CITY OF FRANKLIN
COMMON COUNCIL MEETING*
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA**
TUESDAY, FEBRUARY 6, 2018 AT 6:30 P.M.

A. Call to Order and Roll Call.

B. 1. Citizen Comment Period.
2. Mayor Announcements:
(a) Presentation from the Police and Fire Commission to John Nelson in Recognition of His Service on the Police and Fire Commission.
(b) Proclamation to Designate May 5, 2018 as Arbor Day in the City of Franklin.

C. Approval of Minutes:
1. Regular Common Council Meeting of January 23, 2018.
2. Special Common Council Meeting of January 29, 2018.

D. Hearings.

E. Organizational Business.

F. Letters and Petitions.

G. Reports and Recommendations:
1. Franklin Fire Department Local 2760 Charity Fund Donation in the Amount of $200 to Feeding Franklin Campaign.
2. A Resolution Conditionally Approving a Preliminary Plat for Evergreen Park Estates Subdivision (at Approximately 7501 South 49th Street) (Rick J. Przybyla, President of Creative Homes, Inc, Applicant).
3. Consideration for Engineering Services for Design of the Extension of West Marquette Avenue from Approximately South 49th Street Westerly to South 51st Street.
4. Request to Purchase a Rollup Door for the Department of Public Works Salt Barn from Geis Building Products, Inc in the Amount of $14,165.
5. Authorize Staff to Solicit Quotes for Equipment Considered in the 2018 Highway Equipment Replacement Fund-Auto Equipment for the Board of Public Works to Review and Approve.
6. Authorize Staff to Solicit Quotes for Equipment Considered in the 2018 Highway Capital Expenditures-Shop Equipment for the Board of Public Works to Review and Approve.

7. Committee of the Whole Recommendations:
   (a) Fire Department Presentation Related to Current and Future Staffing Considerations.
   (b) Tax Incremental District No. 5 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) Ballpark Commons Sports Anchored Mixed-Use Development Project Development Agreement.
8. Tax Incremental District No. 5 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) Ballpark Commons Sports Anchored Mixed-Use Development Project Development Agreement. The Common Council May Enter Closed Session Pursuant to Wis. Stat. § 19.85(1)(e), to Deliberate Upon a Tax Incremental District No. 5 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) Development Agreement, the Negotiation of Agreement Terms and the Investing of Public Funds in Relation Thereto, for Competitive and Bargaining Reasons, and to Reenter Open Session at the Same Place Thereafter to Act on Such Matters Discussed Therein as it Deems Appropriate.
9. *Lashun Gray v. City of Franklin*, United States District Court, Eastern District of Wisconsin, Case No. 17-CV-1057. The Common Council May Enter Closed Session Pursuant to Wis. Stat. § 19.85(1)(g), to Confer With Legal Counsel for the Common Council who is Rendering Advice Concerning Strategy to be Adopted by the Body With Respect to the Subject Litigation, and to Reenter Open Session at the Same Place Thereafter to Act on Such Matters Discussed Therein as it Deems Appropriate.
10. Notice of Claim from Nancy Tomashek for Injuries and Damages Sustained When Riding the Super Slide During the Franklin Civic Celebration Event. The Common Council May Enter Closed Session Pursuant to § 19/85(1)(e) and (g), Stats., to Consider a Notice of Claim from Nancy Tomashek for Injuries and Damages Sustained When Going Down the Super Slide Ride with her Granddaughter on her Lap During the Franklin Civic Celebration on July 2, 2015, and may Reenter Open Session at the Same Place Thereafter to Act on Such Matters Discussed Therein as it Deems Appropriate.

H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of February 6, 2018.

I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

*Notice is given that a majority of the Community Development Authority, Economic Development Commission and Plan Commission may attend this meeting to gather information about an agenda item over which the Community Development Authority, Economic Development Commission and Plan Commission has decision-making responsibility. This may constitute a meeting of the Community Development Authority, Economic Development Commission and Plan Commission, per State ex rel. Badke v. Greendale Village Board, even though the Community Development Authority, Economic Development Commission and Plan Commission will not take formal action at this meeting.
**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 8	Plan Commission Meeting	7:00 p.m.
February 19	Common Council Meeting	6:30 p.m.
February 20	Spring Primary	7:00 a.m.-8:00 p.m.
February 22	Plan Commission Meeting	7:00 p.m.

BLANK PAGE

B.2.(b).

City of Franklin Proclamation

PROCLAMATION

TO DESIGNATE MAY 5th, 2018 AS ARBOR DAY IN THE CITY OF FRANKLIN

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, the holiday now known as Arbor Day is celebrated worldwide, and

WHEREAS, the City of Franklin Environmental Commission, and the people of Franklin, Wisconsin have observed Arbor Day since 1999, and

WHEREAS, trees reduce erosion, purify our air and water and provide habitat for wild life, provide a source of spiritual renewal; and

WHEREAS, trees increase our property values, enhance our economic vitality, and beautify our community.

NOW, THEREFORE, I, STEPHEN R. OLSON, Mayor of the City of Franklin, Wisconsin proclaim:

MAY 5th, 2018 AS ARBOR DAY IN THE CITY OF FRANKLIN

and urge all citizens of the City of Franklin to protect our trees and woodlands and to gladden their hearts by planting trees.

Dated: _____

Signed:

_____

Stephen R. Olson, Mayor

BLANK PAGE

C.1.

CITY OF FRANKLIN
COMMON COUNCIL MEETING
JANUARY 23, 2018
MINUTES

ROLL CALL	A.	The regular meeting of the Common Council was held on January 23, 2018 and called to order at 6:30 p.m. by Council President Mark Dandrea 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 Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber and Alderman John R. Nelson. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski. Presiding Officer Dandrea stated he will be voting as Mayor, with the exception of vouchers and payroll.
CITIZEN COMMENT	B.1.	Citizen comment period was opened at 6:31 p.m. and closed at 6:31 p.m.
SB 291(REVERSING WALGREENS) AND SB 291 (DARK STORE)	B.2.a.	Presiding Officer Dandrea noted a letter from the Intergovernmental Cooperation Council to State Senator Fitzgerald regarding SB 291 (reversing *Walgreens*) and SB 292 (dark store).
PERSONNEL AND PROCEDURE CHANGES	B.2.b.	Presiding Officer Dandrea noted a letter from Mayor Olson regarding personnel changes and procedure changes.
MINUTES JANUARY 9, 2018	C.	Alderman Barber moved to approve the minutes of the regular Common Council Meeting of January 9, 2018 as presented at this meeting. Seconded by Alderman Nelson. Upon voice vote, Alderman Taylor Abstained. Motion carried.
PERSONNEL COMM. APPOINTMENT	E.	Alderman Taylor moved to confirm the Mayoral appointment of Richard Budny, 9237 South 48th Street, Ald. Dist. 4 to the Personnel Committee for an unexpired 3 year term expiring 4/30/2019. Seconded by Alderman Barber. On roll call, all voted Aye; motion carried.
DONATION, CAPITAL EQUIPMENT PURCHASE FOR POLICE DEPT., ACCEPT GRANT FOR PURCHASE OF DRY SUITS FOR FIRE DEPT.,	G.1.	Alderwoman Wilhelm moved to approve the following consent agenda items: (a) Donation to the Police Department in the amount of $200 from Shelley Tessmer of SMT Investments, LLC to be deposited into the K9 Donation Account. (b) Purchase of capital equipment for the Police Department.

AGREEMENT FOR CERTIFIED SOIL TESTER

(c) Request approval to accept a grant from the Firehouse Subs Public Safety Foundation in the amount of $15,419.86 for the purchase of dry suits and related equipment for the Franklin Fire Department Dive Team.

(d) Professional Services Agreement between the City of Franklin and Racine County for services to verify a Certified Soil Tester's Soil and Site Evaluation.

Approval of the above consent items was seconded by Alderman Mayer. All voted Aye; motion carried.

REVISED FEASIBILITY ANALYSIS FOR TIF NO. 5 INCLUDING BALLPARK COMMONS

G.2 Alderwoman Wilhelm moved to receive and place on file the presentation of the revised feasibility analysis for Tax Incremental Finance District No. 5, including the Ballpark Commons, by Ehlers, Inc. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2018-7341 MOU PROVIDING SNOW CLEARANCE AND MAINTENANCE FOR CRYSTAL RIDGE RD. AND OLD LOOMIS RD. DURING BALL PARK COMMONS DEV.

G.3. Alderman Mayer moved to adopt Resolution No. 2018-7341, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE PURPOSE OF MILWAUKEE COUNTY PROVIDING SNOW CLEARANCE AND MAINTENANCE SERVICES FOR AREAS OF CRYSTAL RIDGE ROAD AND OLD LOOMIS ROAD DURING THE DEVELOPMENT OF THE BALLPARK COMMONS SPORTS ANCHORED MIXED-USE DEVELOPMENT, BETWEEN AND AMONG BPC MASTER DEVELOPER, LLC, MILWAUKEE COUNTY, AND THE CITY OF FRANKLIN, subject to and contingent upon the approval of a development agreement for the Ballpark Commons development project by the Common Council. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2018-7342 DISCONTINUANCE VACATION FOR BALLPARK COMMONS DEVELOPMENT AREA

G.4. Alderman Barber moved to adopt Resolution No. 2018-7342, A RESOLUTION CONSENTING TO MILWAUKEE COUNTY ROAD DISCONTINUANCE VACATION FOR ROADS PLANNED FOR REMOVAL OR RELOCATION WITHIN THE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX) BALLPARK COMMONS DEVELOPMENT AREA, TO WIT: CRYSTAL RIDGE ROAD BETWEEN SOUTH 76TH STREET AND WEST RAWSON AVENUE; OLD LOOMIS ROAD BETWEEN WEST RAWSON AVENUE AND A POINT THAT IS APPROXIMATELY 1,055 FEET NORTHEAST OF WEST WARWICK WAY; AND OLD LOOMIS ROAD BETWEEN A POINT THAT IS APPROXIMATELY 1,055 FEET NORTHEAST OF WEST WARWICK WAY TO A POINT

THAT IS APPROXIMATELY 308 OR MORE FEET SOUTHWEST OF WEST WARWICK WAY; AND AUTHORIZING THE PURCHASE BY THE CITY OF FRANKLIN OF THE VACATED LAND COMPRISING OLD LOOMIS ROAD BETWEEN A POINT THAT IS APPROXIMATELY 1,055 FEET NORTHEAST OF WEST WARWICK WAY TO A POINT THAT IS APPROXIMATELY 308 OR MORE FEET SOUTHWEST OF WEST WARWICK WAY FROM THE WISCONSIN DEPARTMENT OF TRANSPORTATION AND DIRECTING THE DEDICATION THEREOF BY THE CITY OF FRANKLIN FOR PUBLIC RIGHT OF WAY PURPOSES, with the street lengths changes content as distributed at this meeting, subject to and contingent upon the approval of a development agreement for the Ballpark Commons development project by the Common Council, and also subject to changes to the Resolution to provide a jurisdictional transfer to and acceptance by the City of Parcel 3, in lieu of or as an alternative to its discontinuance vacation and purchase thereof by the City, if required by the Wisconsin Department of Transportation, and any other technical changes as may be approved by the City Attorney. Seconded by Alderman Mayer. All voted Aye; motion carried.

PRELIMINARY PLAT AT 7501 S. 49TH ST. (RICK J. PRZYBYLA, APPLICANT)

G.5. Alderman Mayer moved to suspend the regular order of business and allow a representative of Creative Homes, Inc. to speak. Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman Taylor moved to table to February 6, 2018 A RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR EVERGREEN PARK ESTATES SUBDIVISION (AT APPROXIMATELY 7501 SOUTH 49TH STREET) (RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT). Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

RES. 2018-7343 CONTRACT WITH RAPOSA DESIGN ARCHITECTURE FOR DESIGN OF PLEASANT VIEW PARK PAVILION

G.6. Alderman Taylor moved to adopt Resolution 2018-7343, A RESOLUTION FOR PROFESSIONAL SERVICES CONTRACT WITH RAPOSA DESIGN ARCHITECTURE FOR DESIGN OF THE PLEASANT VIEW PARK PAVILION (4901 W. EVERGREEN STREET) IN THE AMOUNT OF $28,350 pending legal review and technical corrections, and further that staff evaluate restroom facilities based upon parking spaces. Seconded by Alderman Nelson. All voted Aye; motion carried.

RES. 2018-7344 BID TO JANKE GENERAL CONT., INC. FOR CONSTRUCTION OF RIVER PARK PATH	G.7.	Alderman Taylor moved to adopt Resolution No. 2018-7344, A RESOLUTION AWARDING BID TO JANKE GENERAL CONTRACTORS, INC. FOR THE CONSTRUCTION OF THE RIVER PARK PATH IN THE AMOUNT OF $290,436.89. Seconded by Alderman Nelson. All voted Aye; motion carried.
NEGOTIATIONS WITH JOHNS DISPOSAL SERVICE, INC.	G.8.	Alderman Taylor moved to direct staff to finalize a contract extension with Johns Disposal Services considering the three changes to the contract as outlined on the Council Action Sheet provided in the meeting packet relating to new constructions and units added, yard waste collection, and a bond requirement. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
REVISED RATES FOR STREET AND UTILITY CONST. INSPECTION FOR 2018 AND 2019	G.9.	Alderman Taylor moved to approve the revised rates of service for street and utility construction inspection for years 2018 and 2019. Seconded by Alderman Barber. All voted Aye; motion carried.
RES. 2018-7345 DEVELOP FRANKLIN HOUSING PLAN	G.10.	Alderman Taylor moved to adopt Resolution 2018-7345, A RESOLUTION TO DEVELOP FRANKLIN HOUSING PLAN. Seconded by Alderman Barber. All voted Aye; motion carried.
REVISED JOB DESC. FOR POLICE PATROL OFFICER	G.11.	Alderwoman Wilhelm moved to approve the revised job description for Police Patrol Officer. Seconded by Alderman Barber. All voted Aye; motion carried.
DESIGNATION OF AN EXTENDED-TERM, PART-TIME ASST. BUILDING INSPECTOR	G.12.	Alderman Taylor moved to designate the position of an extended-term, part-time Assistant Building Inspector regularly working at least 20 hours per week as having the Partial Benefits Designation for vacation, sick, holiday, and personal holiday leave types, and to authorize the Director of Administration to amend the Civil Service manual and Employee Handbook as he determines is appropriate to incorporate said designation. Seconded by Alderman Mayer. All voted Aye; motion carried.
CONTRACT WITH GOVHR USA FOR RECRUITMENT SERVICE	G.13.	Alderman Taylor moved to authorize the Director of Administration to accept and execute the proposal from GovHR USA for $16,500 for recruitment services for an Economic Development Director, with an additional authorization of $2,000 for unanticipated costs. Seconded by Alderman Mayer. All voted Aye; motion carried.
PURCHASE QUOTE FOR RAZORSAFE 2TB EMAIL	G.14.	Alderwoman Wilhelm moved to authorize the Director of Administration to execute the purchase quote with Intradyn for a

ARCHIVING APPLIANCE		2TB RazorSafe email archiving appliance, with 1-year of support and cloud backup services, for a total cost of $11,000, as budgeted for in the 2018 Information Services 2018 Capital and Operating budgets. Seconded by Alderman Mayer. All voted Aye; motion carried.
MONTHLY FINANCIAL REPORT	G.15.	Alderman Taylor moved to receive and place on file the November, 2017 monthly financial report. Seconded by Alderman Mayer. All voted Aye; motion carried.
CLOSED SESSION TID NO. 5 PDD 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) BALLPARK COMMONS SPORTS ANCHORED MIXED-USE DEV. PROJECT DEV. AGREEMENT	G.16.	Alderman Barber moved to enter closed session at 7:51 p.m. pursuant to Wis. Stat. § 19.85(1)(e), to deliberate upon a Tax Incremental District No. 5 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) Development Agreement, the negotiation of agreement terms and the investing of public funds in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Nelson. All voted Aye; motion carried. The Common Council reentered open session at 9:32 p.m.
CLOSED SESSION INTERSTATE PARTNERS LLC DEVELOPMENT ON SW CORNER OF S. 27TH ST. AND W. OAKWOOD RD.; TID NO. 4 DEV. AGREEMENT WITH JAMS IP LLC	G.17.	Alderman Taylor moved to enter closed session at 9:33 p.m. pursuant to Wis. Stat. § 19.85(1)(e), to consider the terms and negotiation of a Development Agreement with JAMS IP LLC for the Interstate Partners LLC Commercial, Light Industrial and Distribution Development on the southwest corner of South 27th Street and West Oakwood Road, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as deems appropriate. Seconded by Alderman Barber. All voted Aye; motion carried. Upon reentering open session at 9:40 p.m., Alderman Taylor moved to approve and authorize the execution of a development agreement for the project substance as the draft included in the meeting agenda packet subject to changes approved by the Director of Finance & Treasurer and City Attorney. Seconded by Alderman Nelson. All voted Aye; motion carried.
CLAIM FROM JUDITH VOLOVSEK	G.18.	Alderman Taylor moved to deny the claim of Judith Volovsek pursuant to Wis. Stat. § 893.80(1g), based upon and in concurrence with the insurance adjuster that the investigation revealed that there is no evidence the City failed to adhere to any ministerial duty regarding the handling of the claimant's vehicle as discussed in the Council Action sheet. Seconded by Alderman

Mayer. Upon voice vote, Alderwoman Wilhelm voted No. Motion carried.

LICENSES AND PERMITS

H. Alderman Taylor moved to approve the following:
Grant Operators' licenses to Danielle Anderson, 2967 N. Frederick Ave., Milwaukee; Madison Langer, 23410 112th St., Trevor; Jaime Petricek, 5569 S. 41st St., Greenfield; and
Approve Amendment to People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant for fees, and Temporary Entertainment and Amusement license, and Temporary Class B Beer and Wine licenses to St. Paul's Evangelical Lutheran Church (person in charge Jaime Petricek), 6881 S. 51st St., for the 2018 Gala, Silent/Live Auction Fundraiser on April 14, 2018.
Seconded by Alderman Nelson. All voted Aye; motion carried.

VOUCHERS AND PAYROLL

I. Alderman Taylor moved to approve the following:
City vouchers with an ending date of January 18, 2018 in the amount of $5,087,448.00; Payroll dated January 19, 2018 in the amount of $416,151.55 and payments of the various payroll deductions in the amount of $431,272.51, plus City matching payments; and Estimated Payroll dated February 2, 2018 in the amount of $375,000.00 and payments of the various payroll deductions in the amount of $236,500.00, plus City matching payments; and Property tax refunds and payments with an ending date of January 18, 2018 in the amount of $42,456,089.93. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the meeting at 9:44 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.

C.2.

CITY OF FRANKLIN
SPECIAL COMMON COUNCIL MEETING
JANUARY 29, 2018
MINUTES

ROLL CALL	A.	The special meeting of the Common Council was held on January 29, 2018 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 Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor (arrived at 6:51 p.m.), Alderman Mike Barber and Alderman John R. Nelson. Also present were Dir. of Administration Mark Luberda and City Attorney Jesse A. Wesolowski.
CITIZEN COMMENT	B.	Citizen comment period was opened at 6:31 p.m. and closed at 7:19 p.m.
CLOSED SESSION TID 5 PDD NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) BALLPARK COMMONS SPORTS ANCHORED MIXED-USE DEVELOPMENT PROJECT DEVELOPMENT AGREEMENT	C.	Alderman Taylor moved to enter closed session at 7:19 p.m. pursuant to Wis. Stat. § 19.85(1)(e), to deliberate upon a Tax Incremental District No. 5 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) Ballpark Commons Sports Anchored Mixed-Use Development Project Development Agreement, the negotiation of agreement terms and the investing of public funds in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Barber. All voted Aye; motion carried. Upon reentering open session at 9:23 p.m., Alderman Taylor moved to authorize staff to retain special legal counsel to assist in the review, preparation and negotiation of a development agreement, as discussed in closed session. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
ADJOURNMENT	D.	Alderman Taylor moved to adjourn the meeting at 9:24 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.

BLANK PAGE

APPROVAL Slw	REQUEST FOR COUNCIL ACTION	MEETING DATE 2/6/18
REPORTS & RECOMMENDATIONS	Local 2760 Charity – Franklin Fire Department Donation to Feeding Franklin Campaign	ITEM NUMBER G.1.

The City of Franklin Health Department has received a donation from the Franklin Fire Department Local 2760 Charity fund in the amount of $200.00 to be used for local food pantries.

COUNCIL ACTION REQUESTED

Motion to accept the donation of $200 from the Franklin Fire Department Local 2760 Charity.

BLANK PAGE

APPROVAL Slw	REQUEST FOR COUNCIL ACTION	MEETING DATE 2/6/18
REPORTS & RECOMMENDATIONS	RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR EVERGREEN PARK ESTATES SUBDIVISION (AT APPROXIMATELY 7501 SOUTH 49TH STREET) (RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)	ITEM NUMBER G.2.

At its January 23, 2018 meeting, the Common Council tabled action on a resolution conditionally approving a Preliminary Plat for Evergreen Park Estates Subdivision (at approximately 7501 South 49th Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant) to its next meeting.

It can be noted that the Alderperson for the District, Alderwoman Wilhelm, had expressed a number of questions and concerns with the preliminary plat at the Council meeting. Subsequent to additional discussion and review with staff and the applicant, a revised Resolution has been prepared, presenting Alderwoman Wilhelm's proposed changes.

For the Common Council's information, a resolution labeled 2-1-18 track changes is also included which highlights the proposed changes.

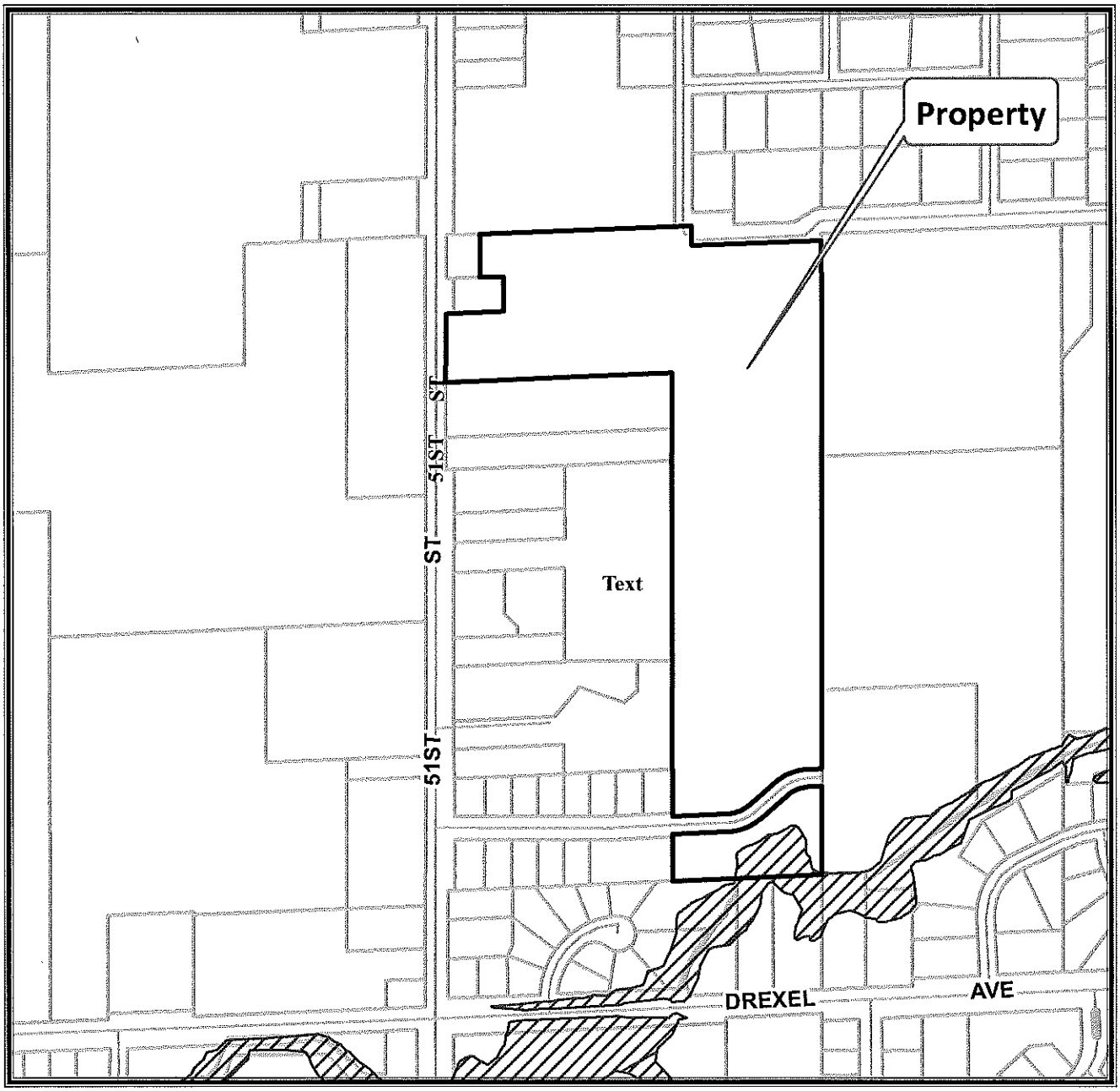
COUNCIL ACTION REQUESTED

A motion to approve Resolution 2018-_____, conditionally approving a Preliminary Plat for Evergreen Park Estates Subdivision (at approximately 7501 South 49th Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).

Department of City Development: JD

City of Franklin

7501 S. 49th Street
TKN: 788 9981 001



Planning Department
(414) 425-4024

0 325 650 1,300 Feet

NORTH

2017 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.

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

Revised 2-1-18

RESOLUTION NO. 2018-_____

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

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a preliminary plat for Evergreen Park Estates Subdivision, such plat being unplatted lands lying within and being a part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at approximately 7501 South 49th Street [the Preliminary Plat includes four lots north of West Evergreen Street (Lots 1, 2, 3, and 5) and one lot south of West Evergreen Street (Lot 4) (lot sizes range in size from 30,108 square feet to 43,504 square feet), and three outlots, which are reserved for future single-family residential lots, future storm water management facilities and/or consist of protected natural resource features], bearing Tax Key No. 788-9981-001, Rick J. Przybyla, President of Creative Homes, Inc., applicant; said preliminary plat having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof at its meeting on January 18, 2018, pursuant to certain conditions; and

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

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

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.

3. Creative Homes, Inc., successors and assigns and any developer of the Evergreen Park Estates 4 lot single-family residential subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Evergreen Park Estates 5 lot single-family residential subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

4. The approval granted hereunder is conditional upon Rick J. Przybyla, President of Creative Homes, Inc. and the Evergreen Park Estates 5 lot single-family residential subdivision development project for the property located at approximately 7501 South 49th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

5. The Evergreen Park Estates 5 lot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.

6. Final grading, erosion control, and drainage plans, incorporating protection of the existing tree line on the east side of the subject property north of Evergreen Street and all protected natural resource features, shall be reviewed and approved by the Engineering Department and the Department of City Development prior to recording the Final Plat.

7. Notwithstanding any prior filings of concept plans or maps, or prior Preliminary Plats for the Lot 5 land area on the subject Preliminary Plat, or discussions by the developer with the City or others with regard thereto, and any depiction of a future right-of-way for West Marquette Avenue, no approvals whatsoever have been granted and no understanding or consensus has been reached by or with the City during the preliminary plat application process, with regard to any plans for the potential future development and use(s) upon the Lot 5 land area.

8. The applicant shall revise the Site Intensity Calculations, the Natural Resource Protection Plan, and the plat to correctly identify and include the FC Floodplain Conservancy District and wetland located south of Evergreen Street, and to correctly identify the amount, if any, of protected woodlands, for staff review and approval prior to submittal of a Final Plat.

9. A written conservation easement document shall be reviewed and approved by the Common Council and recorded with the Milwaukee County Register of Deeds at the time of the recording of the Final Plat. The Conservation Easements shall include all wetland setbacks. The preliminary plat "Conservation Easement Restrictions" notes shall be amended to include the Unified Development Ordinance restrictions applicable to wetland setbacks.

10. Where a conservation easement exists on an individual lot, the applicant shall mark the location of the conservation easement onsite utilizing signage or boulders

11. Any proposed subdivision monument sign(s) shall require a Subdivision Monument Sign Application, subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.

12. The applicant shall place orange protective construction fencing outside the dripline of the large Oak tree near the park entrance on the north side of Evergreen Street, and along all protected natural resource features, prior to issuance of a Grading Permit.

13. All minor technical corrections, including but not limited to lot and outlot numbering, and legal descriptions shall be rectified prior to recording of the Final Plat.

14. The lands within the Preliminary Plat include lands specially benefitted and specially assessed for the installation of sanitary sewer, water main, sanitary sewer laterals, water main laterals, and the extension of a public street including curb and gutter associated with Evergreen Street pursuant to Resolution No. 2014-7001 as amended by Resolution No. 2016-7211. The applicant has paid in full outstanding assessments associated with two of the subject lots, and the outstanding assessments associated with the remaining two subject lots shall be due and paid in full upon the sale, transfer, or other conveyance of the subject lots, or this Resolution shall be null and void.

15. Final storm water plans, including consideration of appropriate maintenance costs assignable to the developer for the developer's impacts upon the existing tributary storm water pond, shall be reviewed and approved by the Engineering Department prior to recording of the Final Plat.

16. The applicant shall install all required street trees pursuant to the City of Franklin Design Standards and Construction Specifications and pertinent City regulations.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2018.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2018.

APPROVED:

_____
Stephen R. Olson, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk
AYES _____ NOES _____ ABSENT _____

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

Dated 2-1-18 track changes

RESOLUTION NO. 2018-_____

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

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a preliminary plat for Evergreen Park Estates Subdivision, such plat being unplatted lands lying within and being a part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at approximately 7501 South 49th Street [the Preliminary Plat includes four lots north of West Evergreen Street (Lots 1, 2, 3, and 5) and one lot south of West Evergreen Street (Lot 4) (lot sizes range in size from 30,108 square feet to 43,504 square feet), and three outlots, which are reserved for future single-family residential lots, future storm water management facilities and/or consist of protected natural resource features], bearing Tax Key No. 788-9981-001, Rick J. Przybyla, President of Creative Homes, Inc., applicant; said preliminary plat having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof at its meeting on January 18, 2018, pursuant to certain conditions; and

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

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

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.

3. Creative Homes, Inc., successors and assigns and any developer of the Evergreen Park Estates 4 lot single-family residential subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Evergreen Park Estates 5 lot single-family residential subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

4. The approval granted hereunder is conditional upon Rick J. Przybyla, President of Creative Homes, Inc. and the Evergreen Park Estates 5 lot single-family residential subdivision development project for the property located at approximately 7501 South 49th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

5. The Evergreen Park Estates 5 lot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.

6. Final grading, erosion control, and drainage ~~and storm water~~ plans, incorporating protection of the existing tree line on the east side of the subject property north of Evergreen Street and all protected natural resource features, shall be reviewed and approved by the Engineering Department and the Department of City Development prior to recording the Final Plat.

7. ~~Lot 5 shall be revised to be an outlot and renumbered accordingly~~Notwithstanding any prior filings of concept plans or maps, or prior Preliminary Plats for the Lot 5 land area on the subject Preliminary Plat, or discussions by the developer with the City or others with regard thereto, and any depiction of a future right-of-way for West Marquette Avenue, no approvals whatsoever have been granted and no understanding or consensus has been reached by or with the City during the preliminary plat application process, with regard to any plans for the potential future development and use(s) upon the Lot 5 land area.

8. The applicant shall revise the Site Intensity Calculations, the Natural Resource Protection Plan, and the plat ~~shall be revised~~ to correctly identify and include the FC Floodplain Conservancy District and wetland located south of Evergreen Street, and

to correctly identify the amount, if any, of protected woodlands, for staff review and approval prior to submittal of a Final Plat.

9. A written conservation easement document shall be reviewed and approved by the Common Council and recorded with the Milwaukee County Register of Deeds at the time of the recording of the Final Plat. The Conservation Easements shall include all wetland setbacks. The preliminary plat "Conservation Easement Restrictions" notes shall be amended to include the Unified Development Ordinance restrictions applicable to wetland setbacks.

10. Where a conservation easement exists on an individual lot, the applicant shall mark the location of the conservation easement onsite utilizing signage or boulders

11. Any proposed subdivision monument sign(s) shall require a Subdivision Monument Sign Application, subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.

12. The applicant shall place orange protective construction fencing outside the dripline of the large Oak tree near the park entrance on the north side of Evergreen Street, and along all protected natural resource features, prior to issuance of a Grading Permit.

13. All minor technical corrections, including but not limited to lot and outlot numbering, and legal descriptions shall be rectified prior to recording of the Final Plat.

14. The lands within the Preliminary Plat include lands specially benefitted and specially assessed for the installation of sanitary sewer, water main, sanitary sewer laterals, water main laterals, and the extension of a public street including curb and gutter associated with Evergreen Street pursuant to Resolution No. 2014-7001 as amended by Resolution No. 2016-7211. The applicant has paid in full outstanding assessments associated with two of the subject lots, and the outstanding assessments associated with the remaining two subject lots shall be due and paid in full upon the sale, transfer, or other conveyance of the subject lots, or this Resolution shall be null and void.

15. Final storm water plans, including consideration of appropriate maintenance costs assignable to the developer for the developer's impacts upon the existing tributary storm water pond, shall be reviewed and approved by the Engineering Department prior to recording of the Final Plat.

~~11.~~16. The applicant shall install all required street trees pursuant to the City of Franklin Design Standards and Construction Specifications and pertinent City regulations.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2018.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2018.

APPROVED:

_____
Stephen R. Olson, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk
AYES _____ NOES _____ ABSENT _____

EVERGREEN PARK ESTATES

PRELIMINARY PLAT

PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

LEGAL DESCRIPTION

BEING UNPLATTED LANDS LYING WITHIN AND BEING A PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST. IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.
SAID LANDS ARE BOUNDED AND DESCRIBED AS FOLLOWS;

COMMENCING AT THE MONUMENT MARKING THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 11; THENCE N 01°31'23" E, A DISTANCE OF 2656.92 FEET ALONG THE WEST LINE OF THE SOUTHEAST1/4 OF SAID SECTION 11 TO THE MONUMENT MARKING THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 11; THENCE N 89°14'22" E, A DISTANCE OF 147.71 FEET ALONG THE NORTH LINE OF THE SOUTHEAST1/4 OF SAID SECTION 11 TO THE POINT OF BEGINNING OF THE LANDS HERINAFTER DESCRIBED; THENCE CONTINUING ALONG SAID NORTH LINE N 89°14'22" E, A DISTANCE OF 721.11 FEET TO A POINT; THENCE S01°08'09"W, A DISTANCE OF 66.04 FEET TO A POINT; THENCE N 89°15'18" E, A DISTANCE OF 436.98 FEET TO A POINT; THENCE S01°27'09"W A DISTANCE OF 2153.10 FEET TO A POINT BEING THE SW CORNER OF OUTLOT 2 OF CSM 6540; THENCE S89°07'20W, A DISTANCE OF 168.85 FEET TO A POINT; THENCE S88°57'32W, A DISTANCE OF 120.02 FEET TO A POINT; THENCE S88°57'28W, A DISTANCE OF 217.99 FEET TO A POINT; THENCE N01°27'12"E, A DISTANCE OF 1724.49 FEET TO A POINT; THENCE S89°05'30"W, A DISTANCE OF 803.09 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 11; THENCE N01°31'23"E, A DISTANCE OF 231.19 ALONG SAID WEST LINE TO A POINT; THENCE N89°14'24"E, A DISTANCE OF 226.95 FEET OT A POINT; THENCE N01°31'23"E, 120.00 FEET TO A POINT; THENCE S89°14'22"W, A DISTANCE OF 79.24; THENCE N01°31'16"E, A DISTANCE OF 147.70 FEET TO THE POINT OF BEGINNING/SAID DESCRIBED LANDS CONTAINING 1,445,462 S.F. (33.18 ACRES) MORE OR LESS OF LAND, INCLUDING W. EVERGREEN ST. WHICH IS TO BE REDEDICATED AND 51ST ST WHICH IS TO BE DEDICATED AS SHOWN. LANDS TO BE DEDICATED CONTAIN 48,257 S.F. 1.11 ACRES. NET AREA REMAINING CONTAINS 1,397205 S.F. (32.07 ACRES) MORE OR LESS OF LAND

SURVEYORS CERTIFICATE

I HAVE SURVEYED THE ABOVE PROPERTY AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE ABOVE MAP IS A TRUE AND CORRECT REPRESENTATION OF ALL EXISTING LAND DIVISIONS AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL STRUCTURES THEREON, FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY." I FURTHER CERTIFY THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE CITY OF FRANKLIN LAND DIVISION AND ZONING ORDINANCES IN PREPARING SAID MAP.

DATED THIS 4th DAY OF JANUARY, 2018 AT WALES, WI.
REVISED THIS 8th DAY OF JANUARY, 2018 OUTLOT NOTES

PREPARED BY: _____ JAMES R. B

SURVEYOR:
JAMES R BEATY, RLS 1834
HORIZON LAND DEVELOPMENT SERVICES, LLC
W313 S2662 PENNY LN
WALES, WI 53183
www.horizonlanddevelopmentservices.com

One Source Consulting
CONSULTING ENGINEERS SURVEYORS
16435 W. CAPITOL DRIVE
SUITE L93
BROOKFIELD, WI 53005
(262) 781-0935

OWNER/DEVELOPER/MAP PREPARED FOR:
Creative Homes, Inc.
Mr. Rick Przybyla
9244 W. Grandview CL
Franklin, WI 53132
(414) 529-0958

TYPE OF PLAT:
Single Family Residential

SITE DATA:
Proposed Number of Lots = Four (4)
One Dwelling Unit per Lot
Gross Site Area = 33.18 acres
(includes west evergreen st r.o.w.)
Net - (32.67 acres)

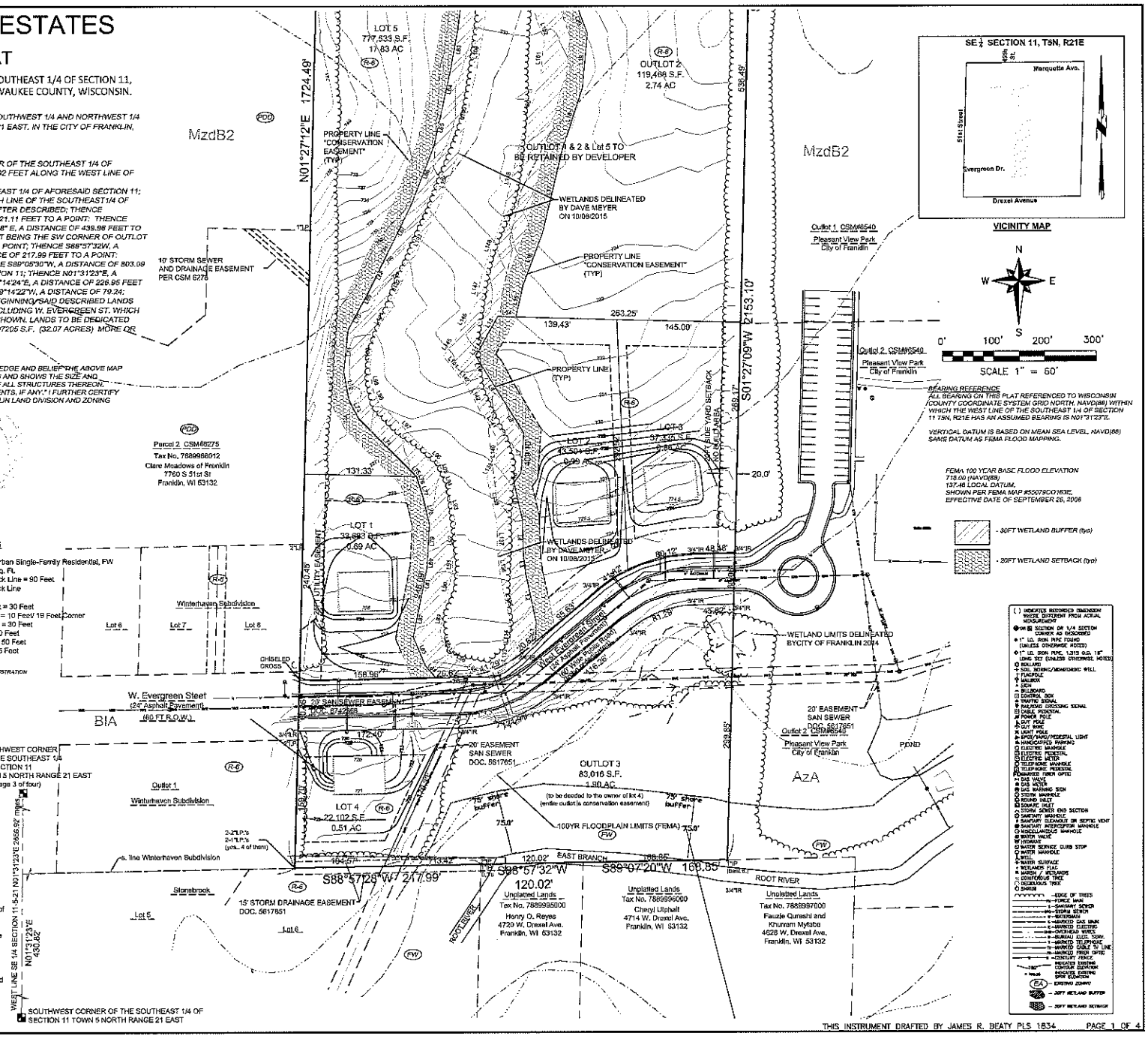
BASEMENT RESTRICTION
Although all lots in the Subdivision have been reviewed and approved for development with single-family residential use in accordance with Section 236 Wisconsin Statutes, some lots may contain soil conditions which, due to the possible presence of groundwater near the surface, may require soil engineering and foundation design with regard to basement construction. It is recommended that either a licensed professional engineer or other soils expert design a basement and foundation which will be suitable to withstand the various problems associated with saturated soil conditions on basement walls or floors or that special measures be taken. Soil conditions should be subject to each owners special investigation prior to construction and no specific representation is made herein.

CONSERVATION EASEMENT RESTRICTIONS
Those areas of land which are identified as Conservation Easements of this subdivision plat shall be subject to the following restrictions:
1. Grading and filling shall be prohibited.
2. The removal of topsoil or other earthen materials shall be prohibited.
3. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., shall be prohibited with the exception of the removal of dead, diseased or dying vegetation at the discretion of landowner, or silvicultural thinning upon the approval of a naturalist and the approval of the City of Franklin.
4. Grazing by domesticated animals, i.e., horses, cows, etc., shall be prohibited.
5. The introduction of plant material not indigenous to the existing environment of the natural area shall be prohibited.
6. Ponds may be permitted subject to the approval of the municipality in which they are located and, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
7. Developer or successor to work with the City of Franklin to ensure UDO codes and or City Ordinances are complied with regarding the treeline along existing Lot 6 of Winterhaven Subdivision.

ZONING DATA / SETBACKS
Existing Zoning: R-6, FW
Proposed Zoning: R-6, Suburban Single-Family Residential, FW
Minimum Lot Area=11,000 Sq. Ft.
Minimum Lot Width at Setback Line = 90 Feet
Minimum Lot Width at Setback Line (Corner Lot) = 100 Feet
Minimum Front Yard Setback = 30 Feet
Minimum Side Yard Setback = 10 Feet/ 19 Feet Corner
Minimum Rear Yard Setback = 30 Feet
Minimum Wetland Buffer = 30 Feet
Minimum Wetland Setback = 50 Feet
Minimum Shore Setback = 75 Feet

OBJECTING AGENCIES
WISCONSIN DEPARTMENT OF ADMINISTRATION

APPROVING AGENCIES
CITY OF FRANKLIN

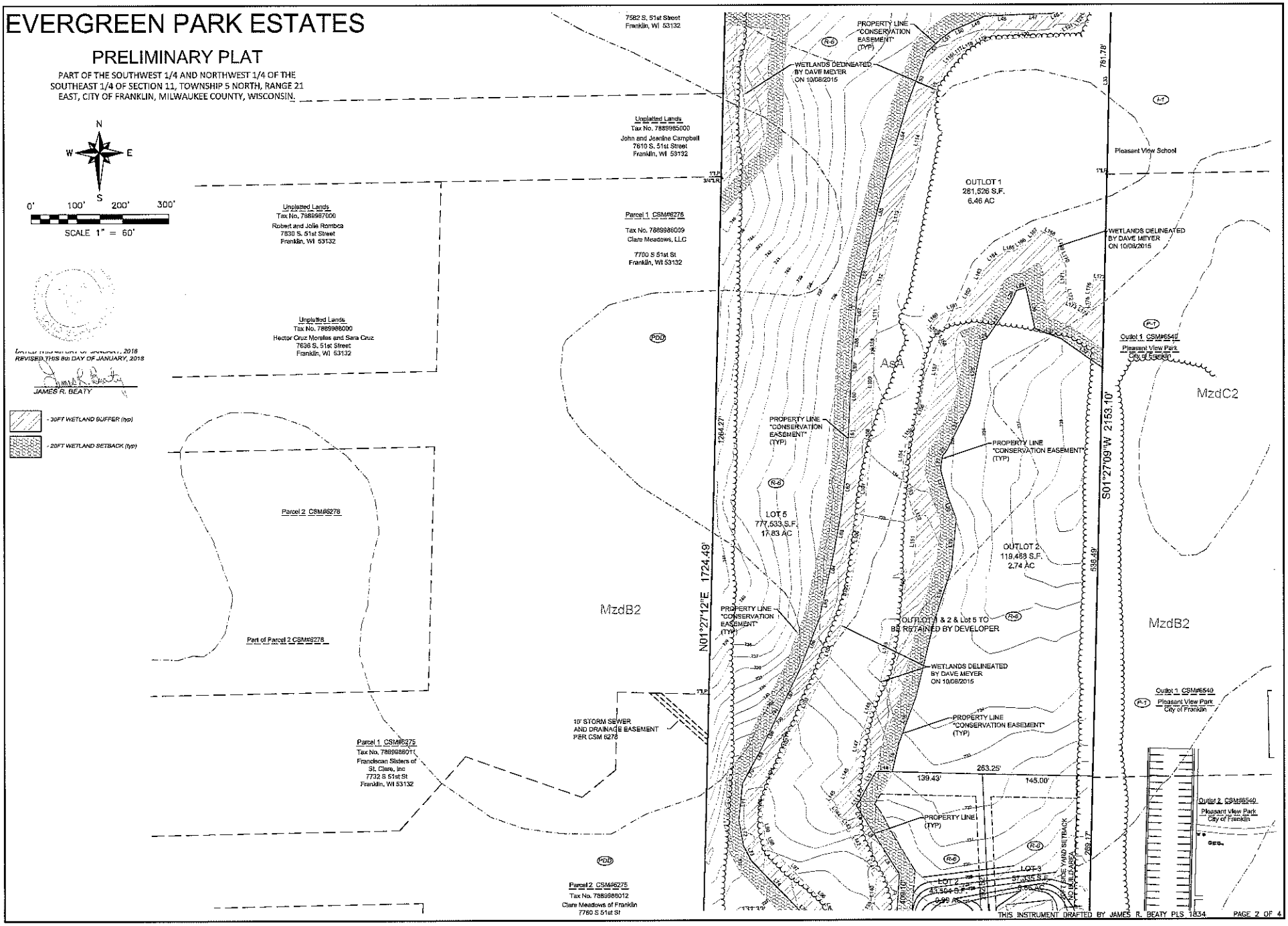


THIS INSTRUMENT DRAFTED BY JAMES R. BEATY PLS 1834

EVERGREEN PARK ESTATES

PRELIMINARY PLAT

PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

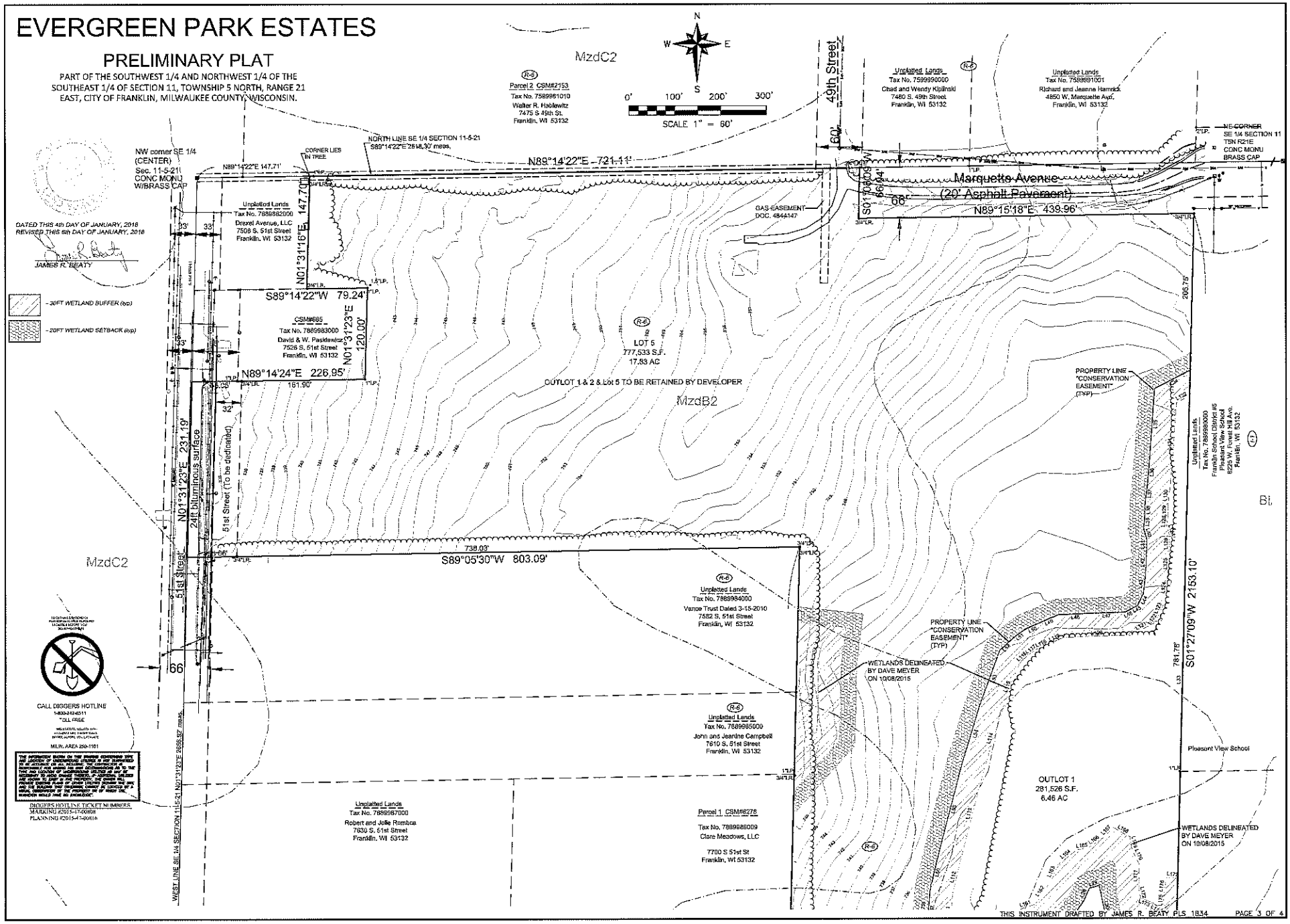


THIS INSTRUMENT DRAFTED BY JAMES R. BEATY PLS 1834

EVERGREEN PARK ESTATES

PRELIMINARY PLAT

PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



EVERGREEN PARK ESTATES

PRELIMINARY PLAT

PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

DATED THIS 4th DAY OF JANUARY, 2018
REVISED THIS 8th DAY OF JANUARY, 2018

JAMES R. BEATY

CONSERVATION EASEMENT LINE TABLE		
LINE	LENGTH	BEARING
L1	23.87	N89°55'44"E
L2	56.19	N12°58'47"W
L3	22.47	N00°49'58"W
L4	48.80	N81°03'32"W
L5	42.64	S12°13'56"W
L6	14.24	N08°48'16"E
L7	47.28	N00°55'40"E
L8	49.51	S01°55'57"W
L9	31.08	N01°36'37"W
L10	22.98	S01°55'07"W
L11	7.92	N08°02'03"E
L12	22.43	S89°50'07"E
L13	23.50	N08°19'00"E
L14	25.19	S08°21'48"E
L15	37.84	S01°03'04"E
L16	65.36	N05°12'01"E
L17	101.87	N13°31'00"E
L18	14.50	N18°05'01"E
L19	68.47	N08°26'23"E
L20	31.36	N08°38'39"W
L21	56.60	N14°45'19"W
L22	17.03	N07°09'43"E
L23	8.83	N88°49'31"E
L24	65.66	N84°10'53"E
L25	14.50	N11°18'02"E
L26	5.19	N72°09'09"E
L27	67.80	N01°26'45"E
L28	11.61	N21°39'39"E
L29	13.39	N72°26'20"E
L30	54.69	S10°34'05"E
L31	37.02	N68°39'37"E
L32	65.82	S07°04'43"E
L33	101.38	N01°07'37"E
L34	52.65	S68°12'50"W
L35	41.58	S21°07'54"W
L36	31.47	S01°48'58"W
L37	73.83	S07°46'07"W
L38	16.58	S08°39'41"W
L39	15.86	S04°09'56"W
L40	15.31	S15°44'22"E
L41	15.33	S30°39'19"W
L42	31.85	S02°43'50"W
L43	32.45	S06°35'56"W
L44	17.41	S02°34'19"W
L45	8.68	S82°40'24"W
L46	8.08	S82°46'49"W
L47	46.57	S05°24'07"W
L48	41.61	S87°13'51"W
L49	55.62	S67°42'29"W
L50	22.32	S82°43'24"W
L51	8.94	S04°09'09"W
L52	20.44	S47°47'49"W
L53	14.78	S22°11'58"W
L54	77.84	S12°59'09"W
L55	131.40	S14°39'19"W
L56	43.66	S15°27'06"W
L57	50.02	S04°38'01"W
L58	27.41	S00°12'11"W
L59	37.16	S07°14'47"W
L60	50.03	S02°19'49"W
L61	65.58	S02°47'58"W
L62	14.61	S00°43'31"W
L63	46.78	S10°17'41"W
L64	46.82	S12°53'01"W
L65	44.34	S12°33'00"W
L66	79.68	S21°15'17"W
L67	75.80	S05°42'19"W
L68	49.66	S01°02'56"W
L69	20.36	S08°45'53"W
L70	26.13	S01°49'00"W
L71	48.34	S05°45'50"W
L72	30.78	S12°31'06"E
L73	72.68	S21°39'09"E
L74	58.15	S44°18'45"E
L75	11.16	S46°41'08"E
L76	9.66	S11°47'37"E
L77	16.36	S17°15'20"E
L78	32.13	S12°33'33"E
L79	50.52	S02°19'24"W
L80	12.17	S02°02'11"W
L81	36.32	S11°38'14"W
L82	42.72	S11°29'08"W
L83	34.88	S02°17'55"E
L84	17.79	S41°58'01"E

WETLAND LINE TABLE		
LINE	LENGTH	BEARING
L85	14.01	N01°11'55"W
L86	13.38	N89°11'56"W
L87	8.83	N41°39'01"W
L88	30.01	N05°11'00"E
L89	34.54	N09°14'55"E
L90	46.87	N10°17'44"E
L91	16.81	N11°10'47"E
L92	42.34	N03°18'55"E
L93	36.46	N11°33'02"W
L94	17.08	N19°48'12"W
L95	16.78	N31°13'31"W
L96	18.48	N05°41'09"W
L97	8.31	N44°11'45"W
L98	14.75	N21°55'37"W
L99	20.04	N11°25'40"W
L100	36.48	N57°45'45"E
L101	46.02	N08°45'30"E
L102	41.48	N08°05'08"E
L103	72.16	N05°42'05"E
L104	78.11	N01°11'11"E
L105	93.30	N12°32'11"E
L106	38.58	N18°11'11"E
L107	56.79	N06°55'31"E
L108	58.51	N02°47'06"E
L109	72.20	N02°11'47"E
L110	28.62	N05°21'11"E
L111	51.43	N04°38'01"E
L112	40.31	N12°27'11"E
L113	134.29	N14°58'16"E
L114	76.16	N18°55'05"E
L115	66.66	N28°11'28"E
L116	17.41	N17°09'06"E
L117	11.81	N04°10'11"E
L118	17.18	N14°41'07"E
L119	21.20	N06°44'21"E
L120	88.85	N07°55'06"E
L121	33.05	N12°44'47"E
L122	8.03	N34°18'05"E
L123	37.99	N22°25'45"E
L124	25.54	N08°25'05"E
L125	32.51	N09°17'57"E
L126	36.17	N02°39'06"E
L127	13.78	N11°45'07"W
L128	11.87	N01°06'58"E
L129	16.24	N00°38'41"E
L130	23.41	N07°40'20"E
L131	17.08	N04°18'04"E
L132	19.27	N02°12'33"E
L133	17.01	N11°07'23"E
L134	28.90	N15°08'11"E
L135	65.75	N12°08'50"E
L136	20.24	N14°07'17"W
L137	34.21	N11°22'50"W
L138	52.61	N11°13'00"W
L139	18.83	N04°44'41"E
L140	26.76	N01°55'05"E
L141	42.19	N11°31'02"W
L142	17.54	N03°25'50"W
L143	17.87	N04°35'17"W
L144	35.09	N15°25'55"W
L145	27.75	N06°00'11"E
L146	40.31	N09°13'05"E
L147	38.20	N11°52'25"E
L148	16.85	N20°10'11"E
L149	101.62	N13°11'11"E
L150	75.59	N18°25'51"E
L151	46.21	N15°53'11"E
L152	22.10	N10°33'51"W
L153	46.76	N14°47'10"W
L154	42.03	N17°18'41"E
L155	17.71	N32°40'55"E
L156	68.17	N22°12'11"E
L157	59.62	N11°11'55"E
L158	15.75	N23°27'41"W
L159	11.72	N47°37'10"W
L160	30.61	N47°40'17"E
L161	25.48	N7°51'10"E
L162	30.51	N04°39'41"E
L163	24.73	N04°40'51"E
L164	31.10	N02°11'41"E
L165	13.04	N03°33'48"E
L166	35.75	N06°28'05"E
L167	17.54	N44°51'51"E
L168	34.94	S68°16'52"E
L169	18.51	S39°23'01"E
L170	21.79	S25°14'06"E
L171	31.84	S01°31'27"W
L172	13.61	S12°19'55"E
L173	16.04	S68°30'17"E
L174	18.24	S54°28'43"E
L175	19.48	N02°31'16"E
L176	24.58	N25°05'51"E
L177	14.54	N02°11'12"E

CORPORATE OWNER'S CERTIFICATE OF DEDICATION:

Creative Homes, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped, and dedicated as represented on this plat. Creative Homes, Inc. does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

OBJECTING AGENCIES
DEPARTMENT OF ADMINISTRATION – PLAT REVIEW

APPROVING AGENCIES
CITY OF FRANKLIN

IN WITNESS WHEREOF, the said Creative Homes, Inc. has caused these presents to be signed by Mr. Rick Przybyla, its president, and Nicole M. Watson, Secretary, at Franklin Wisconsin, and its corporate seal to be hereunto affixed on this _____ day of _____, 2018.

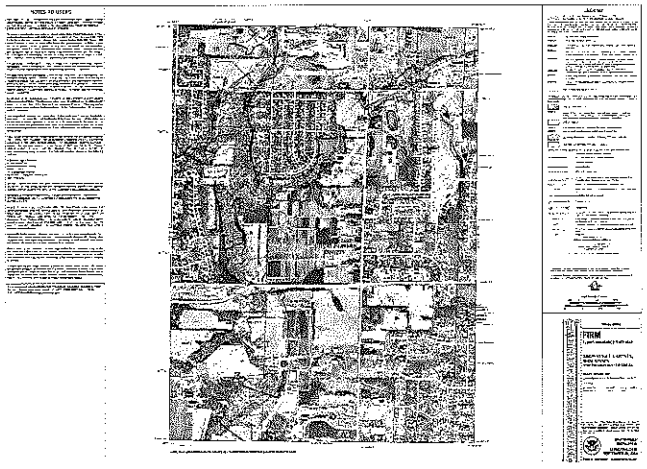
In the presence of:

_____ _____
Creative Homes, Inc. (Corporate Seal)

_____ _____
President Nicole m. Watson, Secretary

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

Personally came before me this _____ day of _____, 2018, Mr. Rick Przybyla, President, of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Secretary of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.
Notary Public, _____, Wisconsin
My commission expires _____. (Notary Seal)



FEMA PANEL
FLOODPLAIN MAPPING
PER MAP NO 55079C0163E
EFFECTIVE: SEPTEMBER 26, 2008

CITY OF FRANKLIN COMMON COUNCIL APPROVAL CERTIFICATE:

Resolved, that the plat of EVERGREEN PARK ESTATES, part of the southwest 1/4 and northwest 1/4 of the southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin., Creative Homes, Inc., owner, having been approved by the City of Franklin Common Council, being the same is hereby approved and the dedications shown hereon accepted by the Common Council of the City of Franklin on this ____ day of _____, 2018.

Date _____ Approved

_____
Steve Olson, Mayor

Date _____ Signed

_____
Steve Olson, Mayor

I hereby certify that the foregoing is a copy of a resolution adopted by the COMMON COUNCIL of the CITY OF FRANKLIN, Wisconsin on _____, 2018 which action becomes effective upon receipt of approval of all other _____ agencies and is satisfied as of this ____ day of _____, 2018.

_____
Sandra L. Wesolowski, City Clerk

CERTIFICATE OF CITY TREASURER:

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

I, Paul Rotzenberg, being the duly elected qualified and acting City Treasurer of the City of Franklin, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or unpaid special assessments as of the _____ day of _____, 2018 on any of the land included in the plat of EVERGREEN PARK ESTATES.

_____, 2018 _____
(Date) Paul Rotzenberg, City Treasurer

COUNTY TREASURER'S CERTIFICATE:

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

I, David Cullen, being the duly elected, qualified and acting treasurer of the County of Waukesha, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of the ____ day of _____, 2004 affecting the lands included in the plat of EVERGREEN PARK ESTATES.

_____, 2018 _____
(Date) David Cullen, Treasurer

CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Meeting of January 18, 2018

Preliminary Plat

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

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

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 December 8, 2017, the applicant submitted an application for a Preliminary Plat for property located at 7501 South 49th Street. The preliminary plat illustrates subdividing the existing 32.67-acre property into five R-6 single-family residential lots and three outlots.

History:

- April 19, 2016: Concept Review Application presented to the Common Council, including two alternatives for single-family residential subdivision development of the subject property.

- June 21, 2016: Applicant submitted a Preliminary Plat Application to subdivide the existing 32.67-acre property at 7501 South 49th Street to create six R-6 single-family residential lots. The Preliminary Plat includes one lot south of West Evergreen Street (Lot 1), three lots north of West Evergreen Street (Lots 2, 3 and 4) and two lots east of South 51st Street (Lots 5 and 6). The lot sizes range in size from about 18,024 square feet to approximately 37,200 square feet. The Preliminary Plat also includes five outlots, which

are reserved for future single-family residential lots, future storm water management facilities and/or consist of protected natural resource features. At the request of staff, the applicant also submitted a Rezoning Application to rezone the C-1 Conservancy District portion of the subject property to R-6 Suburban Single-Family Residence District.

- October 4, 2016: The Common Council adopted Ordinance 2016-2233, an Ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone a portion of a certain parcel of land from C-1 Conservancy District to R-6 Suburban Single-Family Residence District (a portion of the property at 7501 South 49th Street) (approximately 1.867 acres) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).

- December 6, 2016: Applicant received approval of Resolution No. 2016-7235, a Resolution conditionally approving a Preliminary Plat for Evergreen Park Estates Subdivision (at approximately 7501 South 49th Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant). The Preliminary Plat included one lot south of West Evergreen Street (Lot 1), one lot north of West Evergreen Street (Lot 2), two lots east of South 51st Street (Lots 11 and 12), 8 lots on the west side of a cul-de-sac extending north from West Evergreen Street, and four outlots, which are reserved for future single-family residential lots, proposed and future storm water management facilities and/or consist of protected natural resource features.

- December 6, 2016: The Common Council approved Resolution No. 2016-7236, a Resolution amending Resolution No. 2014-7001, A Final Resolution directing installation of, payment and levy of special assessment for installation of sanitary sewer, water main, sanitary sewer laterals, water main laterals, the extension of a public street including curb and gutter along with the necessary appurtenances on W. Evergreen Street extension from a point 800 feet east of S. 51st Street to a point 1,360 feet east of S. 51st Street, as previously amended by Resolution No. 2016-7211.

Project Description/Analysis:

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

The proposed Evergreen Park subdivision layout includes five residential lots and three outlots. Lots 1, 2 and 3 abut the north side of W. Evergreen Street. Outlots 1 and 2 and Lot 5 are located north of these three lots. Lot 4 and Outlot 3 are located to the south of W. Evergreen Street. Additional details regarding the proposed lots and outlots is discussed further below in this report.

A storm water pond exists to the south east of West Evergreen Street and the proposed subdivision development within Pleasant View Neighborhood Park. The storm water pond design anticipated six residential lots abutting West Evergreen Street and was sized and constructed accordingly. *Note that final grading, erosion control, drainage and storm water plans are subject to review and approval by the Engineering Department.*

Lots 1 through 4
The four lots along W. Evergreen Street range in size from about 22,102 square feet to approximately 43,504 square feet, all exceeding the R-6 Residence District minimum of 11,000 square feet. Specifically, Lot 1 has an area of 33,683 square feet, Lot 2 is 43,504 square feet, Lot 3 is about 37,335 square feet and Lot 4 is 22,102 square feet. The average or mean lot size is about 34,156 square feet.

These four lots are all accessible from West Evergreen Street and are served by public sewer and water facilities.

Lot 5
Lot 5 is located south of the future extension of W. Marquette Avenue. Lot 5 has an area of approximately 777,533 square feet and is being retained by the developer for future single-family residential development.

Staff recommends that Lot 5 be revised to be an outlot and renumbered accordingly. As the northern portion of the site is not being platted at this time, staff's preference is to declare this part of the plat as an outlot, thus making it unbuildable per the Unified Development Ordinance. Staff's concern is that a single-family home could be developed if platted as a lot. Staff would not find the highest and best use of a residential parcel this size to be for one single-family dwelling.

Staff does acknowledge that the Milwaukee County Department of Administrative Services (DAS) prefers that this area be declared as a lot. Per staff discussions with the DAS, they would prefer to see Outlots 1 and 2 combined with Lot 5. It is staff's understanding that DAS has concerns with remnant outlots becoming the responsibility of Milwaukee County.

Staff would also note that the applicant has indicated opposition to this condition and is requesting that the plat remain as proposed and defined with Lot 5 and Outlots 1 and 2.

Outlots 1 and 2
Outlots 1 and 2 are located north of the three lots along the north side of W. Evergreen Street. Outlot 1 has an area of approximately 281,526 square feet (6.46 acres). Outlot 2 is 119,468 square feet (2.74 acres). These two outlots are being retained by the developer. Outlot 1 consists of all protected natural resource features. Outlot 2 is adjacent to Pleasant View Neighborhood Park. Staff is not aware of any future plans or use by the developer of Outlot 2.

While the proposed preliminary plat meets all of the City of Franklin zoning and land division requirements (with inclusion of the recommended conditions/changes noted in this staff report), staff would prefer (from a highest and best use standpoint, as well as from an efficient utilization of land standpoint) that the currently adopted preliminary plat for this area (consisting of a cul-de-sac off of Evergreen Street and a total of 12 lots) be constructed instead. Therefore, staff suggests that Outlot 2 be developed for additional single-family residential lots, similar to the currently adopted preliminary plat for this area.

Outlot 3

Outlot 3 has an area of about 83,016 square feet and primarily consists of protected natural resource features, largely the 100-year floodplain. The plat notes that the entire outlot is a conservation easement and is to be deeded to the owner of Lot 4. Opposed to being deeded to the Lot 4 property owner, staff suggests that Lot 4 and Outlot 3 be combined to be a single lot or, alternatively, Outlot 3 be fractionally owned by the Homeowners Association.

In addition to the R-6 District zoning, this portion of the property also contains FW Floodway District and FC Floodplain Conservancy District zoning. *Staff recommends that the plat shall be revised to include the FC Floodplain Conservancy District.*

Milwaukee County

A letter is attached from the Milwaukee County Department of Administrative Services objecting to the proposed preliminary plat. The letter requests that outlots be either dedicated to the City of Franklin or fractionally owned by the Homeowners Association.

The applicant has had correspondence with Milwaukee County and is working to address their concerns. The County has asked the City of Franklin to provide a revised plat for their review. Staff would note that the resolution contains the standard condition below.

> *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.*

Natural Resource Protection Plan

A Natural Resource Protection Plan (NRPP) is required as part of the Preliminary Plat Application submittal. According to the project narrative, the site contains wetlands and associated wetland buffers and setbacks, stream, shore buffer and floodplain. Note that a NRPP previously submitted in 2016, which included a tree survey, determined that a young woodland existed along a portion of the west property line and in a portion of the northwest corner of the site. Below is an excerpt from the previous staff report.

> The applicant also completed a detailed tree survey of the property, which is attached for review. The NRPP shows approximately 2.888 acres of young woodland present. The applicant is proposing to disturb 1.144 acres or 50% of young woodlands onsite, which meets the protection standard of 50% per Table 15-4.0100 of the UDO.
>
> In review of the applicant's tree survey, staff has determined that a grove exists adjacent to the existing home on the north side of the property. Staff also finds that it is likely a grove exists within the tree line located along the east side of the property as well. Staff recommends that the tree survey be further reviewed by staff and the applicant's consultant or by a third party consultant to be paid for by the applicant, at the Planning Manager's discretion, to verify if additional woodlands, including groves are present onsite and require protection. Any additional woodlands present shall be shown on the

Natural Resource Protection Plan and protected in a conservation easement as required by the Unified Development Ordinance.

The applicant has provided new documentation concluding that these areas do not constitute a young woodland nor a grove and is summarized below.

- Letters dated March 2, 2017 and November 30, 2017 from Tom Zagar, ISA Certified Arborist. This letter describes two site investigations by Mr. Zagar. The first site visit, Mr. Zagar indicates that he did not believe the "woody" area in the northwest corner of the site was a young woodland. A second site investigation occurred following the applicant's removal of invasive species (e.g. Common Buckthorn and Tatarian Honeysuckle). Mr. Zagar notes that the removal of the undergrowth reinforced his earlier determination and that the area does not constitute a young woodland per City of Franklin standards. Mr. Zagar further notes that most of the remaining trees are dead or in a dying condition and some are apple trees from a former apple orchard onsite. Note that the UDO states, "no trees planted and grown for commercial purposes should be considered a mature woodland."

  The letter also considered the tree line along the west property line. Mr. Zagar indicates that the tree line is primarily buckthorn and honeysuckle and dead or dying Green Ash and American elm trees, and concluded that this area is also not a young woodland per City of Franklin standards.

- Three emails from Tom Riha, ISA Certified Arborist/Municipal Specialist City of Franklin:
  - An email dated November 1, 2016 states that in review of 8 to 9 spruce trees located near the existing home do not constitute a mature woodland. Mr. Riha notes that the trees are showing signs of needle disease/dieback.

    Mr. Riha also indicates that the trees are ornamental, were likely planted by the homeowner as a windscreen and not native to the area. Staff would note that these factors should not be considered in determining whether the area is a mature grove. The UDO does not exempt ornamental plantings or non-native species.

  - Mr. Riha also provided an email dated November 7, 2016 indicating that a tree line located along the east side of the property extending north from W. Evergreen Street is not a mature woodland. Mr. Riha states that only 5 to 6 tress are over 12" in diameter, the majority of understory is buckthorn and prickly ash and further north the tree line is mostly ash and box elder.

    Staff would again note that only UDO standards should be consider in determining woodland designations and boundaries. The UDO does not specify or exempt certain tree types.

- In an email dated November 18, 2016, Mr. Riha also investigated the tree line located within the northwest corner of the site. Mr. Riha indicates that this area consists of mostly ash and elm trees and the understory is primarily buckthorn and some dead apple trees and Hawthorne trees. Mr. Riha notes that about 10 to 12 trees are in healthy condition. The remaining ash and elm trees show significant signs of Emerald Ash Borer and Dutch elm disease.

- An email dated April 7, 2017 from Daniel Blazer, ISA Certified Arborist, of the Davey Tree Expert Company also discusses the unhealthy condition of the majority of large trees onsite.

  Staff would note that this review does not seem to consider or relate to City standards other than noting the conditions of the trees.

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

The applicant has identified two wetlands on the property as delineated by Mr. Meyer. A third wetland within Outlot 3 was delineated by the Southeastern Wisconsin Regional Planning Commission. The wetlands are illustrated on the Preliminary Plat. A large wetland runs through the middle of the property and a smaller wetland exists to the east of the properties located at 7582 and 7610 S. 51st Street. The Wisconsin Department of Natural Resource Features Water Surface Data Viewer identifies the larger wetland as an intermittent stream; however, the WDNR provided a letter, dated October 3, 2016 indicating that the waterway is non-navigable.

The applicant has provided a written conservation easement, which is currently under review. *Staff recommends that a written conservation easement document shall be reviewed and approved by the Common Council and recorded with the Milwaukee County Register of Deeds at the time of the recording of the Final Plat.* Please note that the applicant has included the 50-foot wetland setback within the conservation easement as suggested by staff.

Staff is also recommending that where a conservation easement exists on an individual lot, the applicant shall mark the location of the conservation easement onsite utilizing signage or boulders.

Signage

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

Comprehensive Master Plan

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

Staff Recommendation:

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

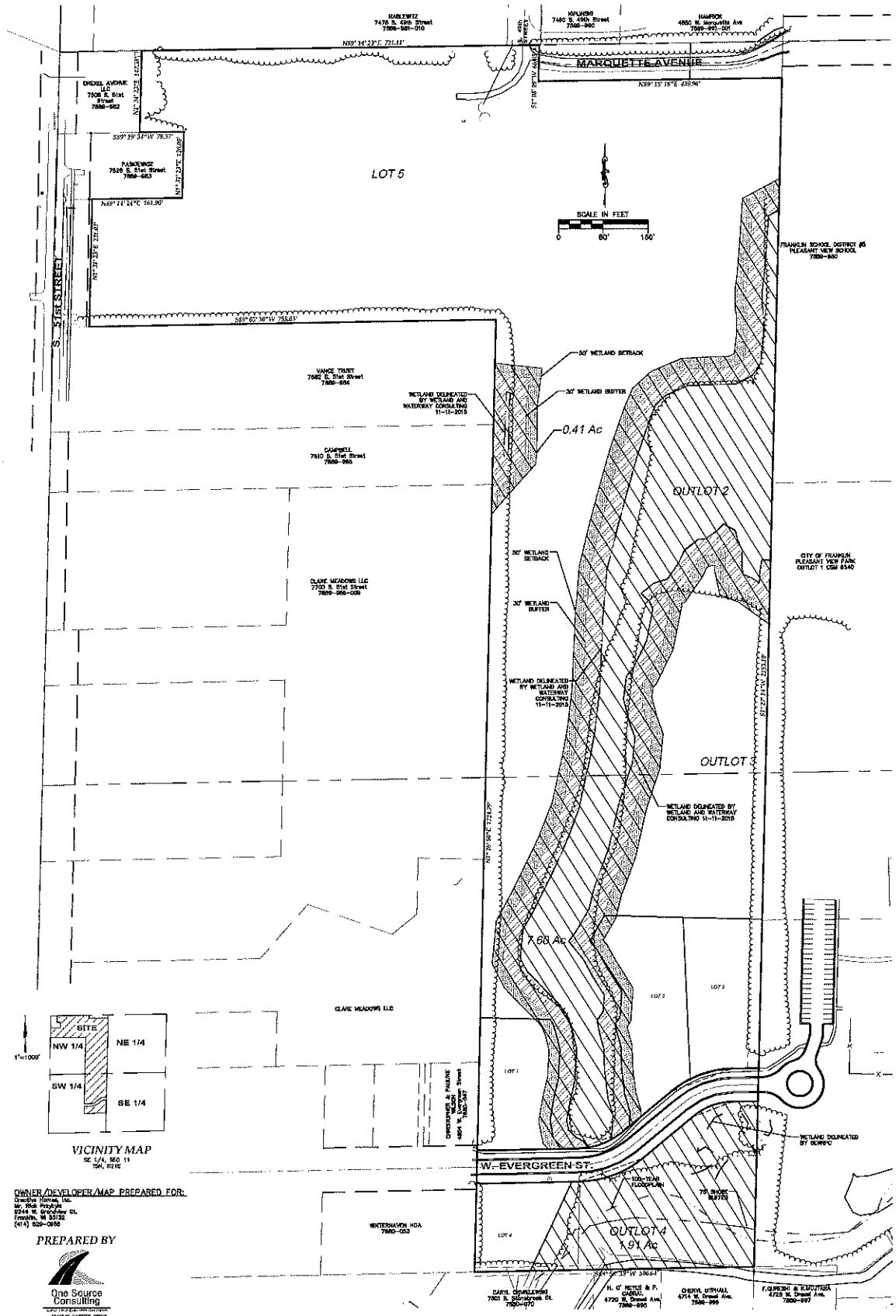
NATURAL RESOURCE PROTECTION PLAN

LEGEND:

- CONSERVATION EASEMENT
- 50' WETLAND SET BACK
- 30' WETLAND BUFFER

BEING UNPLATTED LANDS LYING WITHIN AND BEING A PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

LANDS CONTAINING 33.18 ACRES MORE OR LESS OF LAND, INCLUDING W. EVERGREEN ST. WHICH IS TO BE REDEDICATED AND 51ST ST. WHICH IS TO BE DEDICATED AS SHOWN. LANDS TO BE DEDICATED CONTAIN 1.11 ACRES. NET AREA REMAINING CONTAINS 32.07 ACRES MORE OR LESS OF LAND



VICINITY MAP

SE 1/4, SEC 11
T5N, R21E

OWNER/DEVELOPER/MAP PREPARED FOR:
Creative Homes, Inc.
Mr. Rick Przybyla
8244 W. Grandview Ct.
Franklin, WI 53132
(414) 529-0958

PREPARED BY

One Source Consulting

DIVISION 15-3.0500 SITE INTENSITY AND CAPACITY CALCULATIONS

SECTION 15-3.0501 NATURAL RESOURCE PROTECTION AND SITE INTENSITY AND CAPACITY CALCULATIONS FOR RESIDENTIAL AND NONRESIDENTIAL USES REQUIRED

A. **Recognition of Natural Resource Features.** This Ordinance recognizes that landforms, parcel size and shape, and natural resource features vary from site to site and that development regulations must take into account these variations. The maximum density or intensity of use allowed in any zoning district is controlled by the various district standards set forth for each of the various zoning districts of this Ordinance.

B. **When Natural Resource Protection and Site Intensity and Capacity Calculations Are Required.** Natural resource protection is required for all development and the site intensity and capacity calculations set forth in this Division shall be made for each parcel of land to be used or built upon in the City of Franklin including all new Certified Survey Maps, Preliminary Plats, condominiums, multiple-family residential developments, all nonresidential development, and as may be required elsewhere in this Ordinance except as excluded under the provisions of Section 15-3.0501C. of the Unified Development Ordinance.

C. **Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are Not Required).** Natural resource protection shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for the construction of single-family and two-family residential development located on non-divisible existing lots of record within existing platted Subdivisions (with an approved Final Plat), Certified Survey Maps, and Condominiums existing on August 1, 1998, the effective date of this Ordinance or for which a natural resource protection plan and site intensity capacity calculations were filed at the time of division after August 1, 1998. A Natural Resource Protection Plan shall not be required with an application for certified survey map approval where a single property zoned I-1Institutional District is divided as a result of a public work of improvement for street extension purposes, with related public sanitary sewer and water work for which special assessment was made, into two or more parcels through the property fee acquisition by the City for the extension of the public street. The foregoing exclusions from Natural Resource Protection Plan submission requirements for certified survey map applications shall only be available upon the conditions that in lieu of the Plan submission requirement, the certified survey map application shall be accompanied by the "best available information" as to the existence of any natural resource features, such as existing topographical maps, wetland inventories, and other such inventories as may be available; and that a Natural Resource Protection Plan must be submitted upon any further development of any portion of the mapped property. A Natural Resource Protection Plan shall also not be required with an application for certified survey map approval where lots are being created from a larger surrounding parcel, with the larger in area in relation to the lots created remnant parcel being vacant, or already having being developed by the existence of a principal structure and not being the subject of current further development application, and with the only natural resources within the map area being upon the remnant parcel and being more than 500 feet away from the lots being created. The foregoing exclusion from Natural Resource Protection Plan submission requirement for certified survey map applications shall only be available upon the conditions that i) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in §15-4.0102, located on

Franklin
JAN 05 2018
City Development

the parcels of the Certified Survey Map based upon the "best available" information; (ii) that a Natural Resource Protection Plan must be submitted upon any further development of the "remnant" parcel; and iii) the following note shall be placed upon the face of such Certified Survey Map: "The Natural Resource Features identified herein are not based upon field surveys. In the event of further land division or development of a parcel herein with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel" For the purposes of this section, the Zoning Administrator shall not require that the "best available" information be a "first source" of information, as identified in §15-4.0102A., B., C., D., and G. Notwithstanding any other provision of this Ordinance, natural resource protection and any such related Natural Resource Protection Plan, shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for any accessory use structure or accessory use development or for an addition or modification to an existing principal structure development which does not increase the existing developed structure and impervious surface area upon the parcel by more than 50% or 2,500 square feet, whichever is smaller, where natural resource feature(s) are not within 100 feet of the area to be disturbed by the new development, upon a parcel supporting an existing principal structure with an existing principal use; determination as to whether natural resource features are within 100 feet of the area to be disturbed, the boundaries of which shall be clearly identified within application materials, shall be made by the City Engineer or designee; however, if any resources identified by the Southeastern Wisconsin Regional Planning Commission in PR 176 or in PR 42, as may be amended from time to time, as Primary or Secondary Environmental Corridor and/or Isolated Natural Resources Area, are located on the site by the City Engineer or designee, but are outside of 100 feet of the area to be disturbed, a written plan shall be provided by the applicant detailing the protective measures that will be implemented to prevent such natural resource feature(s) adverse impacts, which shall be subject to approval by the Plan Commission and shall be installed as may be provided on site as detailed within the plan as a condition of application approval.

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.	33.18 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.	- 1.11 acres
STEP 3:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space.	- 0.00 acres
STEP 4:	In the case of ***"Site Intensity and Capacity Calculations" for a proposed residential use***, subtract (-) the land proposed for nonresidential uses; *or* In the case of ***"Site Intensity and Capacity Calculations" for a proposed nonresidential use***, subtract (-) the land proposed for residential uses.	- 0.00 acres
STEP 5:	Equals "Base Site Area"	= 32.07 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 05 2018
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 0.00 =	0.00
20-30%	0.65	0.75	0.70	X 0.00 =	0.00
+ 30%	0.90	0.85	0.80	X 0.00 =	0.00
Woodlands & Forests:					
Mature	0.70	0.70	0.70	X 0.00 =	0.00
Young	0.50	0.50	0.50	X 0.00 =	0.00
Lakes & Ponds	1	1	1	X 0.00 =	0.00
Streams	1	1	1	X 0.06=	0.06
Shore Buffer	1	1	1	X 0.04 =	0.04
Floodplains	1	1	1	X 0.77 =	0.77
Wetland Buffers	1	1	1	X 4.20 =	4.20
Wetlands & Shoreland Wetlands	1	1	1	X 3.80 =	3.80
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)					8.87

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 ***Base Site Area*** (from Step 5 in Table 15-3.0502): 32.07 Acres Multiple by Minimum ***Open Space Ratio (OSR)*** (see specific residential zoning district OSR standard): X 0.00 Equals **MINIMUM REQUIRED ON-SITE OPEN SPACE** =	0.00 acres
STEP 2:	**CALCULATE NET BUILDABLE SITE AREA:** Take ***Base Site Area*** (from Step 5 in Table 15-3.0502): 32.07Acres Subtract ***Total Resource Protection Land*** from Table 15-3.0503) or ***Minimum Required On-Site Open Space*** (from Step 1 above), whichever is greater: - 8.87 Acres Equals **NET BUILDABLE SITE AREA** =	23.20 acres
STEP 3:	**CALCULATE MAXIMUM NET DENSITY YIELD OF SITE:** Take ***Net Buildable Site Area*** (from Step 2 above): 23.20 Acres Multiply by Maximum ***Net Density (ND)*** (see specific residential zoning district ND standard): X 2.972 Equals **MAXIMUM NET DENSITY YIELD OF SITE** =	68 D.U.s
STEP 4:	**CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE:** Take ***Base Site Area*** (from Step 5 of Table 15-3.0502): 32.07 Acres Multiple by Maximum ***Gross Density (GD)*** (see specific residential zoning district GD standard): X 2.972 Equals **MAXIMUM GROSS DENSITY YIELD OF SITE** =	95 D.U.s
STEP 5:	**DETERMINE MAXIMUM PERMITTED D.U.s OF SITE:** Take the ***lowest*** of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above):	68 D.U.s

SECTION 15-3.0505 CALCULATION OF SITE INTENSITY AND CAPACITY FOR NONRESIDENTIAL USES

In order to determine the maximum floor area which may be permitted on a parcel of land zoned in a nonresidential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0505 shall be performed.

A. Maximum Permitted Floor Area for a Retail Building:

1 Not withstanding the provisions of Table 15-3.0505, no individual retail building in any of the following districts shall exceed a total of 125,000 gross square feet of floor area, including all roofed area.

a. B-1 Neighborhood Business District
b. B-2 General Business District
c. B-3 Community Business District
d. B-5 Highway Business District

2 Not withstanding, any other provision of this Ordinance, no special use permit, PDD District, special exception or variance may be approved or granted that would allow a retail building to exceed the size limits of this subparagraph (1) and no nonconforming use or structure may be expanded in any manner that would increase its nonconformace with the limits of subparagraph (1).

Table 15-3.0505

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

STEP 1:	**CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE:** Take ***Base Site Area*** (from Step 5 in Table 15-3.0502): _____ Multiple by Minimum ***Landscape Surface Ratio (LSR)*** (see specific zoning district LSR standard): X _____ Equals **MINIMUM REQUIRED ON-SITE LANDSCAPE SURFACE** =	acres
STEP 2:	**CALCULATE NET BUILDABLE SITE AREA:** Take ***Base Site Area*** (from Step 5 in Table 15-3.0502): _____ Subtract ***Total Resource Protection Land*** from Table 15-3.0503) or ***Minimum Required Landscape Surface*** (from Step 1 above), whichever is greater: - _____ Equals **NET BUILDABLE SITE AREA** =	acres
STEP 3:	**CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE:** Take ***Net Buildable Site Area*** (from Step 2 above): _____ Multiple by Maximum ***Net Floor Area Ratio (NFAR)*** (see specific nonresidential zoning district NFAR standard): X_____ Equals **MAXIMUM NET FLOOR AREA YIELD OF SITE** =	acres
STEP 4:	**CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE:** Take ***Base Site Area*** (from Step 5 of Table 15-3.0502): _____ Multiple by Maximum ***Gross Floor Area Ratio (GFAR)*** (see specific nonresidential zoning district GFAR standard): X _____ Equals **MAXIMUM GROSS FLOOR AREA YIELD OF SITE** =	acres
STEP 5:	**DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE:** Take the ***lowest*** of Maximum Net Floor Area Yield of Site (from Step 3 above) or Maximum Gross Floor Area Yield of Site (from Step 4 above): (Multiple results by 43,560 for maximum floor area in square feet):	acres (_____ s.f.)

CREATIVE HOMES INC.

December 1, 2017

City of Franklin
Attn: Nick Fuchs
9229 W Loomis Road
Franklin, WI 53132

RE: EVERGREEN ESTATES NATURAL RESOURCE PROTECTION PLAN MODIFICATION

Dear Nick,

As you are aware, there has been ongoing research being conducted into the validity of the Evergreen Estates Natural Resource Protection Plan report dated September 30th, 2016. After intense research including obtaining the expertise of three additional certified arborists, we can confidently confirm that the existing plan is inaccurate with regards to the young woodlands portion.

The three outside representative's that conducted a field study include the following:

- Tom Riha, ISA Certified Arborist / Municipal Specialist, City of Franklin
- Tom Zagar, ISA Certified Arborist, City of Muskego
- Daniel Blazer, ISA Certified Arborist, The Davey Tree Expert Company

In addition, two representatives from the City of Franklin also confirmed that there are inaccuracies evident in the report regarding the young woodlands.

Attached please find the reports from the three above arborists, along with a revised Natural Resource Protection Plan Summary Page, which we are requesting replace the existing one on file. This revised summary corrects the young woodland errors. It has been determined that this property contains no young or mature woodlands. The remaining portions, including the wetland delineations conducted by Dave Meyer, remain unchanged and intact.

Your cooperation to this matter is greatly appreciated.

Thank you in advance.

Sincerely,

Rick J. Przybyla
Creative Homes, Inc.
enclosures

Franklin
DEC 08 2017
City Development

"A Builder of Quality Homes & Developments"
9244 West Grandview Court • Franklin, WI 53132 • Phone: 414.529.0958 • Fax: 414.529.4032

November 30, 2017

Mr. Rick Przybyla:

This letter serves as a follow up to my correspondence of March 2, 2017 in which I assessed the woody plant communities on a property at 7501 S. 49th Street, Franklin, WI (Tax Key: 7889981001).

Subsequent to that assessment you had contracted to remove invasive brush (primarily Common buckthorn and Tatarian honeysuckle) within an approximate 1.2 acre "woody" area in the northwestern portion of the property (shaded in yellow on accompanying map). Revisiting the property after removal of this invasive undergrowth reinforced my earlier determination that this area did not meet the definition of young woods: The remaining trees – woody plants in excess of 3" diameter (which were primarily Green ash and American elm) - provide canopy to no more than 10% of the area and most of these trees were dead or in a dying condition. Furthermore, some of the remaining trees were apple trees left over from when this area was planted as an orchard (as evident in historic aerial photos). Per City of Franklin guidelines, these commercially grown apple trees would not be counted in young woodland.

The woody plant composition of the L-shaped "tree line" (green shaded) was also assessed. The majority of canopy here consists of buckthorn and honeysuckle less than 3" diameter. Scattered mature trees on this property line /crop field edge are primarily dead or dying Green Ash and American elm. Existing live trees that exceed 3" diameter comprise much less than 50% canopy. Therefore this area is also not young woodland as defined:

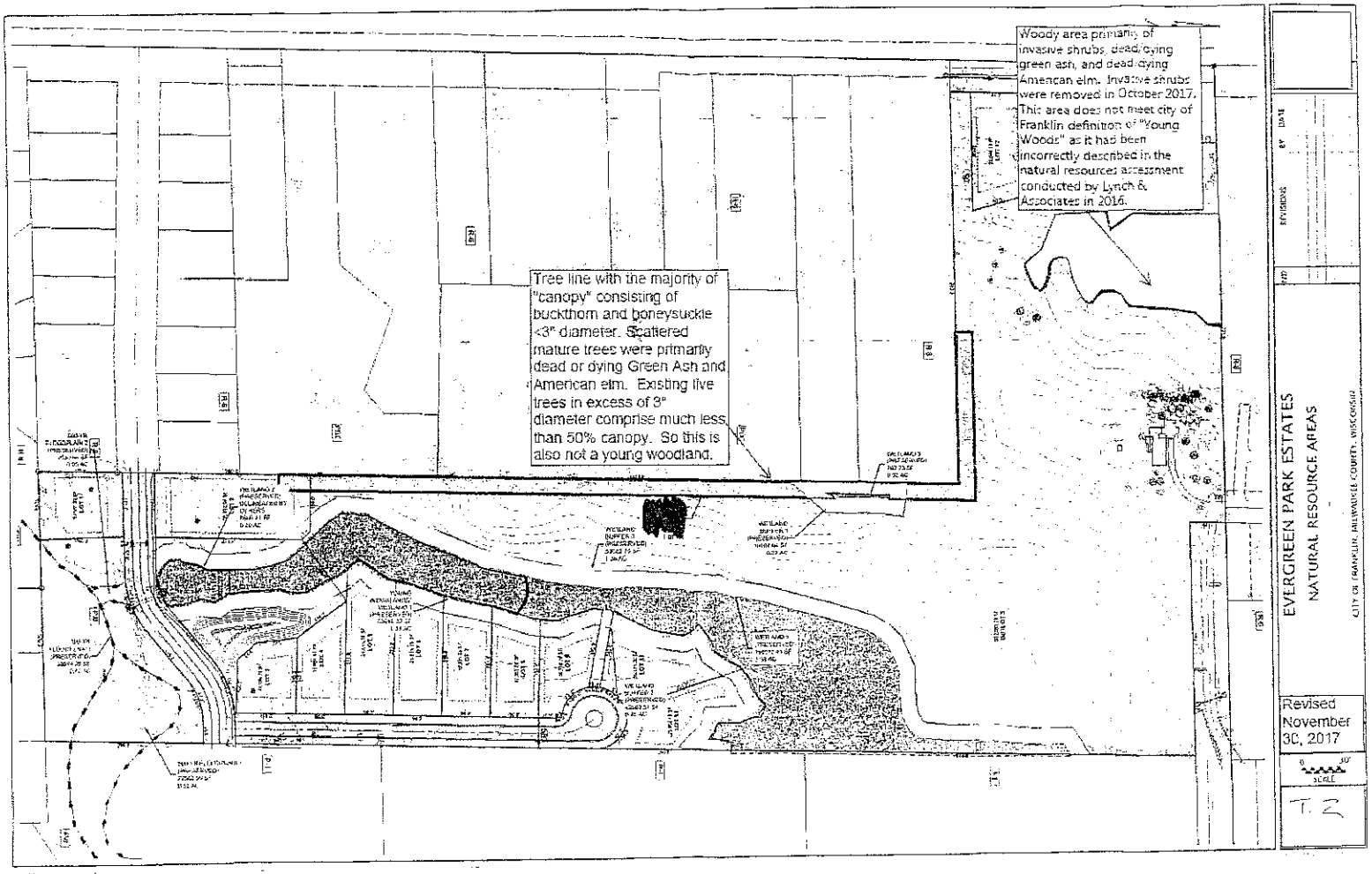
Young Woodland: *An area or stand of trees whose total combined canopy covers an area of one-half (0.50) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three (3) inches. However, no trees grown for commercial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

I have edited the Natural Resources map to reflect that both the above-referenced 1.2-acre area, and the tree line area, should not be classified as "young woodland" as had been incorrectly indicated in the earlier assessment by Lynch & Associates..

Please let me know if you need any further clarification on this matter.

Respectfully,

Tom Zagar
ISA Certified Arborist
WI-0541A


Woody area primarily of invasive shrubs, dead/dying green ash, and dead/dying American elm. Invasive shrubs were removed in October 2017. This area does not meet city of Franklin definition of "Young Woods" as it has been incorrectly described in the natural resources assessment conducted by Lynch & Associates in 2016.
Tree line with the majority of "canopy" consisting of buckthorn and honeysuckle <3" diameter. Scattered mature trees were primarily dead or dying Green Ash and American elm. Existing live trees in excess of 3" diameter comprise much less than 50% canopy. So this is also not a young woodland.
EVERGREEN PARK ESTATES
NATURAL RESOURCE AREAS
CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
Revised November 30, 2017
SCALE
T. 2

March 2, 2017

Mr. Rick Przybyla:

At your request, on February 23, 2017 I accompanied you to assess the woody plant communities on a property at 7501 S. 49Th Street, Franklin, WI (Tax Key: 7889981001). Referencing the image below, the woody plants within the green oval , the vegetation along the property line (green arrows), and the vegetation around the house (blue oval) were examined.

My assessment of these woody plant areas and other comments follows:

- All woody plant areas marked in green consist of "volunteer" vegetation that has colonized the area since cessation of farming within the past 30 years. Very few native woody species exist. The number one plant in terms of biomass is Common Buckthorn, an invasive shrub species. Invasive Tatarian Honeysuckle shrubs are also quite abundant.
- There are very few native tree species within areas examined. These consist primarily of Green ash and American elm. Most of the ash trees are dead or dying from Emerald Ash Borer infestation. Similarly, American elms have succumbed to Dutch elm disease.
- While the canopies of these areas are clearly much greater than 50%, I estimate that individual native trees in excess of 3" DBH probably comprise less than 10% of the canopy – and these are largely dying as noted above. The vast majority of the tree canopy visible on the photo is attributable to invasive shrubs. Furthermore these invasive shrubs are less than 3" DBH. Thus, these woody plant areas clearly do not meet the definition of "young woodlands" in the City of Franklin development ordinance.

- The trees growing around the house on the north side of the property (smaller blue oval) consist of yard landscape plantings and are not native "woodland" trees. With their proximity to the house, these trees would be impacted by the razing of this structure.
- In my work I preserve native woodlands and other native plant communities and work to restore them for ecological health. Because of the heavy invasion of buckthorn and meager representation of native plants I consider this site to have a negative ecological value.

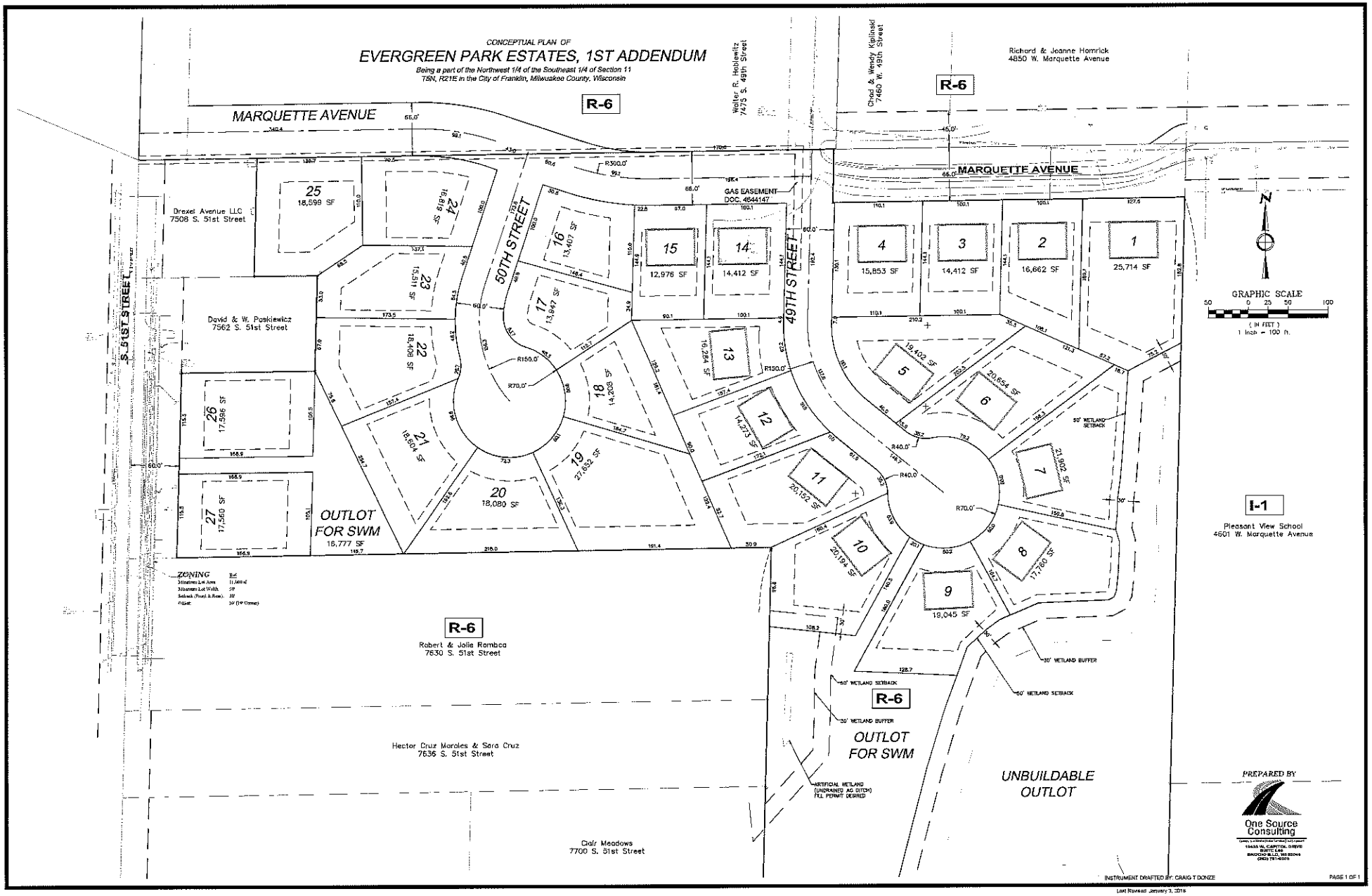
Respectfully,

Tom Zagar
ISA Certified Arborist
WI-0541A

CONCEPTUAL PLAN OF

EVERGREEN PARK ESTATES, 1ST ADDENDUM

Being a part of the Northwest 1/4 of the Southeast 1/4 of Section 11
T5N, R21E in the City of Franklin, Milwaukee County, Wisconsin



INSTRUMENT DRAFTED BY: CRAIG T DONZE

PAGE 1 OF 1

Last Revised: January 3, 2019

:l Dietl <JDietl@franklinwi.gov>; Mike Doble <MDoble@lynch-engineering.com>
ɔject: Grove of Trees on Marquette

To Whom It May Concern:

On 11/1/2016 I met with Richard Przybyla and Michael Doble to discuss the determination of a grove of spruce trees being mature woodland. It is my belief that this grove of trees should not be considered mature woodland for the following reasons.

1. These trees approximately 8-9 spruce were clearly planted by a homeowner as a windscreen. I would classify these trees as landscape/ornamental. The trees were also planted too closely together.
2. The spruce trees in question are showing numerous signs of needle disease/dieback. The entire bottom ½ to 2/3 of the trees are completely dead with only the tops showing foliage. Of the top ½ to 2/3 of the trees the needles are browning. This can be attributed to the improper plant spacing.
3. These spruce trees appear to be Colorado Blue Spruce a species not native to the area.

Please feel free to contact me with any questions or concerns.

Tom Riha
ISA Certified Arborist/Municipal Specialist
City of Franklin
Cell # 414-550-1117

Setback on Evergreen

Tom Riha

[illegible] 2:24 PM

[illegible]

'rickprzybyla@hotmail.com' <rickprzybyla@hotmail.com>;

To Whom It May Concern,

On 11/7/2016 I met with Rick Przybyla to determine if the woodlands on the eastern edge of his property classify as mature woodland. I believe this area doesn't meet the qualifications for the following reasons.

1. Only 5-6 trees are over 12" in diameter.
2. The understory is 90% buckthorn and prickly ash.
3. The first 100' of trees have some oaks and elms mixed in with box elder and ash. Further north the woodland is 90% ash and box elder with a few elms.

Another concern was the setback of right of way in regards to the tree line. The tree line is adjacent to a cultivated field. With the years of cultivation very few if any roots would be disturbed with any new excavations in this area. The first 15'-20' of vegetation is buckthorn and prickly ash. The large oak tree of concern's drip line comes out to the edge of the brush line. If excavation is kept 15'-20' off the brush line that should be adequate for protection of the more desirable species. I would also recommend removal of buckthorn in the area to allow better light penetration to the forest floor. The presence of buckthorn severally limits the natural reproduction and survival of any young trees in the area.

Tom Riha
City of Franklin
ISA Certified Arborist/Municipal Specialist

To Whom It May Concern:

On Nov 18th 2016 I met with Rick Przybyla to identify trees in the woodland area west of Marquette Avenue. The area is predominately ash and elm trees. The understory is largely buckthorn with a few dead apple trees and some hawthorn trees mixed in. Of the remaining ash and elm trees the ash showed significant signs of Emerald Ash borer. Though the trees may not be completely dead at this time they will be shortly. The elm trees are in various stages of Dutch elm disease some trees have fallen over, others have no bark attached to the trunk. Looking for live trees determined by the buds we were able to identify approximately 10-12 trees in healthy condition. With the heavy presence of Dutch elm disease, and Emerald Ash Borer it will not take long for the remaining trees to become infected.

Please feel free to contact me with any questions or concerns.

Sincerely,

Thomas J. Riha

City of Franklin

ISA Certified Arborist/ Municipal Specialist

New | Reply | Delete Archive Junk | Sweep Move to Categories Undo

Tree Assessment

BD Blazer, Daniel <Daniel.Blazer@davey.com> Reply |
Today, 9:14 AM
You

You replied on 4/7/2017 9:20 AM.

Rick,

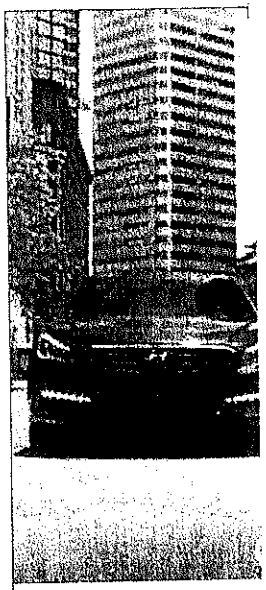
I toured the property we discussed near 7501 S. 49TH Street in Franklin. The total area I surveyed was around 12 ACRES. There was at least 7 acres of planted grassland which appeared to be barren Agricultural fields. The remaining 5 or so acres was tree and shrub areas. These trees and shrubs also appear to have been Agricultural lands at one point. The individual trees observed ranged from less than 1 inch to 10 inches in diameter. Over 60% of the wooded areas consisted of invasive trees such as Buckthorn and European honeysuckle. The native trees observed were 95% Green Ash and American Elm. Over half of the Elm trees were either dead or infected with Dutch Elm's Disease. Being a forested area and in the middle of a heavily hit area with Emerald Ash Borers, I wouldn't expect the population of forest Ash trees to survive into the future.

If this area were to be developed into a residential area, there would be no harm in removing all of the above described wooded areas provided that trees and shrubs planted in the new areas were resistant to certain common diseases and insects. I recommend not planting not more than 10% of any one species so any future insect/disease problem does not devastate the entire area. I highly recommend consulting with ISA Certified Arborists regarding the selection, placement, and installation of new trees and shrubs.

Let me know if you have any other questions. -Dan

Daniel Blazer | Consulting Arborist
ISA Certified Arborist #WI-0769A
The Davey Tree Expert Company
[P] (262)521-1860 | [F] (262)521-1415

DAVEY



LEASE STARTING AT
$199 per mo.
for 36 months with $2,399 due lease signing. $0 security deposit. Excludes tax, title a license.

Sonata
Find Yours
Learn More

DEPARTMENT OF ADMINISTRATIVE SERVICES

Milwaukee County

January 3, 2018

Sandra L. Wesolowski
City Clerk
City of Franklin
9229 West Loomis Road
Franklin, WI 53132

RE: Evergreen Park Estates
Preliminary Plat - File C-12-765

Dear Ms. Wesolowski:

A copy of the Preliminary Plat of Evergreen Park Estates located in the SE ¼ of Section 11, Township 5 North, Range 21 East in the City of Franklin has been reviewed by Milwaukee County in accordance with Section 236.12 of the Wisconsin Statutes.

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

1. That Outlots 1 through Outlot 4 be dedicated to the City of Franklin <u>or</u> be owned by the Evergreen Park Estates Homeowners Association by means of a fractional ownership.

If the homeowners association elects to own Outlots 1 through Outlot 4, then the following note shall be placed on the final plat and made as a requirement of the City in the plat approval process.

> Outlots 1 through Outlot 4 of the plat of Evergreen Park Estates is owned and shall be maintained by the Evergreen Park Estates Homeowners Association and each individual lot owner shall have an undividable fractional ownership of Outlots 1 through Outlot 4 and that Milwaukee County and the City of Franklin shall not be liable for any fees or special assessments in the event Milwaukee County or the City of Franklin should become the owner of any lot in the subdivision by reason of delinquency. The Homeowners Association shall maintain said outlots in an unobstructed condition so as to maintain its intended purpose. Construction of any building, grading, or filling in said outlots is prohibited unless approved by the City of Franklin. The Homeowners Association grants to the City the right (but not the responsibility) to enter upon these outlots in order to inspect, repair or restore said outlots to its intended purpose. Expenses incurred by the City for said inspection, repair or restoration of said outlots may be placed against the tax roll for said association and collected as a special charge by the City.

Any questions regarding item 1 can be directed to Mr. David Cialdini in Real Estate at 278-4876.

2. The following comments are from the Register of Deeds office. These comments shall be incorporated into the Final Plat before the objection can be rescinded.

Sandra Wesolowski
Evergreen Park Estates
Preliminary Plat - File C-12-765

- Please refer to State Stats regarding commencement of legal description from the "Center Section". Please review the legal and make any required corrections.
- Please refer to State Stats 236.20 and 236.21 regarding recording requirements.
- Please verify all bearings, distances, curve data, dedicated ROW data, approved road names, and provide monument information on the final plat..
- Surrounding parcel information should be verified.

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

Very truly yours,

Karl Stave

Karl Stave, P.E.

cc: Bill Waldron, Parks
David Cialdini, Real Estate
Rosita Ross, Register of Deeds
James R. Beaty, RLS, Horizon Land Development Services, LLC
Nicholas Fuchs, City of Franklin

O:\WPDOC\SITEDEV\DSGDOC\SUBDIVIS\C12765ltr2.doc

DEPARTMENT OF ADMINISTRATIVE SERVICES

Milwaukee County

January 3, 2018

Jayne Lathrop
Dept. of Administration
Plat Review
101 East Wilson St. FL 9
Madison, WI 53703

RE: Evergreen Park Estates
Preliminary Plat - File C-12-765
State File: 27766

Dear Ms. Lathrop:

A copy of the Preliminary Plat of Evergreen Park Estates located in the SE ¼ of Section 11, Township 5 North, Range 21 East in the City of Franklin has been reviewed by Milwaukee County in accordance with Section 236.12 of the Wisconsin Statutes.

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

1. That Outlots 1 through Outlot 4 be dedicated to the City of Franklin <u>or</u> be owned by the Evergreen Park Estates Homeowners Association by means of a fractional ownership.

If the homeowners association elects to own Outlots 1 through Outlot 4, then the following note shall be placed on the final plat and made as a requirement of the City in the plat approval process.

> Outlots 1 through Outlot 4 of the plat of Evergreen Park Estates is owned and shall be maintained by the Evergreen Park Estates Homeowners Association and each individual lot owner shall have an undividable fractional ownership of Outlots 1 through Outlot 4 and that Milwaukee County and the City of Franklin shall not be liable for any fees or special assessments in the event Milwaukee County or the City of Franklin should become the owner of any lot in the subdivision by reason of delinquency. The Homeowners Association shall maintain said outlots in an unobstructed condition so as to maintain its intended purpose. Construction of any building, grading, or filling in said outlots is prohibited unless approved by the City of Franklin. The Homeowners Association grants to the City the right (but not the responsibility) to enter upon these outlots in order to inspect, repair or restore said outlots to its intended purpose. Expenses incurred by the City for said inspection, repair or restoration of said outlots may be placed against the tax roll for said association and collected as a special charge by the City.

Any questions regarding item 1 can be directed to Mr. David Cialdini in Real Estate at 278-4876.

2. The following comments are from the Register of Deeds office. These comments shall be incorporated into the Final Plat before the objection can be rescinded.

Jayne Lathrop
Evergreen Park Estates
Preliminary Plat - File C-12-765
State File: 27766

- Please refer to State Stats regarding commencement of legal description from the "Center Section". Please review the legal and make any required corrections.
- Please refer to State Stats 236.20 and 236.21 regarding recording requirements.
- Please verify all bearings, distances, curve data, dedicated ROW data, approved road names, and provide monument information on the final plat..
- Surrounding parcel information should be verified.

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

Very truly yours,

Karl Stave

Karl Stave, P.E.

cc: Bill Waldron, Parks
David Cialdini, Real Estate
Rosita Ross, Register of Deeds
James R. Beaty, RLS, Horizon Land Development Services, LLC
Nicholas Fuchs, City of Franklin

O:\WPDOC\SITEDEV\DSGDOC\SUBDIVIS\C12765ltr3.doc

BLANK PAGE