

CITY OF FRANKLIN  
PLAN COMMISSION MEETING\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA  
THURSDAY, JANUARY 24, 2019, 7:00 P.M.

A. **Call to Order and Roll Call**

B. **Approval of Minutes**

1. Approval of regular meeting of December 20, 2018.

C. **Public Hearing Business Matters** (action may be taken on all matters following the respective Public Hearing thereon)

D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)

1. **KEVIN J. CALVERLEY AND DEBORAH J. CALVERLEY LAND COMBINATION.** Land Combination application by Kevin J. Calverley and Deborah J. Calverley for combining a parcel of land located at 6943 South Tumblecreek Drive (Lot 19 of the Tumblecreek Subdivision) with Outlot 16 of Plat of Outlots 1 through 5 of Tumblecreek Subdivision, for construction of a fence that will be partially located on Outlot 16, property zoned Planned Development District No. 2 (Tumblecreek/Hidden Lakes Development); Tax Key Nos. 739-0019-000 and 739-0106-000 (Outlot 16).

E. **Adjournment**

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

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

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

**REMINDERS:**

Next Regular Plan Commission Meeting: February 7, 2019

**City of Franklin  
Plan Commission Meeting  
December 20, 2018  
Minutes**

Unapproved

**A. Call to Order and Roll Call**

Mayor Steve Olson called the December 20, 2018 regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Commissioners Adam Burckhardt and David Fowler, City Engineer Glen Morrow and Alderman Mark Dandrea. Excused was Commissioner Patricia Hogan and Kevin Haley. Also present were, Planning Manager Joel Dietl and Principal Planner Ben Kohout.

**B. Approval of Minutes**

1. Regular Meeting of December 6, 2018.

Alderman Dandrea moved and Commissioner Burckhardt seconded approval of the December 6, 2018 minutes of the regular meeting of the Plan Commission. On voice vote, all voted 'aye'. Motion carried (4-0-2).

**C. Public Hearing Business Matters**

**1. INNOVATIVE HEALTH & FITNESS FIELDHOUSE ADDITION GRADING AND CONSTRUCTION.** Natural Resource Features Special Exception application by Scott Cole, owner of Innovative Health & Fitness Building, LLC, for the purpose of clearing, grading, filling and developing approximately 0.08 acres of shore buffer, 0.07 acres of wetland buffer and 0.04 acres of wetland setback (the existing building and parking lot currently encroaches into approximately 0.03 acres of shore buffer, 0.37 acres of wetland buffer and 0.35 acres of wetland setback), for property located at 8800 South 102nd Street, such property being zoned Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.); Tax Key No. 846-9987-002, to allow for an approximately 25,500 square foot fieldhouse addition to the Innovative Health & Fitness building.

Planning Manager Joel Dietl presented the request by Scott Cole, owner of Innovative Health & Fitness Building, LLC, for the purpose of clearing, grading, filling and developing approximately 0.08 acres of shore buffer, 0.07 acres of wetland buffer and 0.04 acres of wetland setback (the existing building and parking lot currently encroaches into approximately 0.03 acres of shore buffer, 0.37 acres of wetland buffer and 0.35 acres of wetland setback), for property located at 8800 South 102nd Street, such property being zoned Planned Development District No. 29 (Wellness Center – Mark E. Carstensen Inc.); Tax Key No. 846-9987-002, to allow for an approximately 25,500 square foot fieldhouse addition to the Innovative Health & Fitness building.

The official Notice of Public Hearing was read in to the record by Planning Manager Dietl and the Public Hearing was opened at 7:02.

Commissioner Fowler moved and Alderman Dandrea seconded a motion to recommend approval of the Innovative Health & Fitness Building, LLC Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission and

Common Council consideration of the Environmental Commission recommendations. On voice vote all voted 'aye'. Motion carried (4-0-2).

#### **D. Business Matters**

1. ***Housing Diversity in Franklin, Wisconsin*** Report, Prepared by Bruce S. Kaniewski, AICP; a guide to the Housing Element of the "City of Franklin 2025 Comprehensive Master Plan".

Planning Manager Joel Dietl presented the ***Housing Diversity in Franklin, Wisconsin*** Report, Prepared by Bruce S. Kaniewski, AICP; a guide to the Housing Element of the "City of Franklin 2025 Comprehensive Master Plan".

Commissioner Fowler moved and Commissioner Burckhardt seconded a motion to approve and recommend approval of the report subject to consideration under and to engage the report in the process of incorporation into the Comprehensive Master Plan. On voice vote all voted 'aye'. Motion carried (4-0-2).

#### **E. Adjournment**

Commissioner Burckhardt moved and Commissioner Fowler seconded to adjourn the Plan Commission meeting of December 20, 2018 at 7:35 p.m. All voted 'aye'; motion carried. (4-0-2).



# CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of January 24, 2019

### Land Combination Permit

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**RECOMMENDATION:** City Development Staff recommends approval of the proposed Land Combination for property located at 6943 S. TumbleCreek Drive and Outlot 16 of Plat of Outlots 1 thru 5 of Tumblecreek.

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<b>Project Name:</b>	Calverley Land Combination
<b>Project Address:</b>	6943 S. TumbleCreek Drive
<b>Applicant:</b>	Kevin and Deborah Calverley
<b>Owners (property):</b>	Kevin and Deborah Calverley
<b>Current Zoning:</b>	Planned Development District No. 2
<b>Future Land Use Designation:</b>	Residential
<b>Use of Surrounding Properties:</b>	Residential
<b>Applicant Action Requested:</b>	Approval of the proposed Land Combination for property located at 6943 S. TumbleCreek Drive and Outlot 16 of Plat of Outlots 1 thru 5 of Tumblecreek.

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### PROJECT DESCRIPTION AND ANALYSIS:

On November 28, 2018, Kevin and Deborah Calverley filed a Land Combination Permit Application with the Department of City Development, requesting approval to combine the property located at 6943 S. TumbleCreek Drive and Outlot 16 of Plat of Outlots 1 thru 5 of Tumblecreek. They intend to construct a fence across both properties.

The property located at 6943 S. TumbleCreek Drive contains a single-family home and is approximately 0.22-acres or 9,583 square feet. The resultant property will have an area of approximately 0.29 acres or 12,632 square feet.

Outlot No. 19 is approximately 0.07-acres in size and has an existing shed on it. Outlot No. 16 was originally part of Outlot 5 of the Tumblecreek Subdivision Plat, which was intended for a pedestrian easement that never came to fruition. In 1988, a Plat of Outlots 1 thru 5 of Tumblecreek was created which divided Outlot 5 into smaller outlots that were deeded to adjacent property owners. Since then, residents of the Hidden Lakes neighborhood have been combining their lots with their adjacent outlots to form larger lots through the Land Combination process.

According to Section 15-3.0801 of the Unified Development Ordinance (UDO) accessory structures are prohibited on properties without a principal structure. The proposed land combination would allow Mr. and Mrs. Calverley to utilize the two properties as though they were one (1) parcel of land without regard to lot lines dividing the parcels. It appears the existing

shed on Outlot No. 16 was constructed without a Building Permit. As such, the applicant may have to obtain an after the fact Building Permit for the shed from the Inspection Department.

Since both parcels are lots of record that existed prior to August 1, 1998, a Natural Resource Protection Plan is not required. The 0.29-acre property resulting from the land combination will meet the development standards of Planned Development District No. 2.

**STAFF RECOMMENDATION:**

City Development staff recommends approval of the proposed Land Combination for property located at 6943 S. TumbleCreek Drive and Outlot 16 of Plat of Outlots 1 thru 5 of Tumblecreek..

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 1-16-19]*

RESOLUTION NO. 2019-\_\_\_\_\_

A RESOLUTION CONDITIONALLY  
APPROVING A LAND COMBINATION FOR  
TAX KEY NOS. 739-0019-000 AND 739-0106-000  
(6943 SOUTH TUMBLECREEK DRIVE AND OUTLOT 16 OF  
PLAT OF OUTLOTS 1 THROUGH 5 OF TUMBLECREEK)  
(KEVIN J. CALVERLEY AND DEBORAH J. CALVERLEY, APPLICANTS)

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WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a proposed land combination for Kevin J. Calverley and Deborah J. Calverley to accommodate construction of a fence on a portion of Outlot 16 of Plat of Outlots 1 through 5 of Tumblecreek, adjoining the Calverley residential property at 6943 South Tumblecreek Drive (Lot 19); bearing Tax Key Nos. 739-0019-000 and 739-0106-000 (Outlot 16), more particularly described as follows:

Property Description for 6943 South Tumblecreek Drive:

Lot Nineteen (19), in Tumblecreek, being a Subdivision of part of the Southwest One-Quarter (1/4) of the Southwest One-Quarter (1/4) of Section One (1), Township Five (5) North, Range Twenty-One (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

Property Description for Outlot 16:

Outlot Sixteen (16) of Plat of Outlots One (1) Thru Five (5) of Tumblecreek, being a Subdivision of Outlots One (1) Thru Five (5) of Tumblecreek, being a part of the Southwest One-Quarter (1/4) of the Southwest One-Quarter (1/4) of Section One (1), Township Five (5) North, Range Twenty-One (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

WHEREAS, the Plan Commission having reviewed such application and recommended approval thereof and the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed land combination is appropriate for approval pursuant to law upon certain conditions, all pursuant to §15-9.0312 of the Unified Development Ordinance, Land Combination Permits.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the proposed land combination for Kevin J. Calverley and Deborah J. Calverley, as submitted by Kevin J. Calverley and Deborah J. Calverley, as described above, be and the same is hereby approved, subject to the following conditions:

KEVIN J. CALVERLEY AND DEBORAH J. CALVERLEY – LAND COMBINATION  
RESOLUTION NO. 2019-\_\_\_\_\_

Page 2

1. Kevin J. Calverley and Deborah J. Calverley, successors and assigns shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Kevin J. Calverley and Deborah J. Calverley land combination project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
2. The approval granted hereunder is conditional upon Kevin J. Calverley and Deborah J. Calverley and the land combination project for the property located at 6943 South Tumblecreek Drive and Outlot 16 of Plat of Outlots 1 through 5 of Tumblecreek: (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.

3. [other conditions, etc.]

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

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

ATTEST:

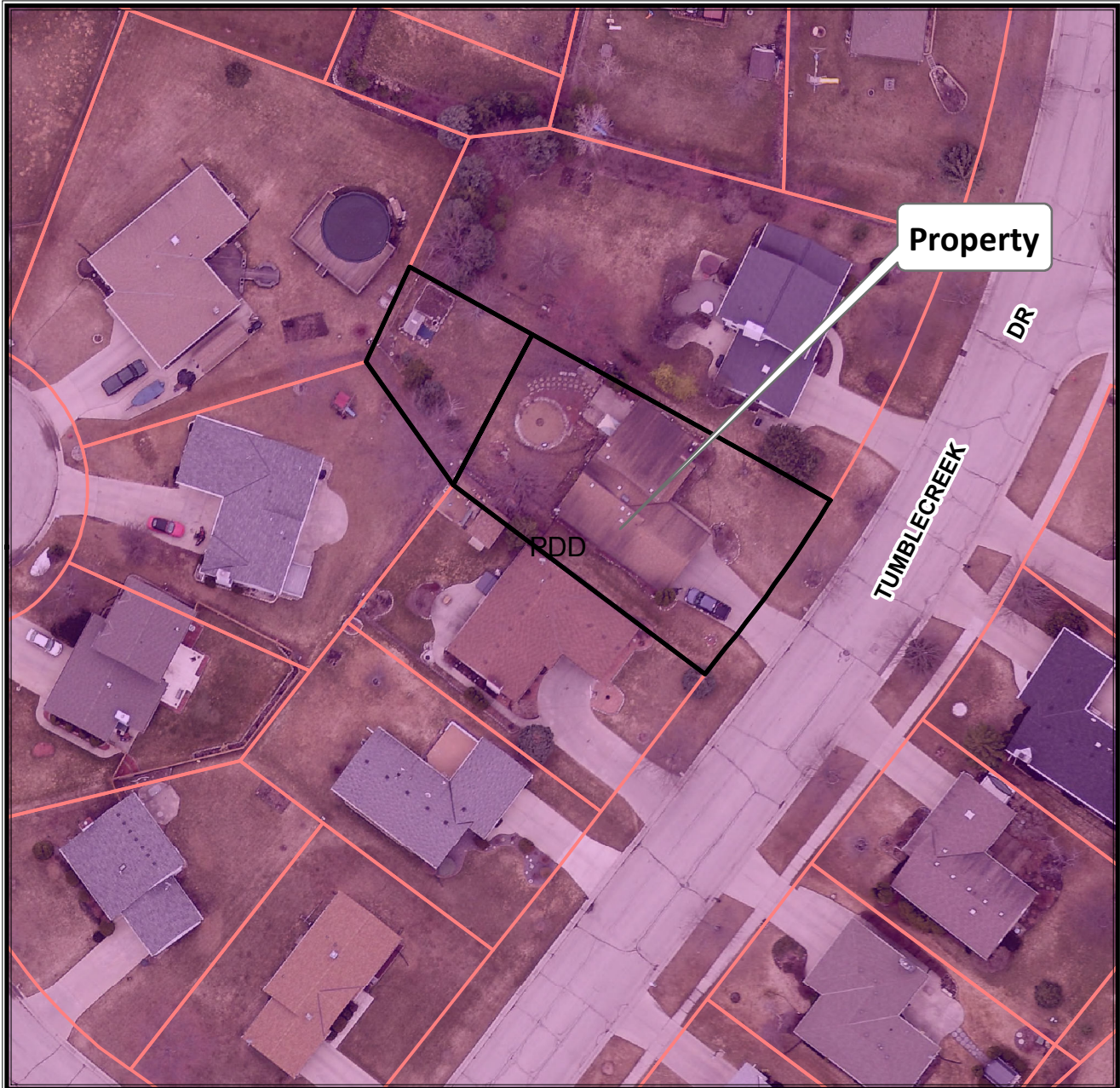
\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

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





6943 W. Tumblecreek Drive  
TKNs: 739 0019 000  
739 0106 000



**Planning Department**  
**(414) 425-4024**

0 37.5 75 150 Feet

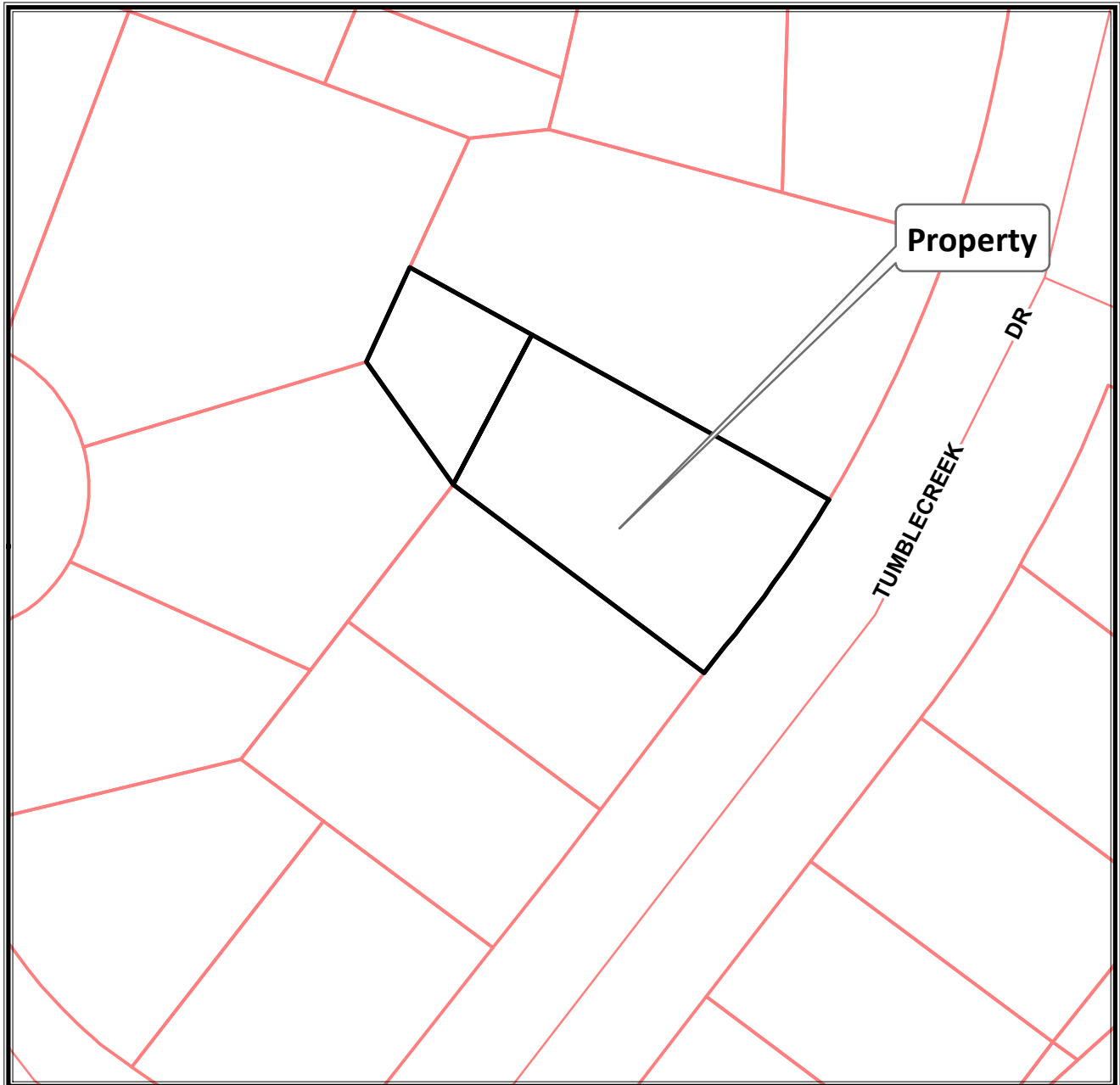
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*







6943 W. Tumblecreek Drive  
TKNs: 739 0019 000  
739 0106 000



**Planning Department**  
**(414) 425-4024**

0 37.5 75 150 Feet

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





Date of Application: \_\_\_\_\_

## LAND COMBINATION APPLICATION

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

**Property Owner(s)** (Full Legal Name(s)):  
Name(s): Kevin + Deborah Calverley  
Mailing Address: 6943 S Tumble Creek Dr  
City / State: Franklin Wis Zip: 53132  
Phone: 414-303-4017  
Email Address: Kcalverley763@yahoo.com

**Applicant is Represented by (contact person)** (Full Legal Name(s)):  
Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City / State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**Project Property #1 Information:**  
Property Address: 6943 S Tumble Creek Dr  
Tax Key No: 139-0106-000  
Existing Zoning: PDD No. 2 100189  
Existing Use: residential - 0.23 acres  
Proposed Use: Put up fence - home  
Future Land Use Identification: residential

**Project Property #2 Information:**  
Property Address: 6943 S Tumble Creek Dr  
Tax Key No: 139-0106-000  
Existing Zoning: PDD No. 2  
Existing Use: yard - 0.07 acres 30492sf  
Proposed Use: Put fence around yard  
Future Land Use Identification: residential

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

### Land Combination submittals for review must include and be accompanied by the following:

- ☐ This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- ☐ Application Filing Fee, payable to City of Franklin: ☐ \$400
- ☐ Legal Description for the subject properties (WORD.doc or compatible format).
- ☐ Seven (7) copies of a boundary survey of the parcels to be combined graphically showing the relationship to street access and to adjoining properties.
- ☐ Email (or CD ROM) with all plans/submittal materials (where applicable). *Plans must be submitted in both Adobe PDF and AutoCAD compatible format.*

- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Review and consideration of Land Combination approvals shall be in accordance with Section 15-9.0312(B) of the Unified Development Ordinance.
- Requests require Plan Commission review and Common Council approval.
- Final document will be recorded by the City Clerk's Office with Milwaukee County Register of Deeds.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

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

Deborah Calverley  
Signature - Property Owner  
Deborah Calverley  
Name & Title (PRINT)  
Date: 1-9-19

Deborah Calverley  
Signature - Applicant  
Deborah Calverley  
Name & Title (PRINT)  
Date: 1-9-19

Kevin Calverley  
Signature - Property Owner  
Kevin Calverley  
Name & Title (PRINT)  
Date: 1-9-19

Kevin Calverley  
Signature - Applicant's Representative  
Kevin Calverley  
Name & Title (PRINT)  
Date: 1-9-19

Franklin

JAN 10 2019

City Development

APPENDIX A

PARCEL 1:

TAX KEY NO. 739-0019

LOT NINETEEN (19), IN TUMBLECREEK, BEING A SUBDIVISION OF PART OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF SECTION ONE (1), TOWNSHIP FIVE (5) NORTH, RANGE TWENTY-ONE (21) EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

PARCEL 2:

TAX KEY NO. 739-0106

OUTLOT SIXTEEN (16) OF PLAT OF OUTLOTS ONE (1) THRU FIVE (5) OF TUMBLECREEK, BEING A SUBDIVISION OF OUTLOTS ONE (1) THRU FIVE (5) OF TUMBLECREEK, BEING A PART OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF SECTION ONE (1), TOWNSHIP FIVE (5) NORTH, RANGE TWENTY-ONE (21) EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

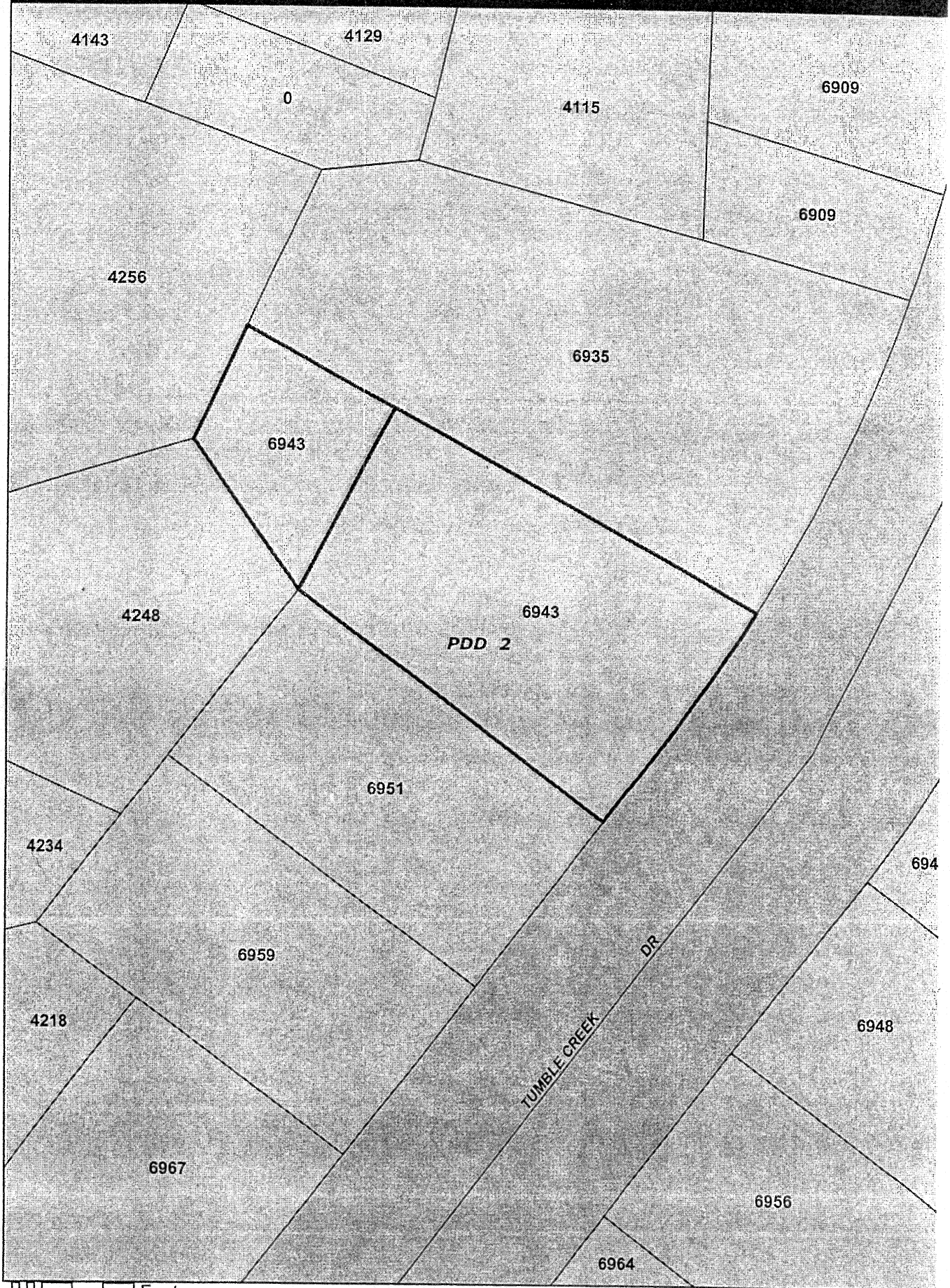
# Legend

<all other val

## ZON\_DISTRICT

- A-1
- A-2
- B-1
- B-2
- B-3
- B-4
- B-5
- B-6
- BP
- C-1
- FC
- FFO
- FW
- I-1
- M-1
- M-2
- P-1
- PDD
- R-1
- R-2
- R-3
- R-3E
- R-4
- R-5
- R-6
- R-7
- R-8
- VB
- VR

# Tumblecreek Dr - 06943 S



2005  
Planning

0 510 20 30 40 Feet

# PLAT OF OUTLOTS 1 THRU 5 OF TUMBLECREEK

BEING A SUBDIVISION OF PART OF THE S.W. 1/4 OF THE S.W. 1/4 OF SEC. 1, T. 5 N., R. 21 E.,  
IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

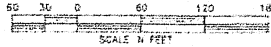


DECEMBER 25, 1937  
RECEIVED THIS DAY OF DECEMBER, 1937

## LEGEND

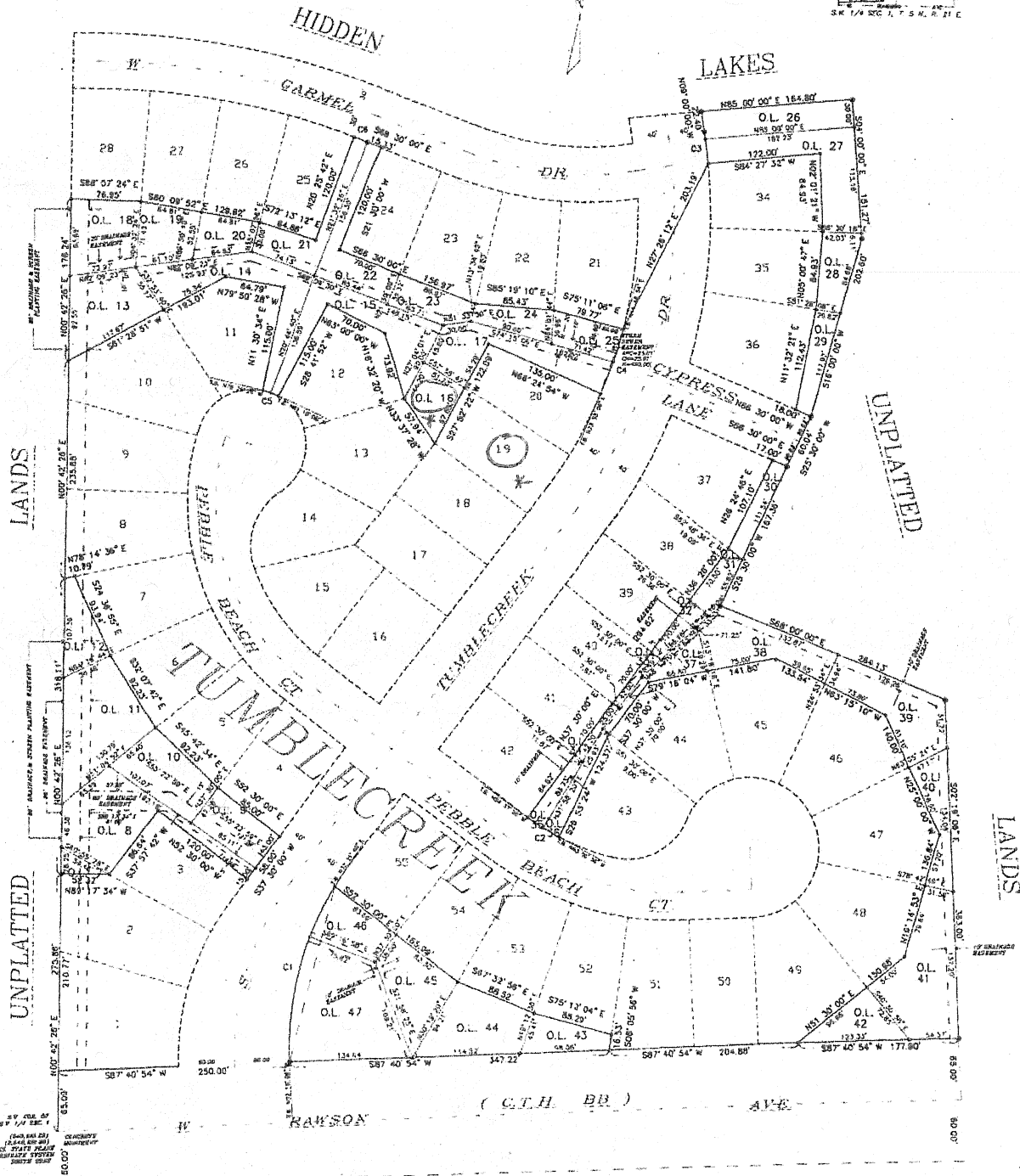
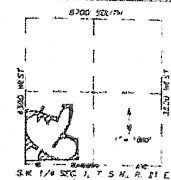
- 1) INDICATES 2" IRON PIPE, WT. 3.65 LBS. PER LINEAL FT., 30" LENGTH
- 2) ALL OTHER OUTLOT CORNERS HAVE 1" IRON PIPE, INDICATES EXISTING
- 3) 1" IRON PIPE MONUMENTS, WT. 1.13 LBS. PER LINEAL FT., 24" LENGTH
- 4) ALL DIMENSIONS MEASURED AND SHOWN TO NEAREST HUNDREDTH OF A FT.
- 5) ALL BEARINGS REFER TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE
- 6) OUTLOT 41, 42, 43, 44, AND 47 RESTRICTED TO NO DIRECT VEHICULAR ACCESS TO W. RANSOM AVE. (C.T.H. 88)
- 7) OUTLOT 46 RESTRICTED FOR PEDESTRIAN USE, INGRESS-EGRESS TO FUTURE RECREATION AREA
- 8) OUTLOT 47 RESTRICTED FOR SPECIAL USE
- 9) ALL INDICATED OUTLOT
- 10) T.B. INDICATES TANGENT BEARING
- 11) SEE SHEET 2 FOR CURVE AND AREA DATA

## GRAPHICS SCALE



SCALE: 1" = 60'

## LOCATION SKETCH





Deborah and Kevin Calverley  
6943 S. Tumble Creek Dr.  
Franklin, WI 53132  
January 4, 2019

City of Franklin  
9229 W. Loomis Rd.  
Franklin, WI 53132

Staff at the City of Franklin:

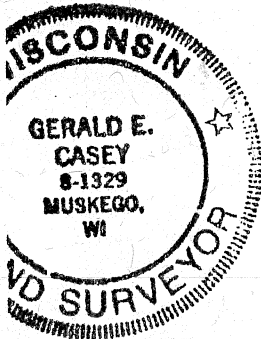
Thank you for reviewing our Land Combination request at 6943 S. Tumble Creek Dr., for Lot 19 of Tumble Creek Subdivision and Outlot 16 of Plat of Outlots 1 through 5 of Tumble Creek.

The purpose of this request, to combine the two lands, is to be able to put up a fence in the spring. We have two dogs, so this would be an acceptable way to keep our dogs within and keep coyotes out, as it is known that coyotes do roam the area we live in and within the City of Franklin in general.

If you have any questions, please contact us at (414) 303-4017 or by email at [kcalverley7663@yahoo.com](mailto:kcalverley7663@yahoo.com). Thank you again for your time and consideration of our Land Combination request.

Sincerely,

Deborah and Kevin Calverley



WIL PEBBLE BEACH CT

UTILITY EASEMENT  
 EASEMENT AS DOC.  
 NO. 2720294 IS  
 GENERAL IN NATURE  
 AND DOES NOT APPEAR  
 TO AFFECT THIS PROPERTY.

**ROPOLITAN SURVEY SERVICE, INC.**  
 REGISTERED LAND SURVEYORS  
 JANESVILLE RD. HALES CORNERS, WI 53130  
 529-5380

**S. TUMBLECREEK DR.**  
 (80' R.O.W.)

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

SIGNED

Gerald E. Casey  
 Registered Land Surveyor 8-1329

