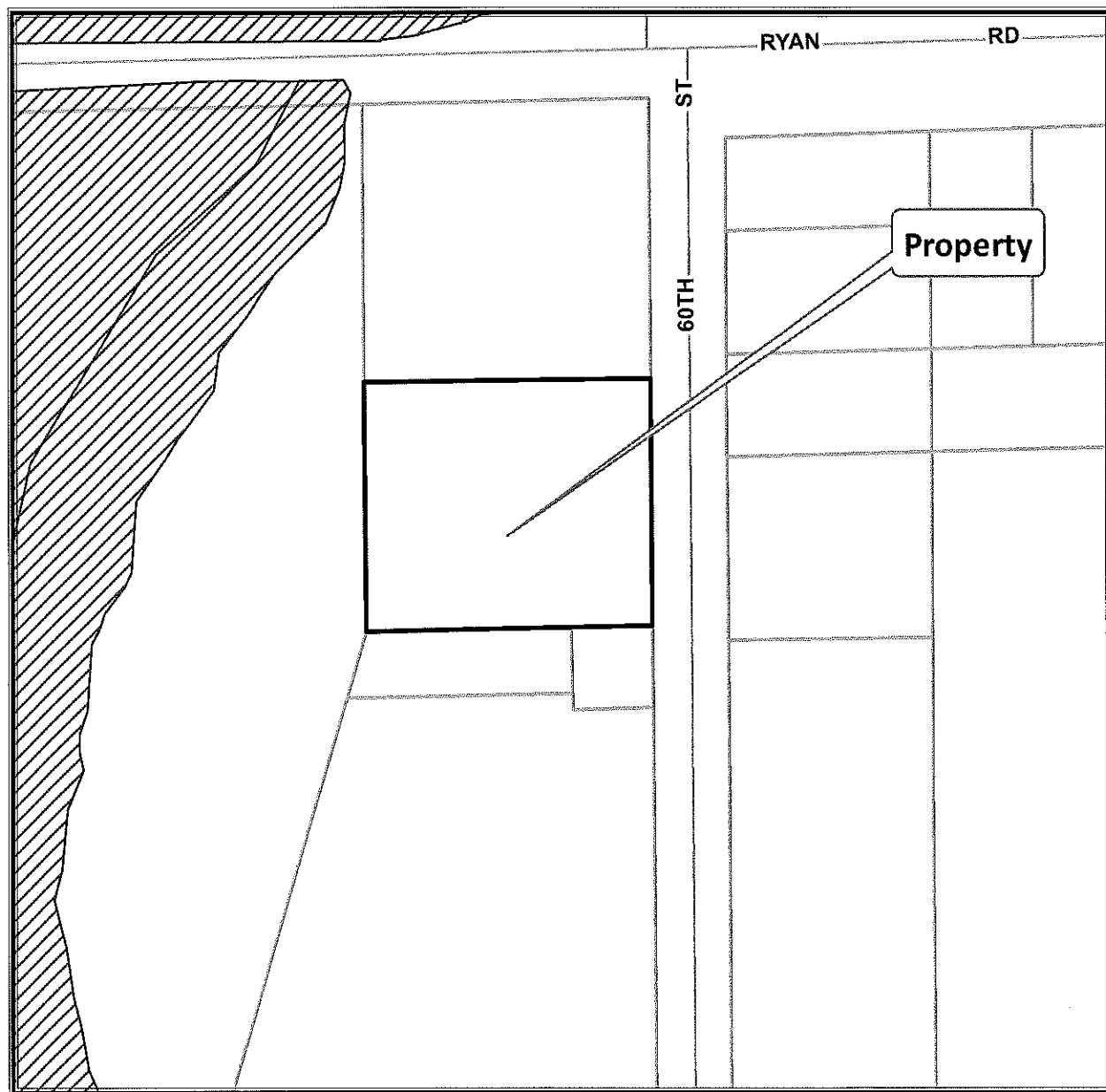
ATTEST:

Sandra L. Wesolowski, City Clerk

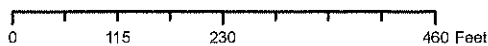
AYES _____ NOES _____ ABSENT _____



9563 S. 60th Street
TKN: 898 9997 018



Planning Department
(414) 425-4024



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



2016 Aerial Photo



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of January 19, 2017

Special Use

RECOMMENDATION: City Development Staff recommends approval of the proposed special use for an over-the-road trucking business use upon property located at 9563 South 60th Street, subject to the conditions of approval in the attached draft resolution.

| | |
|---------------------------------------|---|
| Project Name: | New Ram Express, LLC Special Use |
| Project Address: | 9563 South 60 th Street |
| Applicant: | New Ram Express, LLC |
| Owners (property): | Mallory Improvement Corp. |
| Current Zoning: | M-1 Limited Industrial District |
| 2025 Comprehensive Master Plan | Industrial |
| Use of Surrounding Properties: | Industrial (to the north, south and east) and Milwaukee County's Root River Parkway (to the west) |
| Applicant Action Requested: | Recommendation of approval for the proposed Special Use for New Ram Express, LLC to operate at 9563 South 60 th Street |

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.

BACKGROUND AND INTRODUCTION:

On January 5, 2016, the Common Council adopted Ordinance No. 2016-2203, which amended the Unified Development Ordinance at Table 15-3.0603 Standard Industrial Classification No. 4213 "Trucking, Except Local" to allow for such use as a Special Use in the M-1 Limited Industrial District.

On November 22, 2016, Milica Rasic submitted a Special Use application on behalf of New Ram Express, LLC requesting approval to operate an over-the-road trucking business use within an existing building located at 9563 South 60th Street. The proposed use corresponds to Standard Industrial Classification (SIC) Title No. 4213, Trucking, Except Local, which is allowable in the M-1 Limited Industrial District as a Special Use.

On January 5, 2017, the Plan Commission moved to postpone and continue the subject matter regarding the New Ram Express, LLC Special Use to the January 19, 2017 Plan Commission meeting.

PROJECT DESCRIPTION AND ANALYSIS:

The applicant is requesting Special Use approval to operate an over-the-road trucking business use within approximately 1,000 square feet of office space at the existing building located at 9563 South 60th Street. The property is approximately 2.46 acres or 106,970 square feet. The building is approximately 22,500 square feet, which consists of approximately 3,750 square feet of office space facing South 60th Street, and 18,750 square feet of warehouse space in the rear. The applicant is not proposing any changes to the site or the building at this time.

According to the applicant, New Ram Express, LLC is an over-the-road trucking company whose trucks travel throughout the United States. The trucks are 53-foot long dry freight vans, which typically haul dry goods such as canned food, paper towels, scrap metal, etc. The company uses their leased portion of the existing building as a dispatch office and the gravel portion of the property for parking semi trucks and trailers. According to the applicant there are seven (7) employees working in the office. Hours of operation for the business are Monday through Friday from 7:00 a.m. to 5:00 p.m. and Saturday from 9:00 a.m. to 12:00 p.m.

Parking:

Table 15-5.0203 of the City of Franklin Unified Development Ordinance defines requirements for off-street parking. According to this section, Trucking (no loading or warehousing) is required to provide 1.5 spaces per 1,000 square feet of gross floor area (GFA). If one applies this standard, then the proposed 1,000 square foot over-the-road trucking business use would be required to provide a minimum of two (2) off-street parking spaces.

The east parking lot at 9563 South 60th Street has twenty (20) striped parking stalls, which is enough to accommodate the New Ram Express, LLC employees. From Staff's review of the 2015 aerial photograph of the City of Franklin, the parking stalls at 9563 South 60th Street appear to be partially located within the South 60th Street right-of-way. Further review of historical aerial photographs shows the parking stalls used to be along the front of the building. Staff estimates the parking stalls were restriped in their present location between 2005 and 2007. Staff suggests Mallory Improvement Corp remove the existing parking stalls at 9563 South 60th Street from the South 60th Street right-of-way, and restripe the parking stalls in accordance with Section 15-5.0202 of the Unified Development Ordinance.

According to the Project Narrative, there could be as many as ten (10) semi-trucks and trailers parked on the property at one time. The applicant has not depicted how ten (10) semi-tractors could fit on the property at one time on the proposed Site Plan. According to the applicant, some of the trucks are out on the road at any given time, which reduces the odds of all ten trucks being on the property at once. The applicant has indicated they use the driveway on the north side of the existing building for ingress and egress to South 60th Street. Staff recommends the installation of precast truck wheel stops for each of the ten (10) truck parking spaces in the existing gravel lot, to ensure trailers do not encroach onto Milwaukee County's property to the west.

Staff also recommends the installation of vinyl slats, of a type and color to be reviewed and approved by Staff, into the existing 6-foot tall chain link fence on the south and east sides of the building to screen the semi-truck and trailer parking area from the view of the public.

Landscaping:

Per Table 15-3.0309 of the Unified Development Ordinance, the M-1 Limited Industrial District requires a minimum Landscape Surface Ratio (LSR) of 0.4, or 40% of the lot. As previously stated, 9563 S. 60th Street is approximately 2.46 acres or 106,970 square feet. According to the M-1 Limited Industrial District Standard, this property should have a minimum of 0.984 acres or 42,863.04 square feet of landscaped surface.

Staff suggests Mallory Improvement Corp. submit a revised site plan, meeting the minimum Landscape Surface Ratio standard of the M-1 Limited Industrial District, to the Department of City Development Staff, for its review and approval for Code and purpose compliance.

Staff suggests Mallory Improvement Corp. install turf-grass lawn along the north, west, and south property lines of 9563 South 60th Street to move closer to compliance with the minimum Landscape Surface Ratio requirement of 0.984 acres.

Per Section 15-5.0302 of the Unified Development Ordinance (UDO), the minimum number of standard plant units for an industrial site is 1 per 10 provided parking spaces. Based on twenty (20) existing parking stalls, this property would be required to have at least two (2) shade trees, two (2) evergreens, two (2) decorative trees, and two (2) shrubs. However, Section 15-5.0302B3 of the UDO states, "The minimum number of plantings shall be 5 per property for each type." Currently, this property has no approved landscaping. Eight (8) evergreens and three (3) shade trees were planted in the South 60th Street right-of-way between 2005 and 2007 (around the same time the parking lot was re-striped). While staff appreciates the effort to add landscaping to the site, the City does not allow landscaping in the public right-of-way. Staff suggests Mallory Improvement Corp. remove the eleven (11) trees from the South 60th Street right-of-way, and provide new plantings at 9563 S. 60th Street in accordance with the minimum number of standard plant units prescribed by Section 15-5.0302 of the Unified Development Ordinance. To the extent possible, existing trees should be saved and transplanted elsewhere on the site.

Dumpster Enclosure:

According to Section 15-3.0803I of the Unified Development Ordinance, "All garbage cans, trash dumpsters, trash containers, and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened from public view. Sight-proof fencing (wood or masonry) and landscaping shall be used to totally obstruct vision into the storage areas. Where such facilities are provided outside of a building, they shall be screened from public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building." Currently, an unscreened dumpster is being stored outside on the north side of the building. Therefore, Staff recommends any refuse containers being stored outside of the building at 9563 South 60th Street shall be removed from the property. Staff suggests Mallory Improvement Corp. submit a revised site plan indicating the location of a dumpster enclosure, and a dumpster enclosure elevation drawing to the Department of City Development for review and approval by Staff.

Section 15-3.0701(A) and (C) of the UDO contains the General Standards and Considerations that must be examined for each proposed Special Use prior to granting approval. The applicant has provided a written response to these standards, which is included in your packet.

STAFF RECOMMENDATION:

City Development Staff recommends approval of the proposed special use for an over-the-road trucking business use upon property located at 9563 South 60th Street, subject to the conditions of approval in the attached draft resolution.

Exhibit A

New RAM EXPRESS LLC

9563 s 60th Street
Franklin, WI 53132

Tel:414-529-3600

Fax:414-529-3626

| | | |
|-------------------|------------------------|-----------------------------------|
| Date | Services Performed By: | Services Performed For: |
| November 11, 2015 | New RAM EXPRESS LLC | Planning Department |
| | 9563 s 60th Street | City Of Franklin |
| | Franklin, WI 53132 | Special Use Amendment Application |

This Statement is issued pursuant to the Special use amendment application.

New Ram Express LLC is trucking company who had been in business since 2004. We have about 40 owner operators and 10 trucks owned by the company. We also have 7 office personals including owners. June 1st we have moved to 9563 S 60th street. Our office is located on the lower level of the building. Main Entrance is located on the east side of the building. We are not using warehouse behind the offices nor upper office space.our company trucks are parked behind the building and they are entering property at the east gate and same gate is used for exit. Only some times they will use west gate.. On average, there are 5 to6 trucks parked on daily basis and on the weekends it can go up to 10. Stalls are not marked because land is not paved it is gravel and we do not have exact sizes as of right now .We are applying for this special permit so we can continue to park our trucks behind the building. We are not going to change the structure of the parking, we will use it as it is to park trucks. Also we will not use space around the building to store any products.

Thank You

Milica Rasic

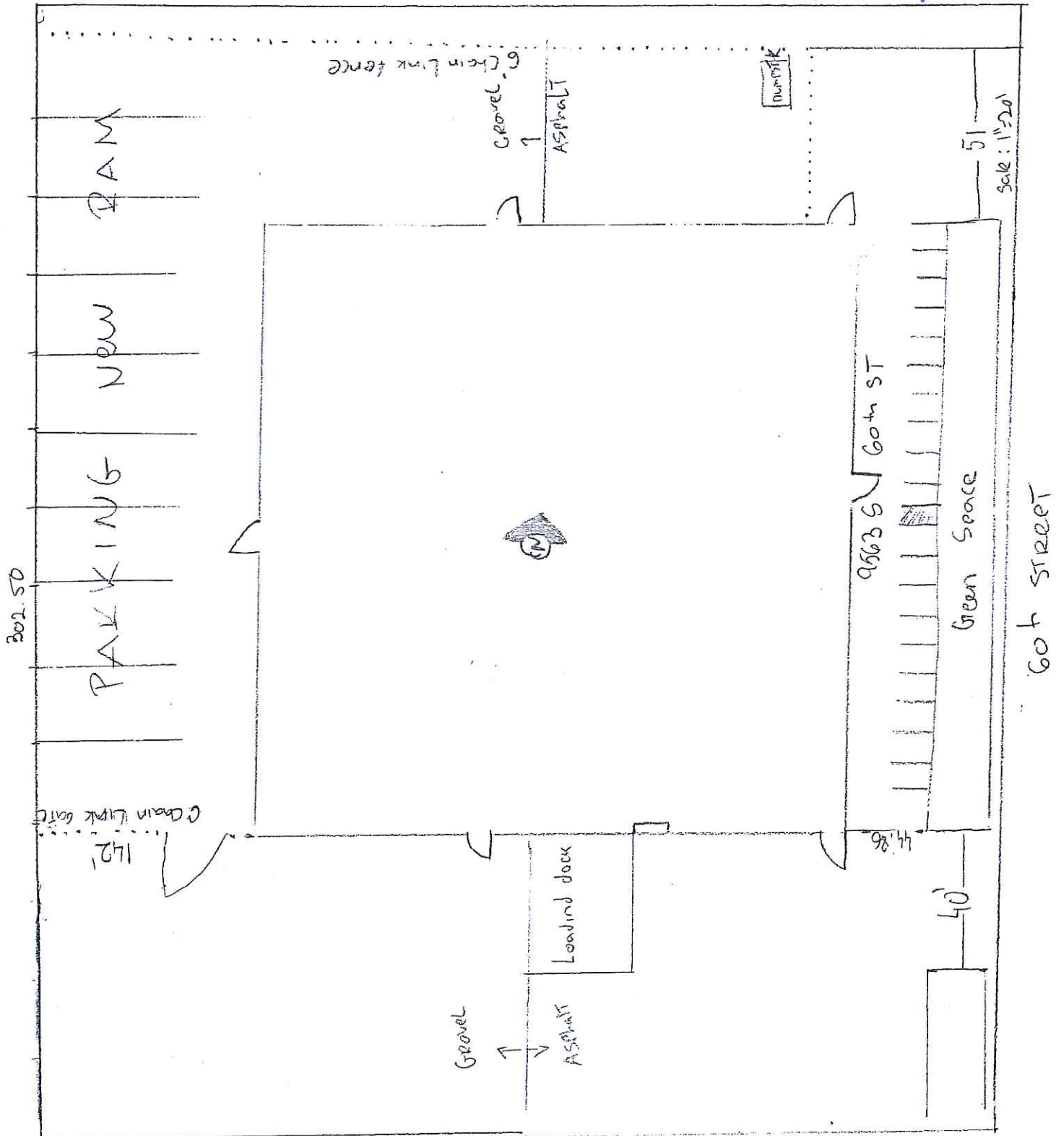
Cell: 414-426-2309

Office: 414-529-3600

Franklin

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City Development



Google Maps 9580 S 60th St

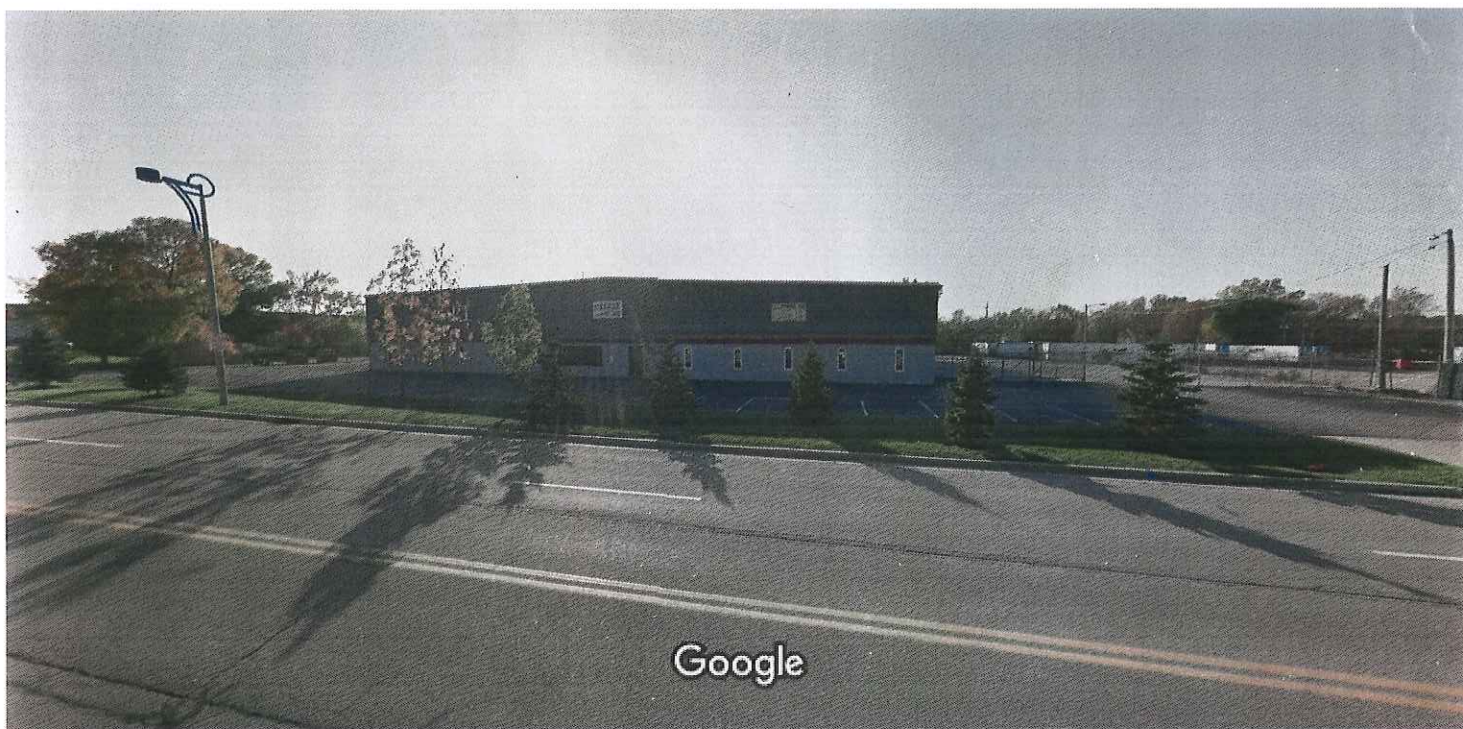
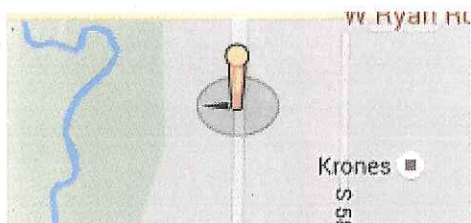


Image capture: Oct 2011 © 2015 Google

Franklin, Wisconsin

Street View - Oct 2011



Franklin

JAN 9 2017

City Development

DIVISION 15-3.0700

SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701

GENERAL STANDARDS FOR SPECIAL USES

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

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

Response: YES IT WILL

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

Response:

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

Response: CORRECT

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

Response: YES IT WILL

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

Response: There will be no traffic congestion

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

Response: Correct

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

Response: Yes we will be in compliance with any standards imposed on us.

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

Response: We will be in compliance

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

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

Response: We agree

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

Response: Agreed

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

Response:

Agreed

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

Response:

Agreed

| | | |
|--|--|---|
| APPROVAL <i>Slw</i> | REQUEST FOR COUNCIL ACTION | MEETING DATE 02/07/17 |
| REPORTS & RECOMMENDATIONS | RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP, BEING PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (MILLS HOTEL WYOMING, LLC, APPLICANT) (11906-11908 WEST LOOMIS ROAD) | ITEM NUMBER 6.5. |

At its January 19, 2017, meeting the Plan Commission recommended approval of a resolution conditionally approving a 3 lot certified survey map, being part of the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin with the addition of a note on the CSM regarding the requirement for public water for Lots 1 and 2 (Mills Hotel Wyoming, LLC, Applicant) (11906-11908 West Loomis Road).

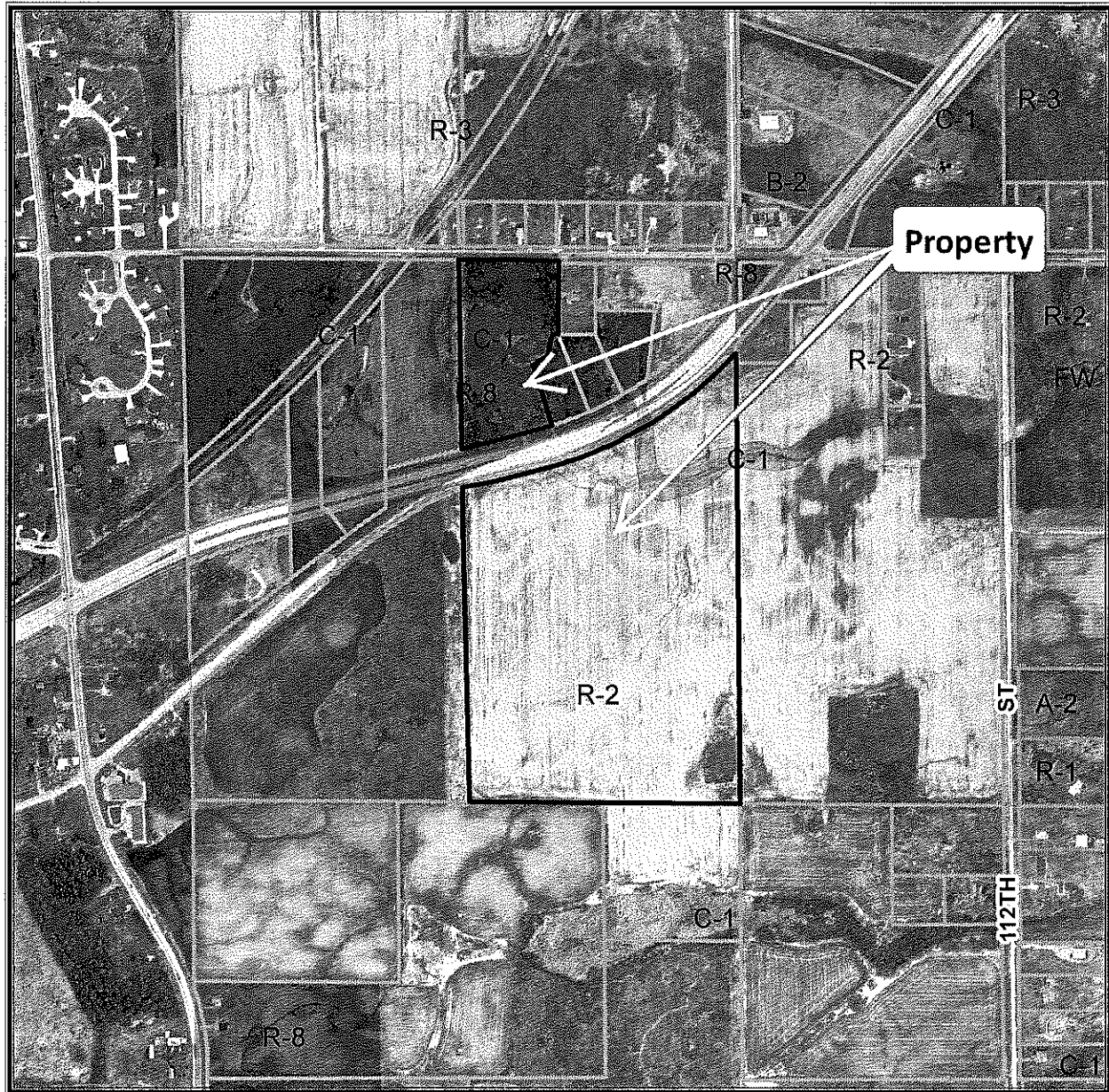
To address the Plan Commission motion above, Condition No. 8 in the attached draft resolution has been modified to include Lots 1 and 2 in addition to Lot 3, opposed to just Lot 3 as originally drafted.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2017-_____, a conditionally approving a 3 lot certified survey map, being part of the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Mills Hotel Wyoming, LLC, Applicant) (11906-11908 West Loomis Road).



11906-11908 W. Loomis Road
TKN: 891 9989 001



Planning Department
(414) 425-4024

0 462.5 925 1,850 Feet

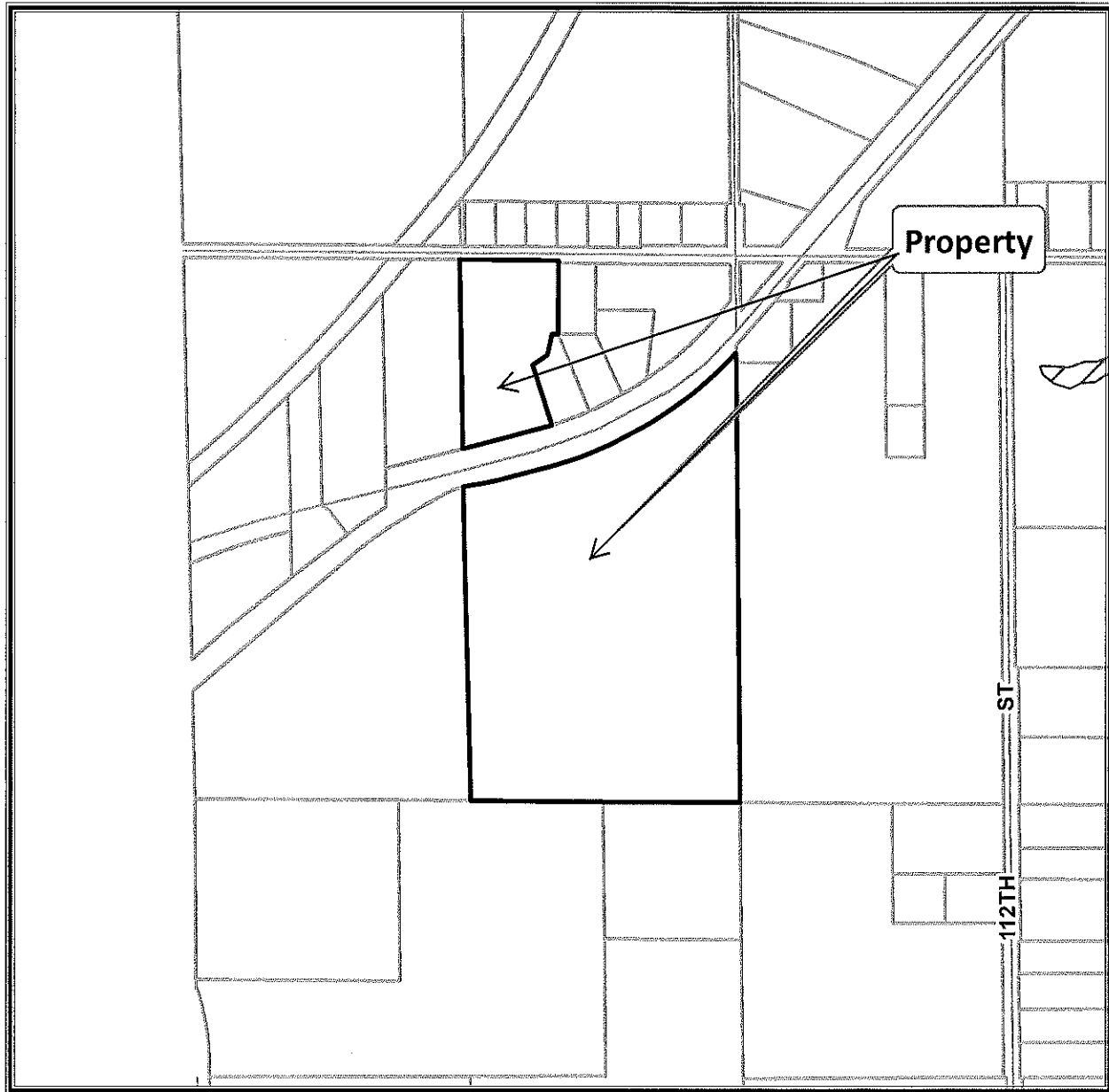


2016 Aerial Photo

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



11906-11908 W. Loomis Road
TKN: 891 9989 001



Planning Department
(414) 425-4024

0 462.5 925 1,850 Feet



2016 Aerial Photo

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



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of January 19, 2017

Certified Survey Map

RECOMMENDATION: City Development Staff recommends approval of the proposed Certified Survey Map, subject to the conditions in the draft resolutions.

| | |
|---------------------------------------|---|
| Project Name: | Mills Hotel Wyoming LLC Certified Survey Map |
| Project Address: | 11906 & 11908 West Loomis Road |
| Applicant: | Daniel Szczap, Bear Development LLC |
| Owners (property): | Mills Hotel Wyoming, LLC |
| Current Zoning: | R-8 Multiple-Family Residence District and C-1 Conservancy District |
| 2025 Future Land Use: | Commercial, Areas of Natural Resource Features and Water |
| Use of Surrounding Properties: | Single-family residential to the north, vacant land to the south (zoned R-2), single-family residential (zoned R-8) to the east and vacant land (zoned R-8) to the west |
| Applicant Action Requested: | Recommendation of approval to the Common Council of the proposed Certified Survey Map |

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 November 14, 2016, the applicant filed a Certified Survey Map (CSM) requesting to subdivide the property located at 11906 and 11908 W. Loomis Road, Tax Key No. 891-9989-001. The subject property is currently split by West Loomis Road with approximately 8.07 acres located on the north side of W. Loomis Road (as shown on the CSM) and about 54.52 acres located on the south side of W. Loomis Road. The applicant is proposing to subdivide the northern portion of land into three separate lots, leaving the larger area as a remnant piece of land.

PROJECT DESCRIPTION/ANALYSIS**Certified Survey Map (CSM):**

The proposed Certified Survey Map (CSM) will divide the portion of property north of W. Looms Road (approximately 351,346 square feet or 8.0657 acres) into three separate lots. The existing property consists of two single-family residential dwellings, a pond and other protected natural resource features, which are discussed further below in this report.

Lot 1 has an area of 86,335 square feet and consists of one of the existing single-family homes. Lot 2 has an area of 66,858 square feet and also contains an existing single-family home. Lot 3 is 198,153 square feet and is currently vacant.

The existing homes and accessory buildings conform to R-8 District setbacks and accessory structure standards.

The CSM includes 20-foot wide shared access easements on Lot 1 and Lot 2 to accommodate the existing driveway configuration. Staff preferred separate driveways; however, Section 15-5.0202 of the UDO does allow for shared driveways and setbacks to be waived. Additionally, the applicant discussed relocating driveways with the Wisconsin Department of Transportation (WisDOT); however, WisDOT did not want to consider these driveway locations without also considering the development and access to the land on the south side of W. Loomis Road. The applicant's do not currently have plans for that portion of the property; therefore, they are not able to get permission to relocate the drives.

Shared Driveway Setbacks. Where a shared driveway between neighboring lots or parcels is provided to serve as access to a State or County Highway for the purposes of highway safety as approved by either the Wisconsin Department of Transportation or Milwaukee County Highway Department, any minimum driveway setback as required by the Zoning Ordinance shall be waived, given that such waiver of setback is for the shared driveway that is constructed over or abutting property lines of lots or parcels that benefit from the shared driveway. All other driveways on such lots or parcels shall conform to required setbacks.

Staff recommends that the applicant submit the ingress/egress easement for recording at the time of recording of the CSM. The applicant shall provide the City with a copy of the recorded ingress/egress easement.

Staff anticipates that the applicant will file another CSM in the future to further subdivide Lot 3. The number of lots proposed will depend upon the results of a detailed Natural Resource Protection Plan (NRPP). Staff would anticipate anywhere between two to four lots. As a detailed NRPP has not yet been completed, staff suggests that this portion of the CSM be shown as an Outlot, as opposed to a buildable lot.

Zoning and Land Use

The property is currently zoned R-8 Multiple-Family Residence District and is designated as Commercial, Water and Areas of Natural Resource Features on the City's 2025 Future Land Use Map.

The applicant is proposing to keep the R-8 Multiple-Family Residence District zoning and is not proposing an amendment to the Comprehensive Master Plan. The applicant has indicated that a potential concept for the lots may be to add a second principal dwelling to Lots 1 and 2. The applicant has noted that this will likely depend on the desires of a potential buyer. Per Table 15-3.0602 of the UDO, one-family detached dwellings are allowed in the R-8 Residence District as a Special Use. Per the Assessor's records, one of the homes was constructed in 1900 and the other in 1940. The existing homes do not currently have Special Uses; therefore, they are legal nonconforming uses.

As the property is currently utilized for single-family uses and that use being likely to remain in the future, the Plan Commission may consider requiring the applicant to rezone the property to a single-family residential zoning district, likely R-3 Suburban/Estate Single-Family Residence District as there is R-3 District zoning adjacent to the subject parcel. Staff does not object to multi-family zoning and land use in this area; but as single-family uses are likely to remain, staff would suggest that the subject property be rezoned to R-3 prior to recording the CSM.

If rezoned, staff recommends that the C-1 Conservancy District also be rezoned to the appropriate residential zoning district and all protected natural resource features be placed within a conservation easement.

The future development of Lot 3 into multiple single-family residential lots will require special use approval for each home, or the property will have to be rezoned to the R-3 District and a CSM or subdivision plat approved. Staff anticipates that upon submittal of an application to further develop or construct any homes on Lot 3, that Lot 3 be rezoned to R-3, including the C-1 District as noted above.

Furthermore, upon any application to rezone Lots 1, 2 or 3, staff would require submittal of a Comprehensive Master Plan Amendment Application to amend the Future Land Use for all three lots from Commercial and Areas of Natural Resource Features to Residential or Residential – Multi-Family and Areas of Natural Resource Features.

As there is no new development or rezoning proposed at this time, staff is not objecting to addressing the zoning and future land use at the time Lot 3 is subdivided or developed. The applicant has included a note on Sheet 2 of the CSM stating, “The C-1 Conservation District zoning to be rezoned to an appropriate zoning district with all protected natural resources being protected by Conservation Easement upon the development of Lot 3.”

Finally, staff notes that the vast majority of C-1 District zoning is located on Lot 3, although a portion does extend onto the rear yards of Lots 1 and 2. As such, staff recommends that the note be revised to include Lots 1 and 2 as well as Lot 3. The note will then at least notify that the future owners of Lots 1 and 2 that the City, at some point, may rezone the C-1 District.

Sewer and Water

Currently Lot 1 and Lot 2 are not served by public sewer or water facilities. Staff recommends that the applicant add a note to the CSM, prior to recording with the Milwaukee County Register of Deeds, indicating that Lot 1 and Lot 2 are not served by public sewer and water facilities and Common Council approval of development without public facilities is required upon any future development.

Lot 3, as noted on the CSM, is served by public sanitary sewer; public water is not available in this area and will connect when becomes available.”

Staff also recommends that the applicant add language to the sewer and water note on the CSM prior to recording with the Milwaukee County Register of Deeds, stating that the property owner

of Lot 3 will be assessed and required to connect to public sewer and water facilities once they become available.

In addition, staff recommends that the applicant show the septic and mound system locations on the CSM, prior to recording with the Milwaukee County Register of Deeds.

Natural Resource Protection Plan:

The applicant has provided a Wetland Delineation Report, dated March 19, 2015, from R.A. Smith National, Inc. The report was sent to the WDNR and Army Corps of Engineers; however, staff has not yet received the concurrence letter. Staff recommends that the applicant submit a letter from the Wisconsin Department of Natural Resources indicating concurrence of the wetland delineations prior to recording of this CSM with the Milwaukee County Register of Deeds. Staff also recommends that the Certified Survey Map be revised to show the detail of the wetlands with bearings and distances (Wetland Table) on a separate sheet.

All three proposed lots consist of a portion of the pond, wetland, wetland buffer and setback and the 75-foot shore buffer. Lot 1 also has steep slopes, which are located around the building located furthest west on the property. The majority of the steep slopes are 10-19%, which carry a protection standard of 60%. A small portion, approximately 669 square feet, is 20-30% slopes, which carry a protection standard of 75%.

Per the UDO, these protection standards must be met unless the slope has an area of 5,000 square feet or less or is man-made. The applicant does not wish to include the steep slopes within the conservation easement and believes the steep slopes are man-made; however, staff does not find that sufficient evidence has been presented to meet the exclusion of man-made. Therefore, staff recommends that the required portion (or greater) of the steep slopes located on Lot 1 be included in and protected as part of the conservation easement. The CSM shall be revised accordingly, prior to recording with the Milwaukee County Register of Deeds.

A detailed NRPP was not completed for Lot 3. As noted on the CSM, a detailed NRPP is required. Staff recommends adding "upon further development" to the end of that note.

The applicant shall submit a written Conservation Easement document for Common Council review and approval and recording with the Milwaukee County Register of Deeds.

STAFF RECOMMENDATION

City Development Staff recommends approval of the proposed Certified Survey Map, subject to the conditions in the draft resolutions.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2017-_____

A RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED
SURVEY MAP, BEING PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF
SECTION 30, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN,
MILWAUKEE COUNTY, WISCONSIN
(MILLS HOTEL WYOMING, LLC, APPLICANT)
(11906-11908 WEST LOOMIS ROAD)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being part of the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 11906-11908 West Loomis Road, bearing Tax Key No. 891-9989-001, Mills Hotel Wyoming, LLC, applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Mills Hotel Wyoming, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

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

MILLS HOTEL WYOMING, LLC – CERTIFIED SURVEY MAP

RESOLUTION NO. 2017-_____

Page 2

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

4. Mills Hotel Wyoming, LLC, successors and assigns, and any developer of the Mills Hotel Wyoming, LLC 3 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon Mills Hotel Wyoming, LLC and the 3 lot certified survey map project for the property located at 11906-11908 West Loomis Road: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. The note on Sheet 2 regarding the future rezoning of the C-1 District for Lot 3 shall be revised or an additional note added to also include the rezoning of the C-1 District for Lot 1 and Lot 2, prior to recording with the Milwaukee County Register of Deeds.
7. A note shall be added to the Certified Survey Map, prior to recording with the Milwaukee County Register of Deeds, indicating that Lot 1 and Lot 2 are not served by public sewer and water facilities and Common Council approval of development without public facilities is required upon any future development.
8. Language shall be added to the sewer and water note on the Certified Survey Map, prior to recording with the Milwaukee County Register of Deeds, stating that the property owners of Lots 1, 2 and 3 will be assessed and required to connect to public sewer and water facilities once they become available.
9. The Certified Survey Map shall be revised to show the septic and mound system locations, prior to recording with the Milwaukee County Register of Deeds.
10. The applicant shall submit a letter from the Wisconsin Department of Natural Resources indicating concurrence of the wetland delineations prior to recording the Certified Survey Map with the Milwaukee County Register of Deeds.

MILLS HOTEL WYOMING, LLC – CERTIFIED SURVEY MAP

RESOLUTION NO. 2017-_____

Page 3

11. The Certified Survey Map shall be revised to show the detail of the wetlands with bearings and distances (Wetland Table) on a separate sheet, prior to recording with the Milwaukee County Register of Deeds.
12. The Unified Development Ordinance required percentage (or greater) of the steep slopes located on Lot 1 shall be included in and protected as part of the conservation easement. The CSM and Conservation Easement shall be revised accordingly, prior to recording with the Milwaukee County Register of Deeds.
13. Prior to recording the CSM with the Milwaukee County Register of Deeds, the note on Sheet 2 requiring a detailed Natural Resource Protection Plan for Lot 3 shall be revised to state, "A detailed Natural Resource Protection Plan for Lot 3 is required upon further development."
14. The applicant shall submit a written Conservation Easement document for Common Council review and approval and recording with the Milwaukee County Register of Deeds.
15. The applicant shall submit the ingress/egress easement for recording at the time of recording of the Certified Survey Map with the Milwaukee County Register of Deeds. The applicant shall provide the City with a copy of the recorded ingress/egress easement.

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2017.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2017.

MILLS HOTEL WYOMING, LLC – CERTIFIED SURVEY MAP

RESOLUTION NO. 2017-_____

Page 4

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



January 5, 2016

Mr. Nick Fuchs
Principal Planner
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

Dear Mr. Fuchs:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for Certified Survey Map review and approval. Bear Development is acting on behalf of the owner of record, Mills Wyoming Hotel, LLC.

Project Summary

Mills Wyoming Hotel, LLC is the owner of record of approximately 164 acres of land in the City of Franklin. The vast majority of the property is south of Ryan Road and west of Loomis Road and is not subject to this petition.

The property in question, consists of approximately eight (8) acres and is located between West Ryan Road and Loomis Road. The property includes two (2) existing single family homes. The property presently, is part of Tax Key Number: 891-9989-001.

We respectfully request approval of a Certified Survey Map to create three (3) individual lots as shown on the attached maps, with the intention of selling Lots 1 and 2 to individual buyers. Bear Development will retain Lot 3 and evaluate potential land use and division at a later date.

The proposed lots are each over 1.50 acres each and meet the minimum bulk requirements of the underlying R-8 Multi-Family Residential District. We are not requesting amendment to the Comprehensive Plan, zoning reclassification or any change in the current land use.

In accordance with City of Franklin requirements, we have completed a Natural Resource Protection Plan for the property in question. A copy has been included in this submittal. In specific regard with Lots 1 and 2, we found limited natural resource

Franklin

JAN 06 2017

City Development

features, as the site is currently improved as single family home sites. A more detailed NRPP for Lot 3 will be provided in the near future.

We feel the requested land division will create separate parcels with land use that is consistent and compatible with the properties in the general area.

Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, dan@beardevelopment.com

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Szczap', with a stylized flourish at the end.

Daniel Szczap
Bear Development, LLC

Cc: S. R. Mills
Steve Mills

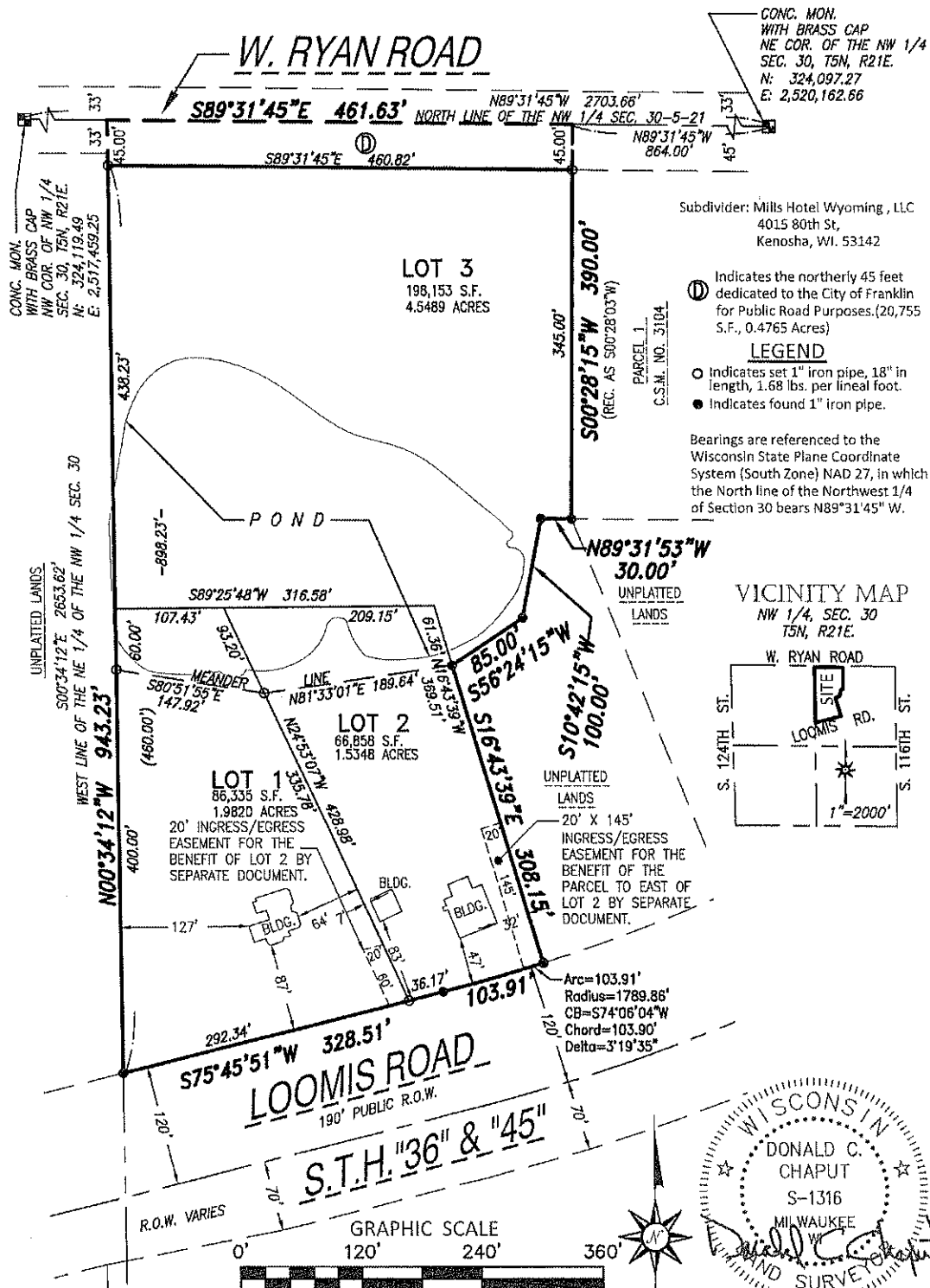
Franklin

JAN 06 2017

City Development

CERTIFIED SURVEY MAP NO. _____

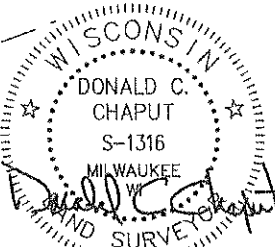
Part of the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.



CHAPUT LAND SURVEYS, LLC

234 W. FLORIDA STREET
MILWAUKEE, WI 53204
414-224-8068
www.chaputlandsurveys.com

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316



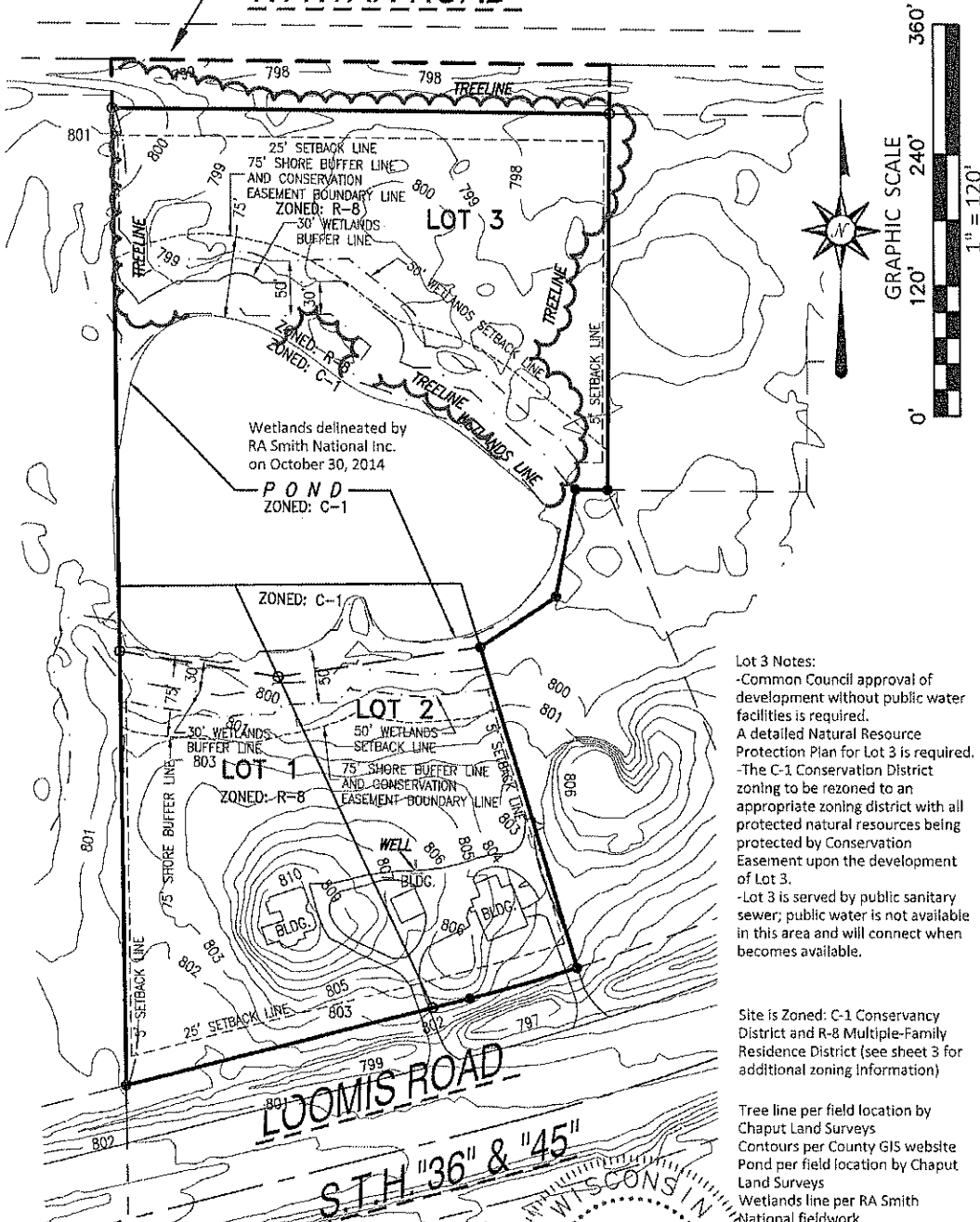
Revised: December 19, 2016
Revised: December 22, 2016
Revised: January 4, 2017
Drawing No. 2160-grb
Sheet 1 of 4 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

Information on Sheet 2 is shown hereon as a City of Franklin condition of approval.

W. RYAN ROAD



Lot 3 Notes:

- Common Council approval of development without public water facilities is required.
- A detailed Natural Resource Protection Plan for Lot 3 is required.
- The C-1 Conservation District zoning to be rezoned to an appropriate zoning district with all protected natural resources being protected by Conservation Easement upon the development of Lot 3.
- Lot 3 is served by public sanitary sewer; public water is not available in this area and will connect when becomes available.

Site is Zoned: C-1 Conservancy District and R-8 Multiple-Family Residence District (see sheet 3 for additional zoning information)

Tree line per field location by Chaput Land Surveys
Contours per County GIS website
Pond per field location by Chaput Land Surveys
Wetlands line per RA Smith National fieldwork

CHAPUT LAND SURVEYS LLC
234 W. FLORIDA STREET
MILWAUKEE, WI 53204
414-224-8068
www.chaputlandsurveys.com

This instrument was drafted by **Donald C. Chaput**
Professional Land Surveyor S-1316

October 28, 2016
Revised: December 19, 2016
Revised: December 22, 2016
Revised: January 4, 2017
Drawing No. 2160-grb
Sheet 2 of 4 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN}

:SS

MILWAUKEE COUNTY}

I, DONALD C. CHAPUT, Registered Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped part of the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

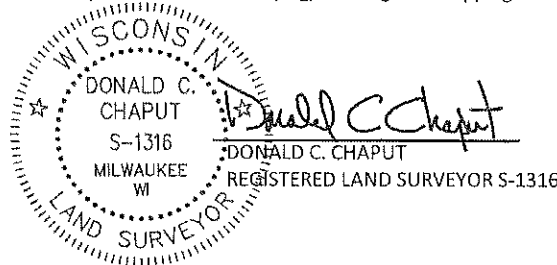
Commencing at the Northeast corner of the Northwest 1/4 of said Section, thence North 89°31'45" West along the North line of said 1/4 Section 864.00 feet to the point of beginning of lands hereinafter described; thence South 00°28'15" West along the West line of Parcel 1 of Certified Survey Map 3104 and its extension 390.00 feet to the Southwest corner of said Parcel 1; thence North 89°31'53" West 30.00 feet to a point; thence South 10°42'15" West 100.00 feet to a point; thence South 56°24'15" West 85.00 feet to a point; thence South 16°43'39" East 308.15 feet to a point on the North line of Loomis Road; thence Southwesterly 103.91 feet along said North line and arc of a curve whose center lies to the North, whose radius is 1789.86 feet and whose chord bears South 74°06'04" West 103.90 feet to a point; thence South 75°45'51" West along said North line 328.51 feet to a point; thence North 00°34'12" West 943.23 feet to a point on the North line of said Northwest 1/4 Section; thence South 89°31'45" East along said North line 461.63 feet to the point of beginning. Containing 372,100 square feet or 8.5422 acres of land.

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

THAT the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Unified Development Ordinance Division - 15 of the City of Franklin in surveying, dividing and mapping the same.

October 28, 2016
Revised: December 19, 2016
Revised: December 22, 2016
Revised: January 4, 2017



MUNICIPAL ZONING

Site is Zoned: C-1 Conservancy District

Site is zoned: R-8 Multiple-Family Residence District
Municipal Code: Sec. 15-3.0209
Special Use: Single-Family Detached D.U.s and
Maximum Two-Attached D.U.s (Two-Family Structures)
Front setback: 25 feet (e)
Side setback: 5 feet (e)
Rear setback: 25 feet D.U. & 10 - garage (e)

Site is zoned: R-8 Multiple-Family Residence District
Municipal Code: Sec. 15-3.0209
Special Use: Multiple-Family Attached Dwelling Units
with More Than Two D.U.s per Structure
Front setback: 30 feet (c)(e)
Side setback: 20 feet (d)(e)
Rear setback: 30 feet (e)

(c) Plus one (1) additional foot for each two (2) feet
over thirty-five (35) feet of building height.
(d) Plus five (5) additional feet for each additional
story above two (2) stories of building height.
(e) See Section 15-5.0108 for increased setback
requirements along arterial streets and highways.

SECTION 15-5.0108 BUILDING SETBACK LINES

A. Plan Commission May Increase Minimum Required Setback Lines. Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the Subdivision, Certified Survey Map, or Condominium is located, may be required by the Plan Commission.

B. Minimum Required Building Setbacks from Arterial Streets and Highways. Unless a greater setback distance is specified in Divisions 15-3.0200, 15-3.0300, Division 15-3.0400, or elsewhere in this Ordinance, the minimum required setback from the ultimate right-of-way line of all arterial streets and highways (as specified by the City of Franklin Comprehensive Master Plan, Official Map, or components and/or amendments thereto) shall be forty (40) feet. An exception to this requirement, however, shall be that segment of W. St. Martins Road (CTH MM) within that area defined as the "Village of St. Martins" in the City of Franklin Comprehensive Master Plan.

Drawing No. 2160-grb
Sheet 3 of 4 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

OWNER'S CERTIFICATE

As owner, Mills Hotel Wyoming, LLC a Wisconsin limited liability company, duly organize and existing under and by virtue of the laws of the State of Wisconsin hereby certifies that said limited liability company caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the provisions of Chapter 236.34 of the Wisconsin Statutes, and Unified Development Ordinance Division - 15 of the City of Franklin in surveying, dividing and mapping the same.

Stephen R. Mills, Managing Member
Mills Hotel Wyoming, LLC

STATE OF WISCONSIN}
:SS
COUNTY}

Personally came before me this _____ day of _____, 201____, the above named Stephen R. Mills, to me known as the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My commission expires. _____
My commission is permanent.

CITY OF FRANKLIN COMMON COUNCIL APPROVAL

Approved and dedication accepted by the Common Council of the City of Franklin by Resolution No. _____

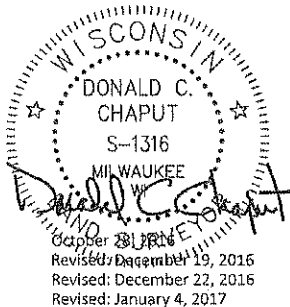
Signed this _____ day of _____, 201____

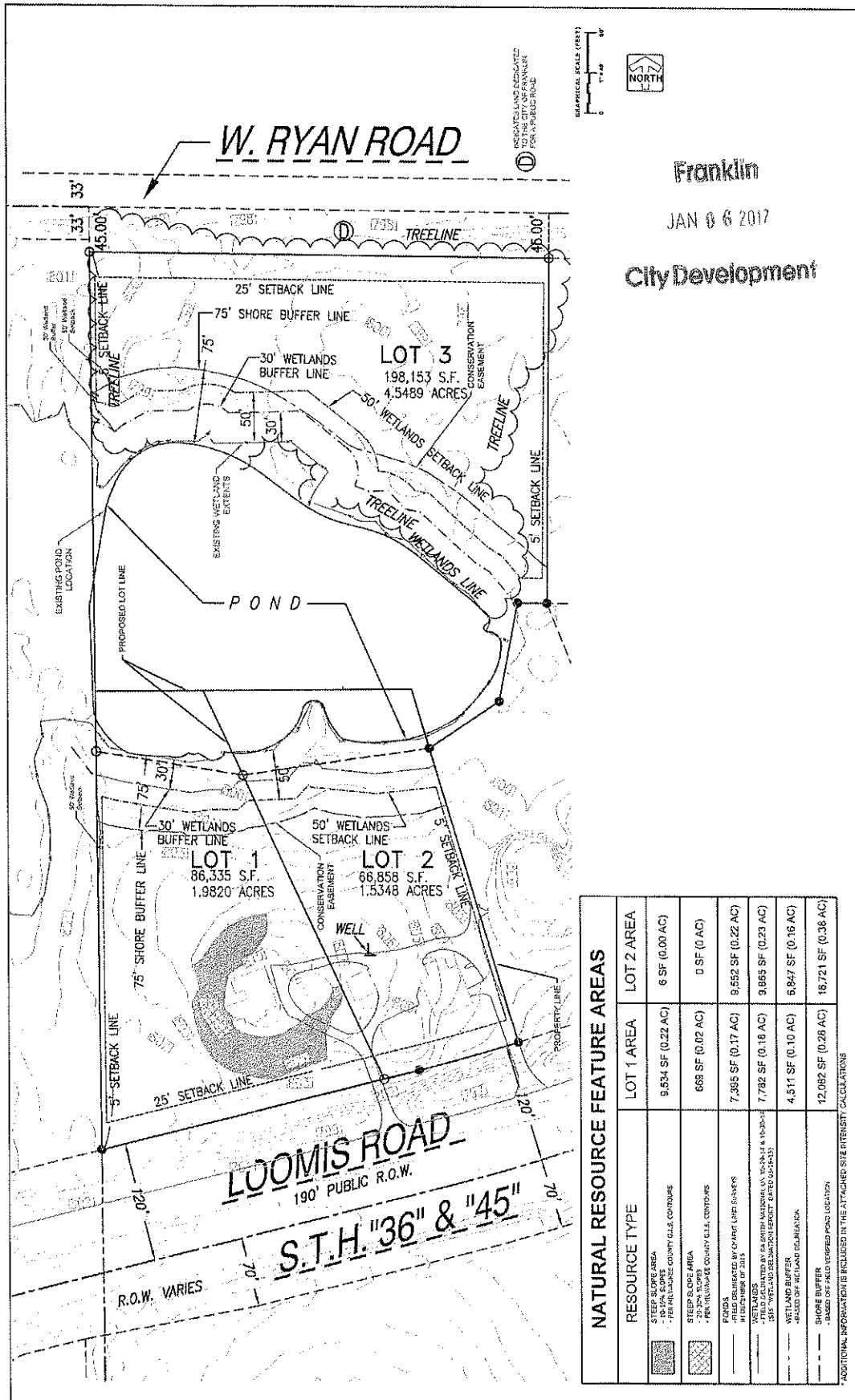
Date

Stephen Olson, Mayor

Date

Sandra L. Wesolowski, City Clerk





| NATURAL RESOURCE FEATURE AREAS | | | |
|--|---------------------|---------------------|--|
| RESOURCE TYPE | LOT 1 AREA | LOT 2 AREA | |
| STEEP SLOPE AREA - PER INDIANAPOLIS COUNTY CLS. CONTIGUOUS | 9,534 SF (0.22 AC) | 6 SF (0.00 AC) | |
| STEEP SLOPE AREA - PER INDIANAPOLIS COUNTY CLS. CONTIGUOUS | 668 SF (0.02 AC) | 0 SF (0.00 AC) | |
| POND - PER DELINEATED BY CHARGE LINES SHOWN IN EXCHIBIT OF 2015 | 7,385 SF (0.17 AC) | 9,652 SF (0.22 AC) | |
| WETLANDS - PER DELINEATED BY DA BIRTH MATERIAL ON 10-24-14 & 10-24-15 (SEE "WETLAND DELINEATION REPORT" DATED 04-24-15) | 7,732 SF (0.18 AC) | 9,895 SF (0.23 AC) | |
| WETLAND BUFFER - BASED OFF WETLAND DELINEATION | 4,511 SF (0.10 AC) | 6,947 SF (0.16 AC) | |
| SHORE BUFFER - BASED OFF WETLAND DELINEATION | 12,062 SF (0.28 AC) | 18,721 SF (0.36 AC) | |

*ADDITIONAL INFORMATION IS INCLUDED IN THE ATTACHED SITE INTENSITY CALCULATIONS

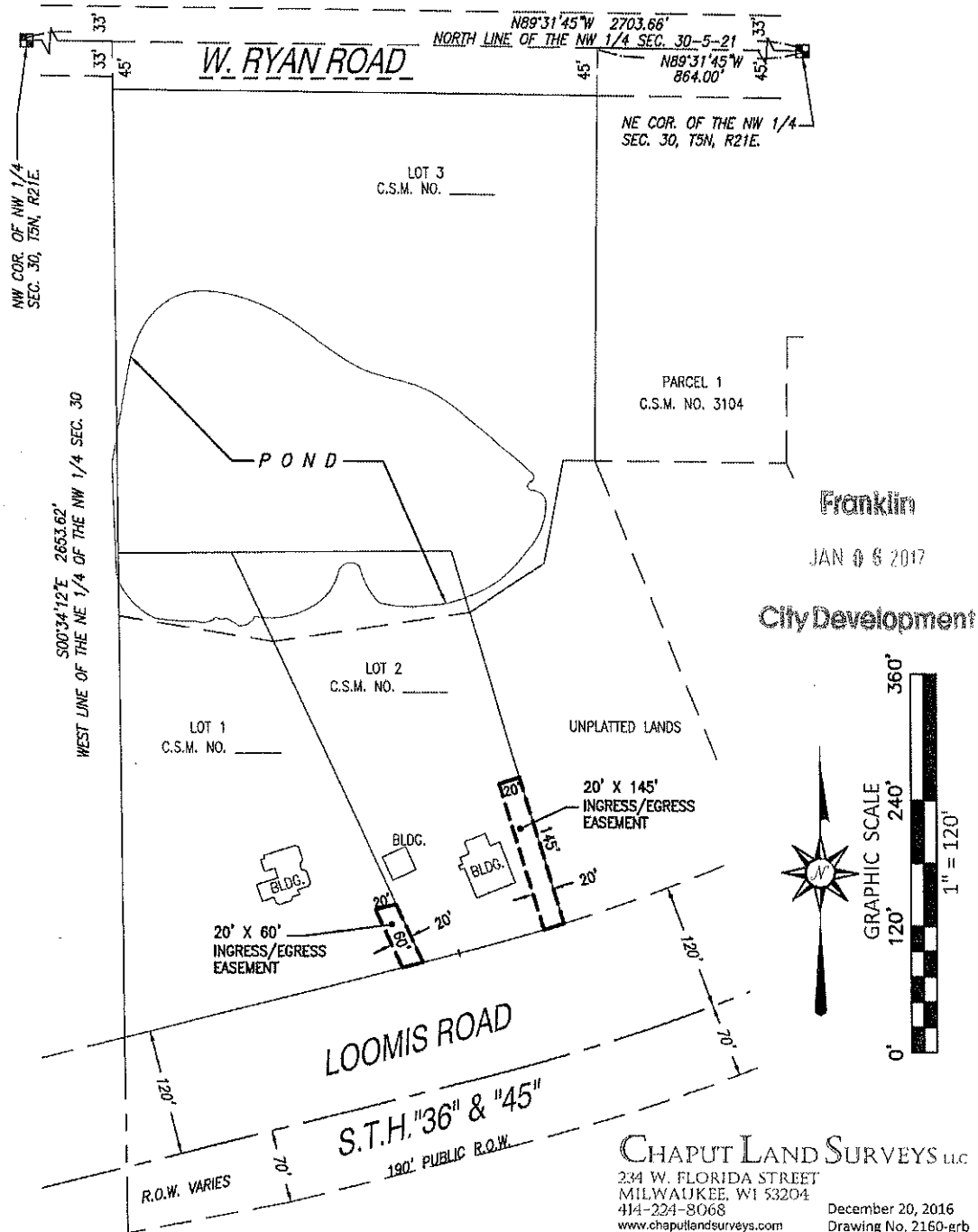
INGRESS EGRESS EASEMENT EXHIBIT

20' x 145' INGRESS EGRESS EASEMENT

The East 20 feet of the South 145 feet of Lot 2 in Certified Survey No. _____ in the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

20' x 60' INGRESS EGRESS EASEMENT

The East 20 feet of the South 60 feet of Lot 1 in Certified Survey No. _____ in the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.



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**

| | | |
|----------------|--|--------------|
| STEP 1: | Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property. | 1.98 acres |
| STEP 2: | 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. | - 0 acres |
| STEP 3: | Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space. | - 0 acres |
| STEP 4: | 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. | - 0 acres |
| STEP 5: | Equals "Base Site Area" | = 1.98 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.

Franklin

JAN 06 2017

City Development

Table 15-3.0503

WORKSHEET FOR THE CALCULATION OF RESOURCE 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 0.22 = | 0.13 |
| 20-30% | 0.65 | 0.75 | 0.70 | X 0.02 = | 0.01 |
| + 30% | 0.90 | 0.85 | 0.80 | X 0 = | 0 |
| Woodlands & Forests: | | | | | |
| Mature | 0.70 | 0.70 | 0.70 | X 0 = | 0 |
| Young | 0.50 | 0.50 | 0.50 | X 0 = | 0 |
| Lakes & Ponds | 1 | 1 | 1 | X 0.17 = | 0.17 |
| Streams | 1 | 1 | 1 | X 0 = | 0 |
| Shore Buffer | 1 | 1 | 1 | X 0.28 = | 0.28 |
| Floodplains | 1 | 1 | 1 | X 0 = | 0 |
| Wetland Buffers | 1 | 1 | 1 | X 0.10 = | 0.10 |
| Wetlands & Shoreland Wetlands | 1 | 1 | 1 | X 0.18 = | 0.18 |
| TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected) | | | | | 0.59 |

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.

SECTION 15-3.0504**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**

| | |
|----------------|---|
| STEP 1: | CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>1.98</u> Multiply by Minimum <i>Open Space Ratio (OSR)</i> (see specific residential zoning district OSR standard): X <u>0</u> Equals MINIMUM REQUIRED ON-SITE OPEN SPACE = <u>0</u> acres |
| STEP 2: | CALCULATE NET BUILDABLE SITE AREA: Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>1.98</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>0.59</u> Equals NET BUILDABLE SITE AREA = <u>1.39</u> acres |
| STEP 3: | CALCULATE MAXIMUM NET DENSITY YIELD OF SITE: Take <i>Net Buildable Site Area</i> (from Step 2 above): <u>1.39</u> Multiply by Maximum <i>Net Density (ND)</i> (see specific residential zoning district ND standard): X <u>5</u> Equals MAXIMUM NET DENSITY YIELD OF SITE = <u>7.0</u> D.U.s |
| STEP 4: | CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE: Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): <u>1.98</u> Multiply by Maximum <i>Gross Density (GD)</i> (see specific residential zoning district GD standard): X <u>5</u> Equals MAXIMUM GROSS DENSITY YIELD OF SITE = <u>9.9</u> D.U.s |
| STEP 5: | DETERMINE MAXIMUM PERMITTED D.U.s OF SITE: 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>7.0</u> D.U.s |

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**

| | | |
|----------------|--|--------------|
| STEP 1: | Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property. | 1.53 acres |
| STEP 2: | 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. | - 0 acres |
| STEP 3: | Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space. | - 0 acres |
| STEP 4: | 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. | - 0 acres |
| STEP 5: | Equals "Base Site Area" | = 1.53 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.

Table 15-3.0503

WORKSHEET FOR THE CALCULATION OF RESOURCE 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 0.00 = | 0.00 |
| 20-30% | 0.65 | 0.75 | 0.70 | X 0 = | 0 |
| + 30% | 0.90 | 0.85 | 0.80 | X 0 = | 0 |
| Woodlands & Forests: | | | | | |
| Mature | 0.70 | 0.70 | 0.70 | X 0 = | 0 |
| Young | 0.50 | 0.50 | 0.50 | X 0 = | 0 |
| Lakes & Ponds | 1 | 1 | 1 | X 0.22 = | 0.22 |
| Streams | 1 | 1 | 1 | X 0 = | 0 |
| Shore Buffer | 1 | 1 | 1 | X 0.38 = | 0.38 |
| Floodplains | 1 | 1 | 1 | X 0 = | 0 |
| Wetland Buffers | 1 | 1 | 1 | X 0.16 = | 0.16 |
| Wetlands & Shoreland Wetlands | 1 | 1 | 1 | X 0.23 = | 0.23 |
| TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected) | | | | | 0.60 |

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.

SECTION 15-3.0504**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**

| | |
|----------------|--|
| STEP 1: | CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>1.53</u> Multiply by Minimum <i>Open Space Ratio (OSR)</i> (see specific residential zoning district OSR standard): X <u>0</u> Equals MINIMUM REQUIRED ON-SITE OPEN SPACE = 0 acres |
| STEP 2: | CALCULATE NET BUILDABLE SITE AREA: Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>1.53</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>0.60</u> Equals NET BUILDABLE SITE AREA = 0.93 acres |
| STEP 3: | CALCULATE MAXIMUM NET DENSITY YIELD OF SITE: Take <i>Net Buildable Site Area</i> (from Step 2 above): <u>0.93</u> Multiply by Maximum <i>Net Density (ND)</i> (see specific residential zoning district ND standard): X <u>5</u> Equals MAXIMUM NET DENSITY YIELD OF SITE = 4.65 D.U.s |
| STEP 4: | CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE: Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): <u>1.53</u> Multiply by Maximum <i>Gross Density (GD)</i> (see specific residential zoning district GD standard): X <u>5</u> Equals MAXIMUM GROSS DENSITY YIELD OF SITE = 7.65 D.U.s |
| STEP 5: | DETERMINE MAXIMUM PERMITTED D.U.s OF SITE: 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): 4.65 D.U.s |

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| | | |
|--|--|--|
| APPROVAL <i>Slw</i> | REQUEST FOR COUNCIL ACTION | MEETING DATE 02/07/17 |
| REPORTS & RECOMMENDATIONS | RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 11906- 11908 WEST LOOMIS ROAD (MILLS HOTEL WYOMING, LLC, APPLICANT) | ITEM NUMBER <i>G. 6.</i> |

City Development staff recommends approval of a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of a certified survey map for property located at 11906-11908 West Loomis Road (Mills Hotel Wyoming, LLC, Applicant), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.

As currently required by the Certified Survey Map, a small portion of steep slopes must be protected and included within the conservation easement. The steep slopes are generally located to the north, south and east of the home located on Lot 1 as shown on the attached Natural Resource Protection Plan map. Staff will work with the applicant to revise the conservation easement and exhibit accordingly to include protection of the steep slopes as required by Part 4 of the Unified Development Ordinance.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2017-_____, authorizing certain officials to accept a conservation easement for and as part of the review and approval of a certified survey map for property located at 11906-11908 West Loomis Road (Mills Hotel Wyoming, LLC, Applicant), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2017-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART
OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR
PROPERTY LOCATED AT 11906-11908 WEST LOOMIS ROAD (MILLS HOTEL
WYOMING, LLC, APPLICANT)

WHEREAS, the Plan Commission having approved a Certified Survey Map upon the application of Mills Hotel Wyoming, LLC, on January 19, 2017, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the steep slopes, pond, shore buffer, wetland and wetland buffer on the site; and

WHEREAS, §15-7.0702Q. and §15-9.0309D. of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Certified Survey Map review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Certified Survey Map; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Conservation Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by Mills Hotel Wyoming, LLC, in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2017.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2017.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT
MILLS HOTEL WYOMING, LLC
RESOLUTION NO. 2017-_____

Page 2

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CONSERVATION EASEMENT

JAN 06 2017

City Development

This Conservation easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and Mills Hotel Wyoming, LLC., a Limited Liability Corporation, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.40(2)(b) of the Wisconsin Statutes.

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, in the Northeast ¼ of the Northwest ¼ of Section 30, Township 5 North, Range 21 East, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, steep slopes, mature woodlands, young woodlands, lakes, ponds, streams, floodplains, floodways, floodlands, shore buffers, wetland buffers, wetlands and shoreland wetlands, and refer to Natural Resource Investigation by Pinnacle Engineering Group, dated December 6, 2016, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantee is a "holder", as contemplated by §700.41(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

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

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

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

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

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

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

1. Construct or place buildings or any structure;
2. Construct or make any improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and

agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like;

3. Excavate, dredge, grade, mine, drill, or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;
4. Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste, or other landscape materials, ashes, garbage, or debris;
5. Plant any vegetation not native to the protected property or not typical wetland vegetation;
6. Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.

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

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

To Grantor:
Mills Hotel Wyoming, LLC
Attn: S.R. Mills
4011 80th Street
Kenosha, WI 53142

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

In witness whereof, the grantor has set its hand and seals this on this date of December 28, 2016.

Mills Hotel Wyoming, LLC

By:

S. R. Mills, Member

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on the 30 day of December, A.D. 2016 by

S.R. Mills. Member, Mills Hotel Wyoming, LLC

To me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said Mills Hotel Wyoming, LLC.

AMANDA JEAN STIPEK
Notary Public
State of Wisconsin

Amanda Jean Stipek
Notary Public

My commission expires 1/15/2018

Acceptance

The undersigned does hereby consent to and accepts the Conservation Easement granted and conveyed to it under and pursuant to the foregoing Grant of Conservation Easement. In consideration of the making of such Grant Of Conservation Easement, the undersigned agrees that this acceptance shall be binding upon the undersigned and its successors and assigns

and that the restrictions imposed upon the protected property may only be released or waived in writing by the Common Council of the City of Franklin, as contemplated by §236.293 of the Wisconsin Statutes.

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

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

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

Notary Public

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:

Nicholas Fuchs, Senior Planner
Department of City Development

Date

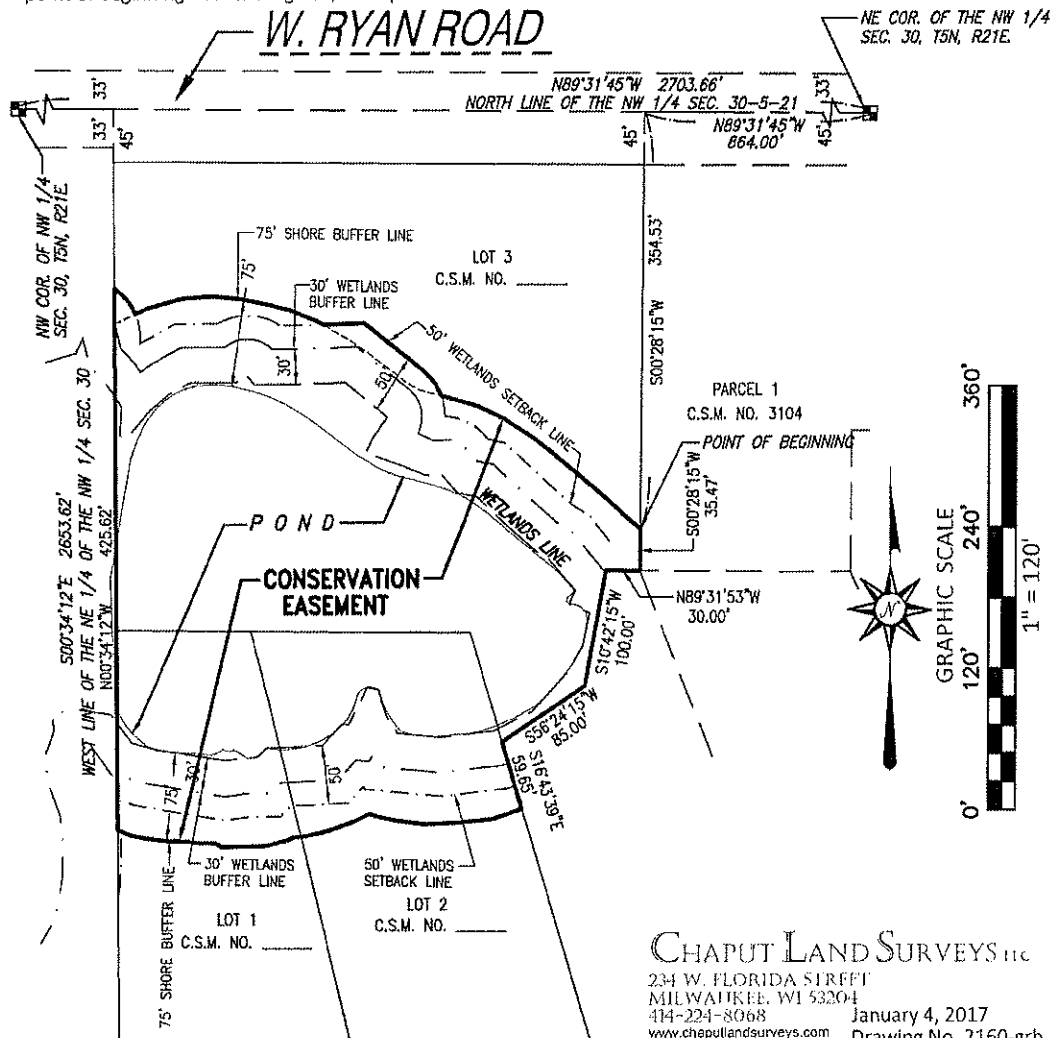
Approved as to form only:

Jesse A. Wesolowski
City Attorney

Date

CONSERVATION EASEMENT EXHIBIT

Part of Lots 1, 2 and 3 in Certified Survey Map No. _____ in the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Northeast corner of the Northwest 1/4 of said Section, thence North 89°31'45" West along the North line of said 1/4 Section 864.00 feet to a point; thence South 00°28'15" West along the West line of Parcel 1 of Certified Survey Map 3104 and its extension 354.53 feet to the point of beginning of lands hereinafter described; thence continuing thence South 00°28'15" West along said West line 35.47 feet to the Southwest corner of said Parcel 1; thence North 89°31'53" West along the South line of Lot 3 of Certified Survey Map No. _____ a distance of 30.00 feet to a point; thence South 10°42'15" West along said South line 100.00 feet to a point; thence South 56°24'15" West along said South line 85.00 feet to a point on the East line of Lot 2 of Certified Survey Map No. _____; thence South 16°43'39" East along said East line 59.65 feet to a point; thence South 71°53'09" West 26.21 feet to a point; thence South 84°07'55" West 30.67 feet to a point; thence South 87°05'29" West 28.31 feet to a point; thence North 82°35'43" West 27.53 feet to a point; thence North 76°14'53" West 18.11 feet to a point; thence North 63°50'58" West 3.78 feet to a point; thence South 62°19'45" West 14.92 feet to a point; thence South 71°41'35" West 23.07 feet to a point; thence South 76°43'50" West 20.00 feet to a point; thence South 83°59'34" West 12.56 feet to a point; thence South 61°12'07" West 4.34 feet to a point; thence South 75°52'10" West 22.20 feet to a point; thence South 88°54'29" West 35.55 feet to a point; thence North 56°38'20" West 5.88 feet to a point; thence North 88°20'10" West 20.51 feet to a point; thence North 74°11'53" West 4.50 feet to a point; thence North 89°18'09" West 15.90 feet to a point; thence North 83°45'46" West 16.50 feet to a point; thence North 79°23'09" West 18.17 feet to a point; thence North 67°38'10" West 11.13 feet to a point on the West line of the Northeast 1/4 of the Northwest 1/4 of Section 30; thence North 00°34'12" West along said West line 459.89 feet to a point; thence 28.83 feet along the arc of curve whose radius is 50.00 feet and whose center lies to the southwest, having a bearing of South 40°31'03" East 28.44 feet to a point; thence North 65°19'36" East 11.83 feet to a point; thence North 74°39'37" East 30.08 feet to a point; thence North 85°31'06" East 26.12 feet to a point; thence South 84°33'48" East 25.66 feet to a point; thence South 78°53'41" East 19.41 feet to a point; thence South 76°10'49" East 23.63 feet to a point; thence South 67°45'52" East 27.83 feet to a point; thence South 60°16'21" East 3.75 feet to a point; thence North 88°04'41" East 36.27 feet to a point; thence South 51°29'11" East 65.76 feet to a point; thence South 43°02'17" East 14.69 feet to a point; thence South 27°51'17" East 11.73 feet to a point; thence South 73°50'39" East 33.41 feet to a point; thence South 65°34'16" East 23.82 feet to a point; thence South 56°35'28" East 32.44 feet to a point; thence South 52°47'06" East 13.49 feet to a point; thence South 50°27'17" East 53.06 feet to a point; thence South 50°07'18" East 28.00 feet to a point; thence South 46°05'35" East 8.93 feet to a point; thence South 50°14'54" East 16.52 feet to the point of beginning. Containing 162,353 Square Feet or 3.7271 Acres



CHAPUT LAND SURVEYS LLC

234 W. FLORIDA STREET

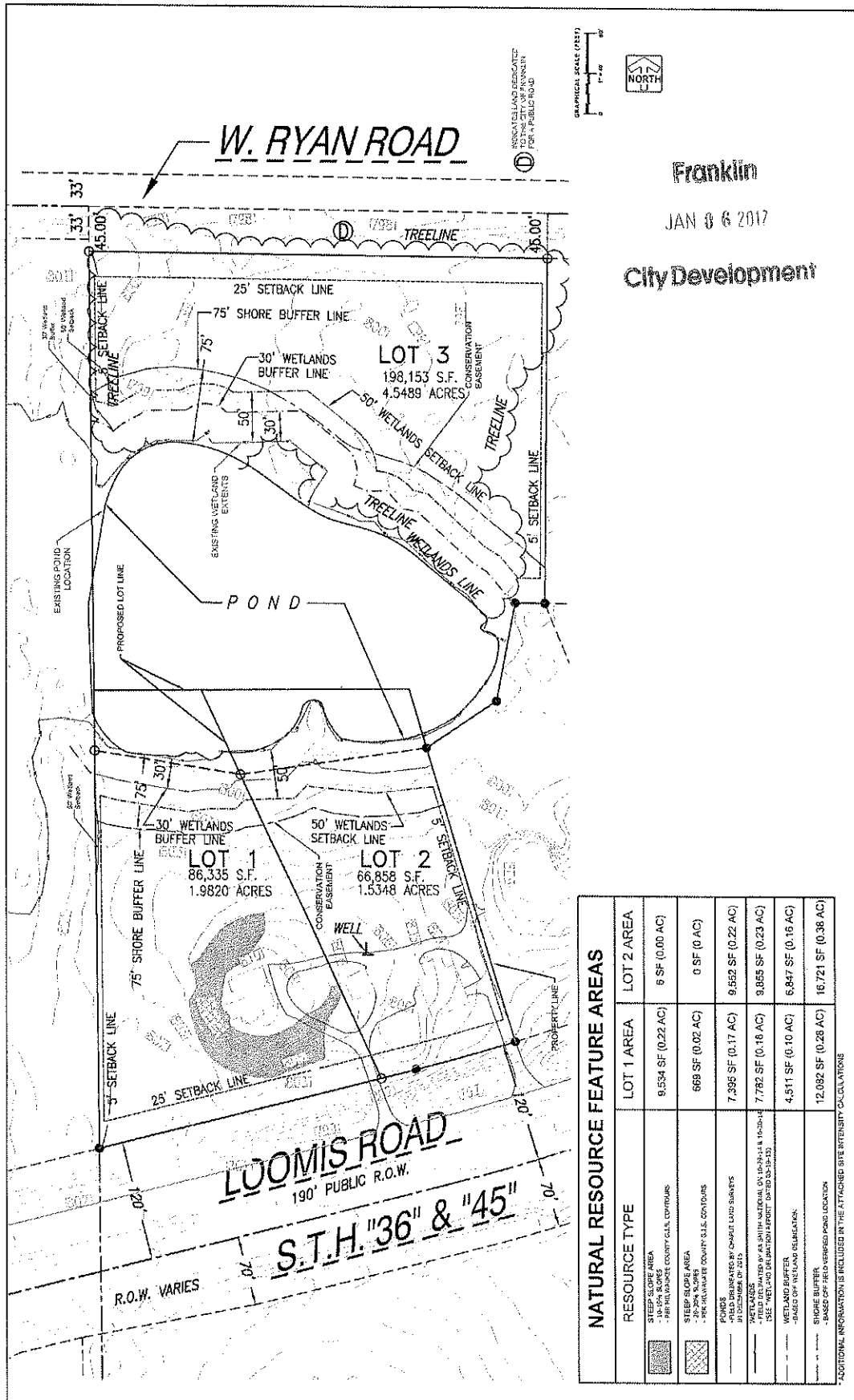
MILWAUKEE, WI 53204

414-224-8068

www.chaputlandsurveys.com

January 4, 2017

Drawing No. 2160-grb



NATURAL RESOURCE PROTECTION PLAN- LOTS 1 AND 2

PINNACLE ENGINEERING GROUP

15850 W. BLUEBOND ROAD | SUITE 210 | BROOKFIELD, WI 53005 | WWW.PINNACLE-ENG.COM

PLAN | DESIGN | DELIVER

PEGJOB#

12/19/16

809.00