

<p align="center">APPROVAL</p> <p align="center"><i>Slw</i></p>	<p align="center">REQUEST FOR COUNCIL ACTION</p>	<p align="center">MEETING DATE</p> <p align="center">July 21, 2015</p>
<p align="center">REPORTS AND RECOMMENDATIONS</p>	<p align="center">Matter of relocation of school district boundaries to be coterminous with City boundary process</p>	<p align="center">ITEM NUMBER</p> <p align="center"><i>G.12.</i></p>

On June 10, 2015, the Common Council adopted a motion to have the City Attorney begin formal investigation into moving the boundary of the Franklin School District to South 27th Street. Attached is a memo prepared by Assistant City Attorney Joshi.

COUNCIL ACTION REQUESTED

As the Common Council may deem appropriate.

WESOLOWSKI, REIDENBACH & SAJDAK, S.C.
ATTORNEYS AT LAW
11402 WEST CHURCH STREET
FRANKLIN, WISCONSIN 53132

JESSE A. WESOLOWSKI
FREDERICK E. REIDENBACH 1919-2002
BRIAN C. SAJDAK
SIELY N. JOSHI

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JANE C. KASSIS,
LEGAL SECRETARY

July 15, 2015

To: Jesse A. Wesolowski
From: Siely N. Joshi

Re: Investigation into the procedure for moving the boundary of the Franklin School District to South 27th Street

Application of Wis. Stat. § 117.11

Moving the boundary of the Franklin School District to South 27th Street would be deemed “detachment and attachment of a large territory” governed by Wis. Stat. § 117.11. For purposes of public school district reorganization, a territory is defined as large if one of the following is present:

- The assessed value of the territory proposed to be transferred to an adjoining school district, divided by the assessment ratio of the taxation district is equal to or greater than 7% of the equalized valuation of the school district from which the territory is proposed to be detached; or
- 7% or more of the enrollment of the school district from which the territory is proposed to be detached resides in the territory proposed to be detached.

For the present discussion, moving the boundary of the Franklin School District to South 27th Street would result in detaching this territory from the Oak Creek-Franklin Joint School District and attaching it to the Franklin School District. This territory is currently part of the City of Franklin and about 8% of the students in the Oak Creek-Franklin Joint School District reside in this City of Franklin territory of the Oak Creek-Franklin Joint District.¹ Thus, because 7% or more of the enrollment of the Oak Creek-Franklin Joint School District resides in the territory proposed to be detached from the Oak Creek-Franklin Joint School District and attached to the Franklin School District, Wis. Stat. § 117.11 would apply to the matter of moving the Franklin School District boundary to South 27th Street.

¹ Information provided by email correspondence from Jill Bebeau of the Oak Creek-Franklin Joint School District on July 1, 2015, citing the Future Facilities Planning Committee as the source of this information.

Initiation of Procedures:

Wis. Stat. § 117.11(2) states that the procedures for the detachment and attachment of a large territory may be initiated by the filing of a petition by either of the following:

- A majority of the electors residing in the territory proposed to be transferred; or
- The owners or more than 50% of the territory proposed to be transferred, as measured by its assessed valuation divided by its assessment ratio.

The petition for the detachment and attachment of the large territory must be filed with the clerk of the current school district in which the territory is located. The petition must include a sufficiently accurate description of the territory proposed for transfer to determine its location in the district, as certified by the clerk of each city within which all or part of the territory is located, and the number pupils residing in the territory and enrolled in the district, as certified by the clerk of that school district. The petition must also state the number of pupils residing in the territory who, on the most recent third Friday in September or second Friday in January count, were enrolled in the district. Upon receipt of the petition, the school district clerk shall send a certified notice of the petition to the school board of the district to which the territory is proposed to be attached and to the secretary of the School District Boundary Appeal Board (SDBAB).

School Board Action:

The school boards of the affected territory, meeting jointly or separately in the first July beginning after receipt of the petition, may grant or deny the detachment and attachment of territory by adoption of a resolution. Each school board must file a copy of the resolution ordering or denying the reorganization with the SDBAB within five days after the adoption of the resolution. If both school boards agree to the attachment and detachment, and there is no referendum, the territory is transferred effective on the July 1 following the school board approval. Failure of a school board to adopt a resolution either ordering or denying the transfer before August 1 constitutes a denial of the reorganization by that school board.

Referendum:

Regardless of whether the detachment and attachment is ordered or denied by the school boards, a binding referendum shall be held if either of the following happens before the second Tuesday of September following the adoption of the resolution:

- The school board of either affected school district directs the holding of a referendum; or
- A petition requesting a referendum, signed by at least 10% of the electors residing in either affected school district, is filed with the clerk of the school district from which the territory is proposed to be detached.

If a referendum is necessary, it must be held on the Tuesday after the first Monday in November following the receipt of the petition or resolution.² The transfer of the large territory must be supported by a majority of the votes cast in each affected school district in order to be approved; otherwise the territory is not transferred.

² Wis. Stat. § 117.20.

Criteria Considered in School District Reorganization:

Wis. Stat. § 117.15 provides the following list of factors that a school board, the SDBAB, and an appeal panel should consider when assessing the effect of school district reorganization on the educational welfare of the children residing in all of the affected school districts:

- The geographical and topographical characteristics of the affected school districts, including the estimated travel time to and from school for pupils in the school districts.
- The educational needs of all of the children residing in the affected school districts, the educational programs currently offered by each affected school district and the ability and commitment of each school district to meet those needs and continue to offer those educational programs.
- If territory is proposed to be detached from one school district and attached to an adjoining school district, whether the proposed detachment will have any adverse effect on the program currently offered by the school district from which the territory is proposed to be detached, including both curricular and extracurricular aspects of that program.
- The testimony of and written statements filed by the residents of the affected school districts.
- The estimated fiscal effect of the proposed reorganization on the affected school districts, including the effect of the apportionment of assets and liabilities.
- Whether the proposed reorganization will make any part of a school district's territory noncontiguous.
- The socioeconomic level and racial composition of the pupils who reside in territory proposed to be detached from one school district and attached to an adjoining school district.
- The proportion of the pupils who reside in the affected territory who are children at risk.
- The socioeconomic level and racial composition of the pupils who reside or will reside in territory proposed to be detached from one school district and attached to an adjoining school district; the proportion of the pupils who reside in such territory who are children at risk, as defined under Wis. Stat. § 118.153(1)(a); and the effect that the pupils described in this paragraph will have on the present and future socioeconomic level and racial composition of the affected school districts and on the proportion of the affected school districts' enrollments that will be children at risk.

Related Issues:

Following the approval of a transfer of territory, assets and liabilities are assigned to the school districts under Wis. Stat. § 66.0235, on the effective date of the reorganization. The process may include assets and liabilities being assigned proportionally to the affected school districts based on the ratio of the equalized valuation of the transferred territory to the equalized

valuation of all taxable property in the detaching school district.³ Wis. Stat. § 66.0235(2c)(b) provides for an alternate procedure to be used wherein the affected school boards adopt identical resolutions stating the agreed-upon division of assets and liabilities. The resolution must pass in each affected school board by a three-fourths vote in favor of the resolution. Districts holding state trust fund loans should refer to Wis. Stat. § 66.0235(10) for the procedure to transfer this debt.

³ Wis. Stat. § 66.0235(2c)(a).

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 7/21/15
Reports & Recommendations	SUBJECT: Consideration of activating the terms of a Water Main Connection Agreement from property owner at 8818 S. 35 th Street	ITEM NO. <i>G.13.</i>

BACKGROUND

The property owner at 8818 S. 35th Street 2006 contacted both Engineering and Health Departments to express concern for the quantity and quality of water produced by their private well. In fact, the well stopped functioning. A temporary connection was made to a water main hydrant on S. 35th Street which was installed as part of the Yorkshire Development; then per agreement as approved by City Council on 9/5/2006, connected more permanently. The water main presently does not front the 8818 S. 35th Street property.

Attached find an agreement executed by the property owner recognizing the conditions required to connect. Most noteworthy is item No. 4, the owner will waive their right to oppose a future extension and associated assessment for water main fronting their property.

ANALYSIS

The City is now proposing to extend water main on S. 35th Street south approximately 25 feet to allow for a best alignment of main west on W. Crest Court. The S. 35th Street extension will front the far northwest corner of the property at 8818 S. 35th Street, 25 feet of total 140 feet.

It is believed that any extension along the frontage of this property could activate the terms of the connection agreement.

Staff believes there are several considerations that should be given:

1. The present point of service connection should best be moved from the far west corner to a more central location.
2. The drive to the property lines in the far west corner further makes the corner restricted.
3. There is no certainty to when water main will be further extended south on S. 35th Street past the rest of the front of 8818.

The Board of Water Commissioners will be considering this matter at their July 21, 2015 meeting.

OPTIONS

- Activate the connection agreement.
- Defer activation of agreement.
- Submit further terms of understanding to owner.

FISCAL NOTE

The assessment is based on standard assessment practices with capped rate per foot times actual frontage. The special assessment is based on assessable frontage of 140 feet times the capped maximum of \$68.56/LF (2015) resulting in an assessment of \$9,598.40.

RECOMMENDATION

Consideration of activating the terms of a Water Main Connection Agreement from property owner at 8818 S. 35th Street.

WATER MAIN CONNECTION AGREEMENT

WHEREAS, Viet Vu ("Vu") is the owner of the property commonly known as 8818 South 35th Street, Franklin, Wisconsin, more particularly described as:

Parcel Two (2) of Certified Survey Map No. 3130, recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin on June 28, 1977, in Reel 1027, Image 1964 and 1965, as Document No. 5115684, being a part of the Northeast One-quarter (¼) of Section Twenty-four (24), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, Milwaukee County, Wisconsin (Tax Key No. (855-9925-002).

WHEREAS, Vu has experienced continual problems with his private well and water produced and it has now failed; and

WHEREAS, Vu has requested permission from the City of Franklin to connect to the extension of water main in South 35th Street, so as to have the benefit of the immediate availability of municipal water main service to their property; and

WHEREAS, it is likely that water main service will be extended on South 35th Street abutting the frontage of the property at 8818 South 35th Street and the special assessment policy of the City of Franklin would require the property at 8818 South 35th Street to be specially assessed and the owners thereof to pay the special assessment pursuant to Section 207-15.0 of the Municipal Code of Franklin, Wisconsin, for such water main service installation.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, it is hereby agreed as follows:

1. The City of Franklin hereby grants permission to Vu, as owner of the property located at 8818 South 35th Street, Franklin, Wisconsin, to connect to the water main service installed in South 35th Street.

2. Upon connection of the property at 8818 South 35th Street, Franklin Wisconsin, to the water main service installed in South 35th Street to the north of said property, Vu shall pay to the City of Franklin the water main impact fees as required by the Municipal Code of Franklin, Wisconsin, as amended from time to time.

3. All arrangements for and costs arising from the connection of the property at 8818 South 35th Street, Franklin, Wisconsin, to the water main service installed in South 35th Street abutting said property shall be the responsibility of Vu.

4. Vu, for his heirs, successors and assigns, notwithstanding any prior water service availability or connection to the property at 8818 South 35th Street, Franklin, Wisconsin, shall be responsible for and pay to the City of Franklin any assessment levied against the property located at 8818 South 35th Street, Franklin, Wisconsin, for the installation of water main service in South 35th Street abutting said property and they

Personally came before me this _____ day of _____, 2006, Thomas M. Taylor, Mayor, and Sandra L. Wesolowski, City Clerk, of the above named municipal corporation, City of Franklin, to me known to be the persons who executed the foregoing instrument and to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said municipal corporation by its authority and pursuant to approval granted by its Common Council on the _____ day of _____, 2006.

Notary Public, State of Wisconsin
My commission expires: _____

This instrument was drafted by
Ronald J. Romeis, Assistant City Engineer



3723

COURT

CREST

3620

STREET

122.35

186

3531

203

3511

122.35

STREET

S. 35TH

WEST

8818

3408

8830

8820

8850

8850

8820

8820

8820

WATER MAIN EXTENSION ON W CREST COURT

PROPOSED WATER MAIN

1"=50'

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>7/21/15</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 3565 "PACKAGING MACHINERY" TO ALLOW FOR SUCH USE AS A</p>	<p>ITEM NUMBER</p> <p><i>G.14.</i></p>
	<p>PERMITTED USE IN THE M-1 LIMITED INDUSTRIAL DISTRICT (KRONES, INC., APPLICANT)</p>	

At their meeting on July 9, 2015, the Plan Commission recommended approval of an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 3565 "Packaging Machinery" to allow for such use as a permitted use in the M-1 Limited Industrial District (Krones, Inc. Applicant).

COUNCIL ACTION

A motion to adopt Ordinance No. 2015-_____ to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 3565 "Packaging Machinery" to allow for such use as a permitted use in the M-1 Limited Industrial District (Krones, Inc. Applicant).

ORDINANCE NO. 2015-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION
TITLE NO. 3565 "PACKAGING MACHINERY" TO ALLOW FOR SUCH USE AS A
PERMITTED USE IN THE M-1 LIMITED INDUSTRIAL DISTRICT
(KRONES, INC., APPLICANT)

WHEREAS, Table 15-3.0603 of the Unified Development Ordinance sets forth the permitted and special uses in the nonresidential zoning districts; and

WHEREAS, Krones, Inc. having applied for a text amendment to Table 15-3.0603, Standard Industrial Classification Title No. 3565 "Packaging machinery", to allow for such use as a Permitted Use in the M-1 Limited Industrial District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to allow for Standard Industrial Classification Title No. 3565 "Packaging machinery" as a Permitted Use in the M-1 Limited Industrial District, and having held a public hearing on the proposal on the 9th day of July, 2015 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

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

SECTION 1: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to: Standard Industrial Classification Title No. 3565 "Packaging machinery", is hereby amended as follows: insert "P" (Permitted Use) in the M-1 column.

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

SECTION 3: All ordinances and parts of ordinances in contravention to this

ORDINANCE NO. 2015-____
Page 2

ordinance are hereby repealed.

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



City of Franklin Planning Commission
9229 W. Loomis Road
Franklin, WI 53132

KRONES, INC.
9600 South 58th Street
P.O. Box 321801
Franklin, WI 53132-6241 USA

Corporate Administration

Doris Mayer

Tel: (414) 409-4024

Fax: (414) 409-4140

Doris.mayer@kronesusa.com

June 10, 2015

Franklin

Subject: Krones, Inc use in the M-1 Zoning

JUN 15 2015

To Whom it May Concern:

City Development

We would like to propose an amendment to the Unified Development Code(UDO) by requesting to add the Standard Industrial Classification(SIC) Title No. 3565 Packaging machinery as a permitted use in the M-1 Limited Industrial District within Table 15-3.0603 of the City of Franklin Unified Development Ordinance (UDO).

Currently we are a legal non-conforming use within the M-1 district and this would allow us to proceed with site plan amendments without going through the process of expanding our non-conforming use each time.

Thank you for your consideration

Doris Mayer
Risk Management

Table 15-3.0603 (continued)

SIC	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
3495	Wire springs													S								
3496	Miscellaneous fabricated wire products												P	S								P
3497	Metal foil and leaf													S								
3498	Fabricated pipe and fittings													S								
3499	Fabricated metal products, not elsewhere classified													S								
35	INDUSTRIAL MACHINERY AND EQUIPMENT																					
351	Engines and Turbines																					
3511	Turbines and turbine generator sets																					
3519	Internal combustion engines, not elsewhere classified																					
352	Farm and Garden machinery																					
3523	Farm machinery and equipment																					
3524	Lawn and garden equipment																					
353	Construction and Related Machinery																					
3531	Construction machinery																					
3532	Mining machinery																					
3533	Oil and gas field machinery																					
3534	Elevators and moving stairways																					
3535	Conveyors and conveying equipment																					
3536	Hoists, cranes, and monorails																					
3537	Industrial trucks and tractors																					
354	Metaworking Machinery																					
3541	Machine tools, metal cutting types												P	P								P
3542	Machine tools, metal forming types												P	P								P
3543	Industrial patterns												P	P								P
3544	Special dies, tools, jigs & fixtures												P	P								P
3545	Machine tool accessories												P	P								P
3546	Power-driven handtools													P								
3547	Rolling mill machinery																					
3548	Welding apparatus																					
3549	Metaworking machinery, not elsewhere classified																					
355	Special Industry Machinery																					
3552	Textile machinery												S	S								S
3553	Woodworking machinery																					
3554	Paper industries machinery																					
3555	Printing trades machinery												P									P
3556	Food products machinery, not elsewhere classified																					
3559	Special industry machinery, not elsewhere classified																					
356	General Industrial Machinery																					
3561	Pumps and pumping equipment																					
3562	Ball and roller bearings																					
3563	Air and gas compressors																					
3564	Blowers and fans																					P
3565	Packaging machinery												P	P								
3566	Speed changers, drives, and gears																					
3567	Industrial furnaces and ovens																					
3568	Power transmission equipment, not elsewhere classified																					
3569	General industrial machinery, not elsewhere classified														P							
357	Computer and Office Equipment																					
3571	Electronic computers																					
3572	Computer storage devices																					P
3575	Computer terminals																					
3577	Computer peripheral equipment, not elsewhere classified																					
3578	Calculating and accounting equipment																					
3579	Office machines, not elsewhere classified																					P
358	Refrigeration and Service Machinery																					
3581	Automatic vending machines																					
3582	Commercial laundry equipment																					
3585	Refrigeration and heating equipment																					
3586	Measuring and dispensing pumps																					
3589	Service industry machinery, not elsewhere classified																					
359	Industrial Machinery, not elsewhere classified																					
3592	Carburetors, pistons, rings, valves																					
3593	Fluid power cylinders & actuators																					
3594	Fluid power pumps and motors																					
3596	Scales and balances, except laboratory																					
3599	Industrial machinery, not elsewhere classified													P	P							P
36	ELECTRONIC & OTHER ELECTRIC EQUIPMENT																					
361	Electric Distribution Equipment																					
3612	Transformers, except electronic												P	P								P
3613	Switchgear and switchboard apparatus												P	P								P
362	Electrical Industrial Apparatus																					
3621	Motors and generators																					
3624	Carbon and graphite products																					
3625	Relays and industrial controls																					
3629	Electrical industrial apparatus, not elsewhere classified																					
363	Household Appliances																					
3631	Household cooking equipment																					
3632	Household refrigerators and freezers																					
3633	Household laundry equipment																					
3634	Electric housewares and fans													P	P							P

(Permitted Use = P, Special Use = S, Not Permitted = Blank)



REPORT TO THE PLAN COMMISSION

Meeting of July 9, 2015

Unified Development Ordinance Text Amendment and Site Plan Amendment

RECOMMENDATION: Department of City Development staff recommends approval of the Unified Development Ordinance Text Amendment and Site Plan Amendment Applications for Kronos, Inc.

Table with 2 columns: Label (Project Name, Project Location, Property Owner, Applicant, Agent, Current Zoning, 2025 Comprehensive Plan, Use of Surrounding Properties, Applicant's Action Requested) and Value (Kronos, Inc., 9600 South 58th Street, Kronos, Inc., Kronos, Inc., Doris Mary, Kronos, Inc., M-1 Limited Industrial District, Industrial, Industrial zoned properties to the north, south and west and Franklin Business Park (Planned Development District No. 18) to the east, Approval of the UDO Text Amendment and Site Plan Amendment Applications)

Introduction and Background

Please note:

- Staff recommendations are underlined, in italics and are included in the draft ordinance.

On June 15, 2015, the applicant filed a Unified Development Ordinance Text Amendment Application and a Site Plan Amendment Application related to a proposed building addition and associated site modifications.

Kronos, Inc. first received approval to construct a building upon the subject property in 1972. At that time, Kronos, Inc. was a permitted use in the M-1 Limited Industrial District. Under the current Unified Development Ordinance, Kronos, Inc. is classified as Standard Industrial Classification (SIC) Title No. 3565 Packaging Machinery, which is not an allowed use in the M-1 District. Thus, Kronos, Inc. is currently a legal nonconforming use.

To allow for the proposed building expansion and site modifications, Kronos, Inc. is proposing to allow SIC No. 3565 as a Permitted Use in the M-1 Limited Industrial District. SIC No. 3565 includes the following uses:

- Establishments primarily engaged in manufacturing packaging machinery, including wrapping and bottling machinery.

- Aerating machines, for beverages
- Bag opening, filling and closing machines
- Bottling machinery: washing, sterilizing, filling, capping, and labeling
- Bread wrapping machines
- Carton packing machines
- Label moisteners, industrial type
- Labeling machinery, industrial type
- Packaging machinery
- Wrapping machines

Department of City Development staff finds these uses to be compatible with the M-1 District.

The proposed Site Plan Amendment Application is to allow construction of a new entrance and lobby addition and new employee entrance to the existing building. The applicant is also proposing modifications to the parking lot, ingress/egress and landscaping. As the Krones, Inc. use is currently legal nonconforming, staff has included a condition stating that Site Plan Amendment approval shall be contingent upon Common Council approval of the Unified Development Ordinance Text Amendment to allow Standard Industrial Classification Title No. 3565 Packaging Machinery as a Permitted Use in the M-1 Limited Industrial District.

Project Description/Analysis

Site Plan:

The proposed entrance/lobby addition is located on the southwest corner of the building, adjacent to South 58th Street. This area currently consists of the existing entrance feature, parking lot and minimal landscaping.

The building addition will extend the existing lobby area by about 9-feet from the existing entrance. The proposed addition will add approximately 250 square feet of building area and has a peak height of 28.5 feet. The site plan also includes a new employee entrance and canopy on the south side of the building along with the removal of existing parking and asphalt to create new lawn areas. Concrete walks are also included around the new lobby and employee entrance with metal canopies above. The primary access from South 58th Street is being modified slightly. The applicant is proposing to shift the northernmost ingress/egress directly to the north of the existing driveway opening.

The M-1 District requires a minimum Landscape Surface Ratio of 0.4. The property does not currently conform to this standard. Staff roughly estimates approximately 15% of the site as greenspace. The proposed site modifications will reduce the amount of impervious surface, adding approximately 4,910 square feet of greenspace.

Parking:

There are 29 existing parking spaces within the project area, plus about 48 motorcycle parking spaces. The parking lot will be reconfigured. Staff estimates a loss of about nine automobile parking spaces and 19 motorcycle parking spaces. Staff does not consider this to be a significant loss of parking in consideration of all of Krones, Inc. parking areas and opportunities for additional parking if necessary. Furthermore, in review of aerial photographs, it appears vehicles

often parked within the undersized motorcycle parking spaces, so a reduction in motorcycle parking would appear appropriate.

ADA accessible parking spaces will be relocated; however, the quantity is not changing from eight spaces.

Landscaping:

The applicant is proposing to remove one existing 8-inch Ash tree and is proposing to plant four shade trees, 12 decorative trees and 76 shrubs. Hose bibs are located on the building for irrigation. The Landscape Plan notes a 2-year planting guaranty consistent with Unified Development Ordinance (UDO) standards.

Outdoor Lighting:

The applicant is proposing decorative light fixtures on the building and canopy. A catalog page of the light fixture is attached.

Architecture:

The new entrance feature primarily consists of a glass and aluminum front with steel columns. The adjacent canopies are metal with concrete piers. The proposed south elevation will include the new employee entrance, removal of an existing window and inclusion of a new canopy.

Signage:

The applicant is proposing to relocate the existing monument sign. The applicant is also proposing to paint a 20-foot by 30-foot blue Krones, Inc. logo on the south side of the building. *The relocation of the monument sign and the painted logo on the south elevation shall be subject to review and approval by the Inspection Department and shall comply with the requirements set forth by Chapter 210 of the Franklin Municipal Code.*

Storm water Management:

The applicant is not adding impervious surface; therefore, storm water facilities are not required.

Staff Recommendation

Department of City Development staff recommends approval of the Unified Development Ordinance Text Amendment and Site Plan Amendment Applications for Krones, Inc.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">07/21/15</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING PART OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (HORIZON RESOURCE GROUP LLC, APPLICANT) (APPROXIMATELY 9150 SOUTH 80TH STREET)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.15.</i></p>

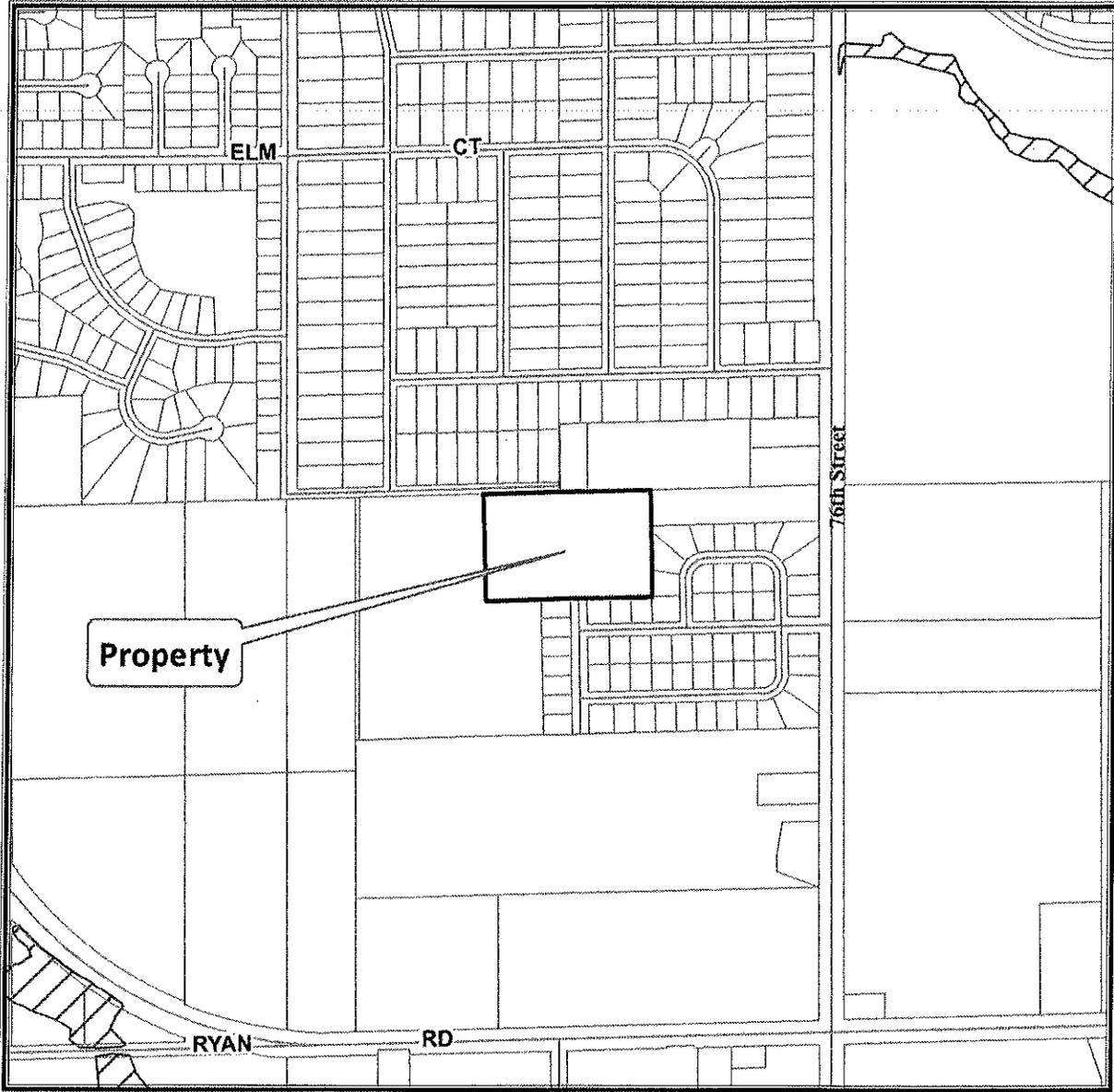
At its July 9, 2015 meeting, the Plan Commission recommended approval of a resolution conditionally approving a 2 lot certified survey map, being part of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 21, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Horizon Resource Group LLC, Applicant) (approximately 9150 South 80th Street).

COUNCIL ACTION REQUESTED

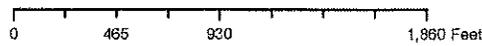
A motion to adopt Resolution No. 2015-_____, a resolution conditionally approving a 2 lot certified survey map, being part of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 21, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Horizon Resource Group LLC, Applicant) (approximately 9150 South 80th Street).



~9150 South 80th Street
TKN 885-9996-000



Planning Department
(414) 425-4024



2013 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.

RESOLUTION NO. 2015-_____

A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING PART OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
(HORIZON RESOURCE GROUP LLC, APPLICANT)
(APPROXIMATELY 9150 SOUTH 80TH STREET)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being part of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 21, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at approximately 9150 South 80th Street, bearing Tax Key No. 885-9996-000, Horizon Resource Group LLC, applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

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

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

HORIZON RESOURCE GROUP LLC – CERTIFIED SURVEY MAP
RESOLUTION NO. 2015-_____

Page 2

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

4. Horizon Resource Group LLC, successors and assigns, and any developer of the Horizon Resource Group LLC 2 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon Horizon Resource Group LLC and the 2 lot certified survey map project for the property located at approximately 9150 South 80th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. The Natural Resource Protection Plan shall be subject to review by a consultant of the City's choosing, with all costs of said review being the responsibility of the applicant. Furthermore, the applicant shall address all consultant comments to the satisfaction of the Planning Manager, prior to recording the Certified Survey Map with Milwaukee County.
7. The applicant shall submit a written Conservation Easement for Common Council approval and recording with the Milwaukee County Register of Deeds at the time the Certified Survey Map is recorded.
8. The City shall amend the Comprehensive Master Plan Future Land Use Map to change the future land use designation from Institutional and Areas of Natural Resource Features to Residential and Areas of Natural Resource Features.

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

HORIZON RESOURCE GROUP LLC – CERTIFIED SURVEY MAP
RESOLUTION NO. 2015-_____

Page 3

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

3-4-2015

Nick Fuchs
Senior Planner
Department of City Development
9229 W. Loomis Road, Franklin, WI 53132

Franklin

JUN 29 2015

City Development

Dear Nick,

Thank you for the opportunity to work with you over the past year on this property. I have enjoyed working with you, your staff as well as engineering personnel.

The property consists of approximately 10 acres that we are proposing to divide into two fully improved lots of 5 acres each. Sewer would be provided to the north and water from a water main extension from the south.

This property has been extremely difficult to work with given the nature of the natural resources on the site. Mature woodlands, wetlands, and steep slopes are abundant on the property and extremely challenging to work with. Initially, our desire was to develop 5 to 7 fully improved lots. But after conversations with planning staff and engineering as well as our own environmental consultants, most came to the conclusion that that a 2 lot CSM would be most effective way to develop the site due to the low impact nature of the development.

The proposal as submitted meets all the requirements of the UDO including wetland buffers, mature woodlands and steep slopes and does not require any mitigation or variances. Additionally, for proper planning of emergency vehicles and plow vehicles on 80th street, we are proposing a cul-de-sac that would be paid for by the developer and turned over to the City of Franklin. Furthermore, at the request of engineering, we have provided an easement for a future water main extension if the City was so inclined to make the connection.

We look forward to working with you on this property and finalizing this plan soon.

Sincerely,

Joseph Grasch
Horizon Resource Group, LLC

June 29, 2015

Mr. Joseph Grasc
Horizon Resource Group
6705 W. Holmes Avenue
Greenfield, WI 53220

Franklin

JUN 29 2015

City Development

Re: Horizon – Franklin 2 Lot CSM

Dear Mr. Grasc:

We have revised the Certified Survey Map, Natural Resource Protection Plan and Site Engineering Plans based upon review letters from Milwaukee County, Franklin Engineering and Franklin Planning as noted below.

Milwaukee County comments dated March 10, 2015

- *Verify owner and record necessary deed into public record to clear up ownership issue.*

Horizon Resource Group, LLC has purchased the property, and shown on face of the CSM.

- *Verify square footage and acres.*

CSM has been revised to show correct square footage of Lot 1 area.

- *Will the City of Franklin accept dedicated area?*

CSM has been revised to include notation of City of Franklin "Dedication Accepted" within the Common Council signature.

Franklin Engineering comments dated March 13, 2015

- *Resolve the technical omissions and deficiencies identified by Milwaukee County. City comments may be revised to reflect changes required by Milwaukee County.*

CSM has been revised as identified above.

- *Show wetland table in a separate sheet.*

CSM has been revised to include wetland dimensions and areas.

- *Show the phrase "Land is served by Sanitary Sewer and Water".*

CSM (sheet 2) has been revised to include the above note.

- *Submit a separate legal document for the proposed 20' water main easement for review and approval.*

Separate Easement Exhibit with Legal Description has been prepared.

Deliver excellence, vision, and responsive service to our clients.

Mr. Joseph Grasch
Page 2 / June 29, 2015

- *Extend the existing water main, approximately 130' in length to meet the location of the proposed water main easement that runs in between the two lots.*

The proposed water main extension has been revised as requested.

- *Submit a plan and profile for the proposed extension of water and sewer.*

A plan and profile for the proposed sanitary sewer and water main extension has been added as requested.

- *Extend the existing 5' sidewalk for both lots. Must meet the UDO Section 15-5.0103.*

The existing sidewalk has been extended into Lot 1 and a ramp has been added to connect the cul-de-sac. We understand that the owner of Lot 1 will be responsible for snow removal of this sidewalk.

- *Soil boring test for the structural site is highly recommended. The Engineer should submit a certification for files attesting that the site met soil bearing capacity to hold the building structure.*

We understand that Horizon Resource Group will retain a geotechnical engineer to conduct this work.

- *Design the driveways to accommodate passage during emergencies.*

The driveways have been designed at 12' of pavement as requested by Horizon Resource Group.

- *Install equalizer culvert on driveways to connect wetlands.*

Equalizer culverts have been added as requested. It is our understanding that these will be installed by the owners of Lot 1 and Lot 2 during construction of their homes.

- *Show the total area of the proposed impervious surface. If impervious surface exceeds one-half acre, a storm water management facility will be required for this development.*

Impervious area calculations have been added as requested.

- *Prepare a Development Agreement and Letter of Credit for public improvements. Said Development Agreement and Letter of Credit must also be approved by the City Common Council and City Attorney prior to construction.*

We understand that Horizon Resource Group will be preparing these documents.

- *Design cul-de-sac in accordance with technical memorandum dated 5/24/13.*

The cul-de-sac has been revised in accordance with the desired engineering department standards.

Mr. Joseph Grascch
Page 3 / June 29, 2015

Franklin Planning comments dated March 18, 2015

- *Please provide the following information on the face of the CSM per Section 15-7.0702 of the UDO: building setbacks; property owner; zoning district; protected natural resource features.*

CSM has been revised to include illustration of building setback lines, current property owner, zoning (R-3 Suburban/Estate), and Conservation Easement for protected natural resource features.

- *City of Franklin standards for cul-de-sacs attached.*

The cul-de-sac has been revised in accordance with the desired engineering department standards.

- *Staff recommends submittal of a project narrative that discusses the project in detail and describes whether the woodland areas to be disturbed will be completely cleared or if efforts will be made to identify and preserve large, mature trees when possible.*

A project narrative has been added to the NRPP as requested.

- *Please submit the attached NRPP Consultant Information form and two hard copies of the NRPP map, wetland delineation report and any other materials completed as part of the Natural Resource Protection Plan. Please provide staff with and electronic copy of the plans.*

An executed copy of the Consultant Information form and the wetland delineation has been added to the NRPP as requested. Two hard copies and one electronic copy are included at this time.

- *Please label the source for steep slope and shore buffer locations on the NRPP map.*

This information has been added to the NRPP map as requested.

- *In the Natural Resource Data table, please replace "WOODLANDS – WETLANDS & BUFFER AREAS" with "WOODLANDS – OUTSIDE OF WETLAND & BUFFER AREAS" or something similar to clarify that trees within wetlands and wetland buffers were not counted.*

The data table has been revised as requested.

- *Please add the steep slope and woodland calculations to the NRPP map, indicating the percentage of the resource to be disturbed and the percentage to be protected within the Conservation Easement.*

This information has been added to the NRPP map as requested.

- *Wetlands and wetland buffers are not included within the Site Intensity and Capacity Calculation Worksheets. Please submit revised worksheets.*

This information has been added as requested. Revised worksheets are included at this time.

Mr. Joseph Grasch
Page 4 / June 29, 2015

- *Please illustrate the Conservation Easement boundary on the CSM and label accordingly. Please also show the woodland boundary, steep slopes and shore buffer on the CSM, in addition to wetland and wetland buffer boundaries.*

CSM has been revised to include Conservation Easement boundary, Woodland boundary, 75' Shore Buffer, Wetlands, and Wetland buffer.

- *Please submit a draft Conservation Easement document for staff review. Please note that the written Conservation Easement document requires Common Council approval and must be recorded with Milwaukee County.*

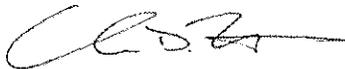
We understand that Horizon Resource Group will be preparing these documents.

- *Staff recommends that the limits of the Conservation Easement be marked onsite with signage, boulders or some other type of identification.*

This information has not been added as requested by Horizon Resource Group.

Please feel free to contact our office if you have any questions.

Sincerely,
R.A. Smith National, Inc.



Christopher Hitch
Senior Project Manager

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.	9.67 acres
STEP 2:	Subtract (-) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	- 0 acres
STEP 3:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space.	- 0 acres
STEP 4:	In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed residential use, subtract (-) the land proposed for nonresidential uses; or In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed nonresidential use, subtract (-) the land proposed for residential uses.	- 0 acres
STEP 5:	Equals "Base Site Area"	= 9.67 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

JUN 29 2015

City Development

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 <u>0.63</u>	<u>0.38</u>
20-30%	0.65	0.75	0.70	X _____	_____
+ 30%	0.90	0.85	0.80	X _____	_____
Woodlands & Forests:					
Mature	0.70	0.70	0.70	X <u>6.54</u>	<u>4.58</u>
Young	0.50	0.50	0.50	X _____	_____
Lakes & Ponds	1	1	1	X _____	_____
Streams	1	1	1	X _____	_____
Shore Buffer	1	1	1	X _____	_____
Floodplains/Floodlands	1	1	1	X _____	_____
Wetland Buffers	1	1	1	X <u>1.63</u>	<u>1.63</u>
Wetlands & Shoreland Wetlands	1	1	1	X <u>1.33</u>	<u>1.33</u>
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)					7.92

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

<p>STEP 1:</p>	<p>CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE</p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>9.67</u></p> <p>Multiple by Minimum <i>Open Space Ratio (OSR)</i> (see specific residential zoning district OSR standard): X <u>0.30</u></p> <p>Equals MINIMUM REQUIRED ON-SITE OPEN SPACE =</p>	<p>2.90 acres</p>
<p>STEP 2:</p>	<p>CALCULATE NET BUILDABLE SITE AREA:</p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): <u>9.67</u></p> <p>Subtract <i>Total Resource Protection Land</i> from Table 15-3.0503) or <i>Minimum Required On-Site Open Space</i> (from Step 1 above), whichever is greater: <u>- 7.92</u></p> <p>Equals NET BUILDABLE SITE AREA =</p>	<p>1.75 acres</p>
<p>STEP 3:</p>	<p>CALCULATE MAXIMUM NET DENSITY YIELD OF SITE:</p> <p>Take <i>Net Buildable Site Area</i> (from Step 2 above): <u>1.75</u></p> <p>Multiple by Maximum <i>Net Density (ND)</i> (see specific residential zoning district ND standard): X <u>2.48</u></p> <p>Equals MAXIMUM NET DENSITY YIELD OF SITE =</p>	<p>4 D.U.s</p>
<p>STEP 4:</p>	<p>CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE:</p> <p>Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): <u>9.67</u></p> <p>Multiple by Maximum <i>Gross Density (GD)</i> (see specific residential zoning district GD standard): X <u>1.736</u></p> <p>Equals MAXIMUM GROSS DENSITY YIELD OF SITE =</p>	<p>17 D.U.s</p>
<p>STEP 5:</p>	<p>DETERMINE MAXIMUM PERMITTED D.U.s OF SITE:</p> <p>Take the <i>lowest</i> of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above):</p>	<p>4 D.U.s</p>

Table 15-3.0203

R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT DEVELOPMENT STANDARDS

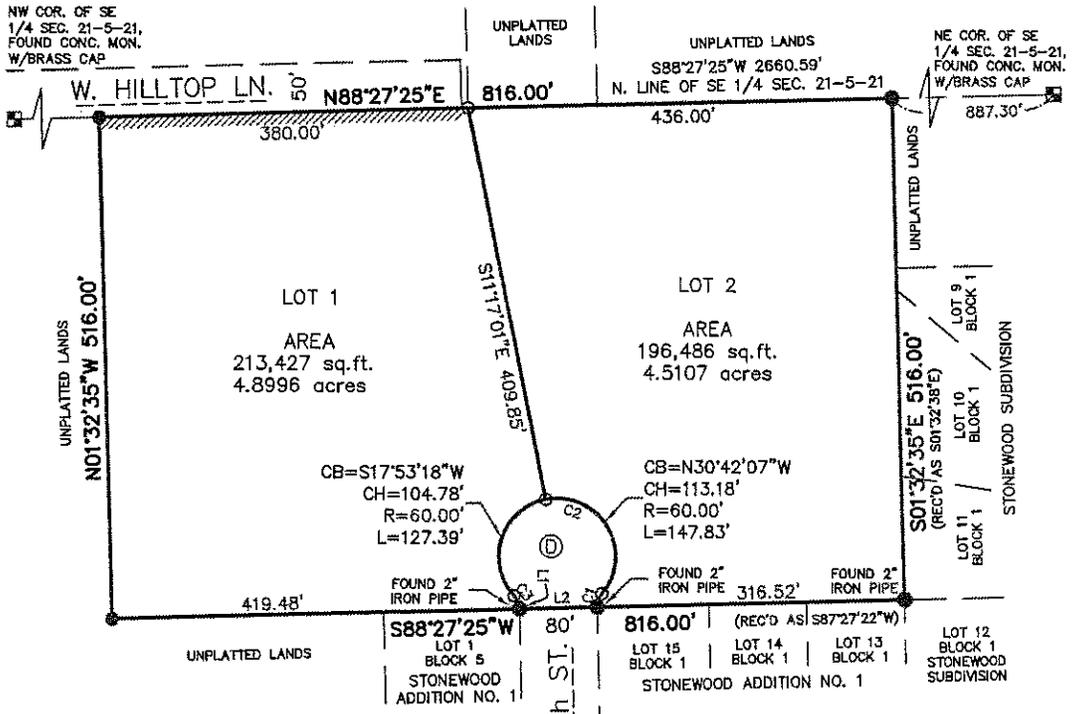
Type of Standard	Permitted Use "Conventional Subdivision"	Special Use "Open Space Subdivision"	
		Option 1	Option 2
Minimum Open Space Ratio and Maximum Density			
Open Space Ratio (OSR)	0	0.15	0.3
Gross Density (GD)	1.718	1.769	1.736
Net Density (ND)	1.718	2.081	2.48
Lot Dimensional Requirements			
Minimum Lot Area (s.f.)	20,000	16,000	13,000
Minimum Lot Width at Setback Line (feet)	100 110 – corner	95 110 – corner	90 105 – corner
Minimum Front Yard (feet)	45	40	35 (c)
Minimum Side Yard (feet)	10 (c)	10 (c)	10 (c)
Minimum Side Yard on Corner Lot (feet)	35 (c)	30 (c)	25 (c)
Minimum Rear Yard (feet)	30 (c)	30 (c)	30 (c)
Minimum Shore Buffer (feet)	75	75	75
Minimum Wetland Buffer (feet)	30	30	30
Minimum Wetland Setback (feet)	50	50	50
Maximum Lot Coverage (maximum percent of lot area)	0.15	0.2	0.2
Minimum Total Living Area per Dwelling Unit (D.U.)			
1-Story D.U. 3 Bedrooms	1,700 s.f.	1,700 s.f.	1,700 s.f.
1-Story D.U. >3 Bedrooms	150 s.f. (a)	150 s.f. (a)	150 s.f. (a)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Multi-Story D.U. 3 Bedrooms	2,000 s.f. – total 1,100 s.f. – 1st floor	2,000 s.f. – total 1,100 s.f. – 1st floor	2,000 s.f. – total 1,100 s.f. – 1st floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)	100 s.f. (a)	100 s.f. (a)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Maximum Building Height			
Principal Structure (stories/ft.)	2.5/30	2.5/30	2.5/30
Accessory Structure (stories/ft.)	1.0/15	1.0/15	1.0/15

- (a) Add to minimum required building floor area for each bedroom in excess of three (3)
- (b) Add to minimum required first floor area for each dwelling unit which has a basement less than 600 s.f.
- (c) See Section 15-5.0108 for increased setback requirements along arterial streets and highways.

CERTIFIED SURVEY MAP NO. _____

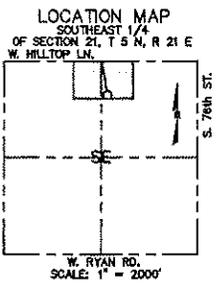
A division of lands, being a part of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 21, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

- INDICATES 1" IRON PIPE (FOUND), UNLESS NOTED
 - INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.
 - Ⓧ INDICATES AREA DEDICATED TO THE CITY OF FRANKLIN FOR STREET PURPOSES
 - ▨ DENOTES DIRECT VEHICULAR ACCESS RESTRICTION
- ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.
ALL BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE SE 1/4 OF SECTION 21, T 5 N, R 21 E, WHICH BEARS S88°27'25"W
SEE SHEET 2, 3, AND 4 FOR WETLAND LINES, BUFFERS, SETBACKS, EASEMENTS AND CONTOURS



Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord
C1	14.45	20.00	N19°10'35"E	14.14
C2	275.22	60.00	S88°28'18"W	90.00
C3	14.45	20.00	S22°13'59"E	14.14

Line Table		
Line #	Direction	Length
L1	S1°31'42"E	0.02
L2	S88°27'25"W	80.00



ERIC R. STURM
 S-2309
 EAGLE
 WI
 FEB. 18, 2015
 REVISED JUNE 29, 2015

OWNER/SUBDIVIDER:
 HORIZON RESOURCE GROUP, LLC
 6705 W. HOLMES AVE.
 GREENFIELD, WI 53220

ZONING:
 R-3 SUBURBAN/ESTATE
 SINGLE-FAMILY RESIDENCE DISTRICT

0 150 300
 Feet
 GRAPHIC SCALE

R.A. Smith National, Inc.
*Beyond Surveying
 and Engineering*

16745 W. Bluemound Road, Brookfield WI 53005
 262-781-1000 Fax 262-797-7373 www.ra-smithnational.com
 Appleton, WI Orange County, CA Pittsburgh, PA

S:\5166313DWg\CS120115.dwg SHEET 1

SHEET 1 OF 7 SHEETS

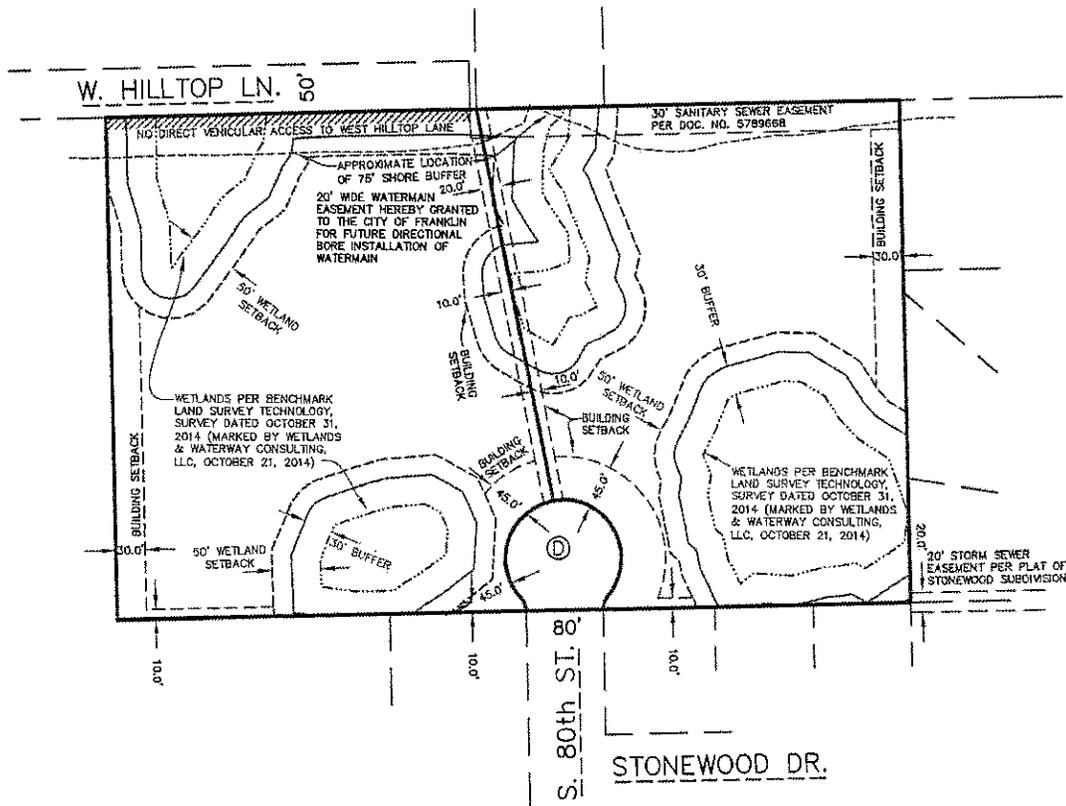
CERTIFIED SURVEY MAP NO. _____

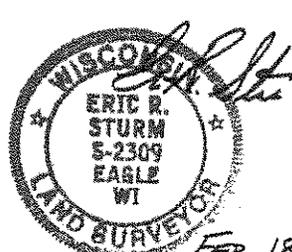
A division of lands, being a part of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 21, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

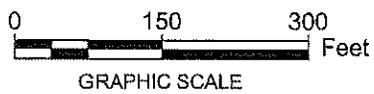
① INDICATES AREA DEDICATED TO THE CITY OF FRANKLIN FOR STREET PURPOSES

LAND IS SERVED BY SANITARY SEWER AND WATER

ZONING:
R-3 SUBURBAN/ESTATE SINGLE-FAMILY
RESIDENCE DISTRICT




 FEB. 18, 2015
 REVISED JUNE 29, 2015



R.A. Smith National, Inc.
Beyond Surveying
and Engineering

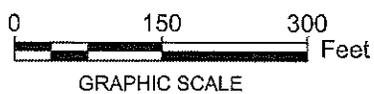
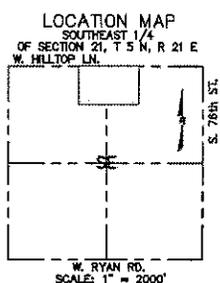
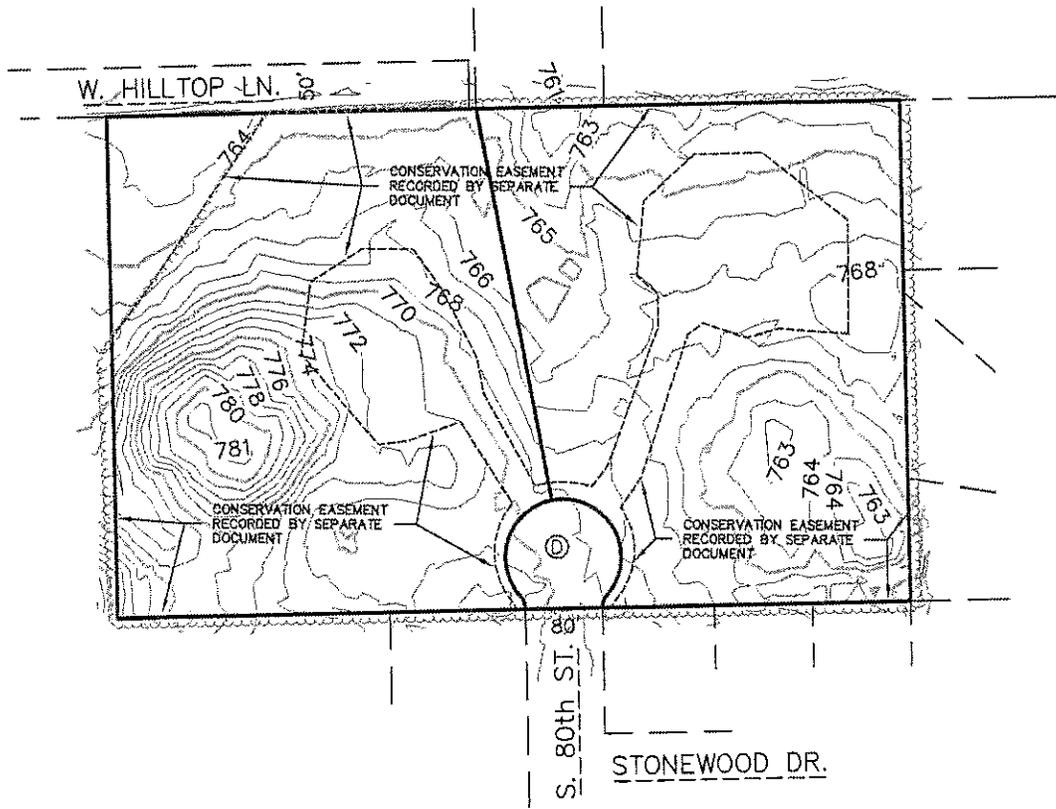
16745 W. Bluemound Road, Brookfield WI 53005
262-781-1000 Fax 262-797-7373 www.rasmithnational.com
Appleton, WI Orange County, CA Pittsburgh, PA

S3516631.Dwg
CS120L15.dwg/SHEET 2

CERTIFIED SURVEY MAP NO. _____

A division of lands, being a part of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 21, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

- ⊙ INDICATES AREA DEDICATED TO THE CITY OF FRANKLIN FOR STREET PURPOSES
- INDICATES WOOD LAND BOUNDARY



FEB. 18, 2015
 Revised JUNE 29, 2015

R.A. Smith National, Inc.

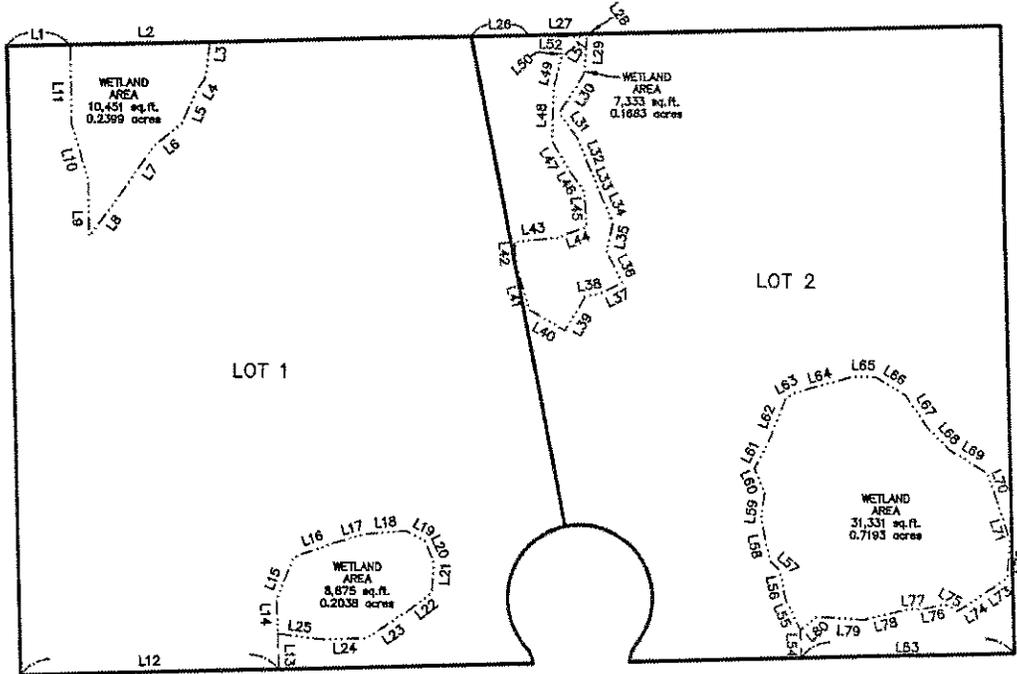
*Beyond Surveying
 and Engineering*

18745 W. Bluemound Road, Brookfield WI 53005
 262-781-1000 Fax 262-797-7373 www.rasmithnational.com
 Appleton, WI Orange County, CA Pittsburgh, PA

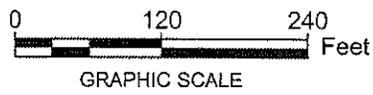
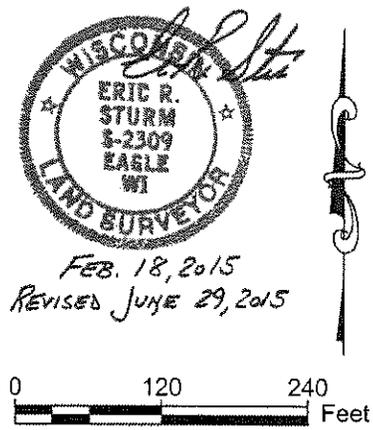
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 CS120L15.dwg SHEET 3

CERTIFIED SURVEY MAP NO. _____

A division of lands, being a part of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 21, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.



Line Table			Line Table			Line Table		
Line #	Direction	Length	Line #	Direction	Length	Line #	Direction	Length
L1	N88°27'25"E	51.22	L28	S36°23'20"E	0.53	L55	N25°42'26"W	29.37
L2	S88°27'25"W	380.00	L29	S4°32'13"W	32.88	L56	N11°51'55"W	23.73
L3	S7°46'13"W	30.06	L30	S32°12'03"W	37.38	L57	N48°30'51"W	10.96
L4	S32°24'20"W	13.33	L31	S35°35'51"E	25.11	L58	N12°12'03"W	35.61
L5	S23°07'50"W	28.25	L32	S22°11'18"E	24.81	L59	N8°28'52"E	20.89
L6	S50°44'35"W	30.27	L33	S23°08'02"E	16.85	L60	N22°40'38"W	21.89
L7	S33°54'46"W	42.47	L34	S22°42'57"E	34.11	L61	N27°28'44"E	24.93
L8	S36°28'33"W	47.71	L35	S11°58'35"W	23.64	L62	N21°48'46"E	38.82
L9	N1°38'17"W	48.95	L36	S25°50'41"E	28.82	L63	N58°55'59"E	9.08
L10	N16°50'43"W	47.78	L37	S63°03'44"W	19.94	L64	N74°07'04"E	49.30
L11	N1°05'24"W	64.06	L38	S78°45'03"W	11.61	L65	S88°46'08"E	18.75
L12	N88°27'25"E	209.93	L39	S30°57'07"W	33.09	L66	S58°33'49"E	29.84
L13	S1°32'35"E	29.22	L40	N60°32'45"W	33.88	L67	S33°51'05"E	29.46
L14	N2°28'55"W	27.88	L41	N17°04'42"W	38.06	L68	S43°17'11"E	26.25
L15	N21°58'35"E	37.93	L42	N5°13'12"W	19.52	L69	S58°09'46"E	37.30
L16	N70°49'49"E	40.98	L43	N8°40'11"E	35.89	L70	S20°35'29"E	20.85
L17	N74°14'12"E	21.54	L44	N69°23'37"E	25.98	L71	S18°33'32"E	37.25
L18	N85°02'05"E	32.98	L45	N3°48'10"W	28.74	L72	S41°15'0"W	31.28
L19	S61°49'34"E	17.63	L46	N34°32'09"W	29.76	L73	S55°15'34"W	21.94
L20	S24°49'43"E	17.95	L47	N30°03'46"W	20.20	L74	S58°37'56"W	28.72
L21	S3°09'48"W	26.39	L48	N1°34'46"E	42.38	L75	N62°33'43"W	11.92
L22	S52°21'15"W	23.42	L49	N13°25'27"E	25.75	L76	S78°07'35"W	18.46
L23	S56°15'23"W	41.91	L50	N49°34'46"E	12.89	L77	S87°57'02"W	11.80
L24	S88°08'17"W	37.61	L51	N33°23'54"E	11.17	L78	S76°22'37"W	37.43
L25	N82°44'18"W	36.21	L52	N88°04'51"W	42.71	L79	N86°45'10"W	39.26
L26	N88°27'25"E	47.98	L53	S88°27'25"W	175.51	L80	S49°48'01"W	17.33
L27	N88°27'25"E	48.29	L54	N1°32'35"W	22.63			



R.A. Smith National, Inc.
Beyond Surveying and Engineering
 16745 W. Bluemound Road, Brookfield WI 53005
 262-781-1000 Fax 262-797-7373 www.rasmithnational.com
 Appleton, WI Orange County, CA Pittsburgh, PA
 S:\51663130\wg\CS120L1.s.dwg\SHEET 4

CERTIFIED SURVEY MAP NO. _____

A division of lands, being a part of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 21, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

HORIZON RESOURCE GROUP, LLC a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certify that said corporation caused the land described on this map to the surveyed, divided, dedicated and mapped as represented on this map in accordance with the requirements of the City of Franklin Municipal Code.

HORIZON RESOURCE GROUP, LLC, does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of Franklin

WITNESS the hand and seal of HORIZON RESOURCE GROUP, LLC, has caused these presents to be signed by _____, its _____, this _____ day of _____, 2015.

HORIZON RESOURCE GROUP, LLC

JOSEPH GRASCH

STATE OF WISCONSIN }
 :SS
_____ COUNTY }

PERSONALLY came before me this _____ day of _____, 2015, the above named JOSEPH GRASCH, to me known to be the person who executed the foregoing instrument, and to me known to be such president of said corporation and acknowledged that he executed the foregoing instrument as such officer, by its authority.

_____(SEAL)
Notary Public, State of Wisconsin
My commission expires _____

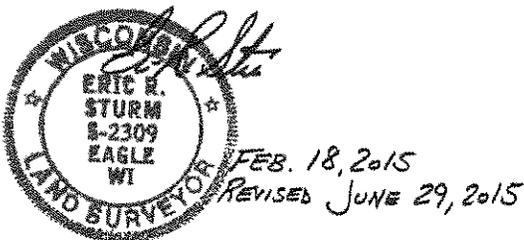


EXHIBIT A CONSERVATION EASEMENT

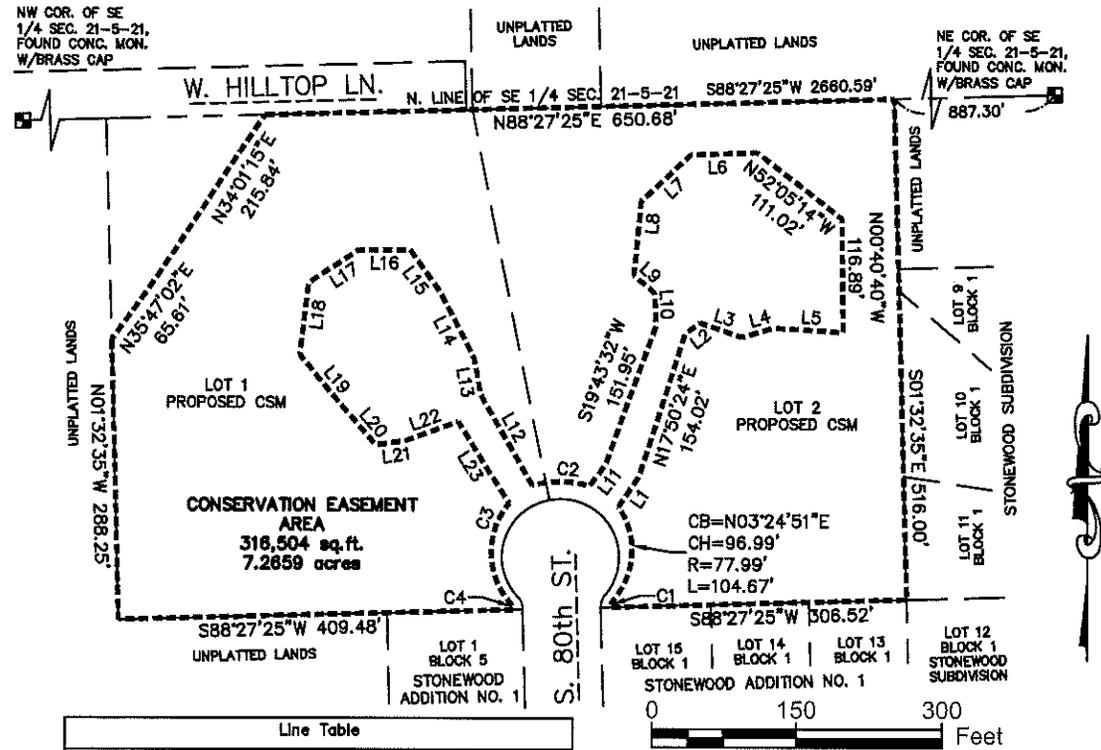
Part of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 21, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northeast corner of said 1/4 Section; thence South 88°27'55" West along the North line of said 1/4 Section 887.30 feet to the point of beginning of lands to be described; thence South 01°32'35" East 516.00 feet to a point on the North line of Stonewood Addition No. 1 Subdivision; thence South 88°27'25" West along said North line 306.52 feet to a point; thence Northeasterly 7.22 feet along the arc of a curve whose center lies to the Southeast, whose radius is 10.00 feet and whose chord bears North 19°11'02" East 7.07 feet to a point; thence Northeasterly 104.67 feet along the arc of a curve whose center lies to the Northwest, whose radius is 77.99 feet and whose chord bears North 03°24'51" East 96.99 feet to a point; thence North 33°41'14" East 37.75 feet to a point; thence North 17°50'24" East 154.02 feet to a point; thence North 52°45'09" East 19.36 feet to a point; thence South 71°45'39" East 47.25 feet to a point; thence North 73°37'04" East 33.81 feet to a point; thence South 86°20'04" East 71.80 feet to a point; thence North 00°40'40" West 116.89 feet to a point; thence North 52°05'14" West 111.02 feet to a point; thence South 88°14'51" West 69.99 feet to a point; thence South 46°51'19" West 70.01 feet to a point; thence South 05°24'14" West 76.96 feet to a point; thence South 49°22'52" East 28.14 feet to a point; thence South 02°06'43" East 33.65 feet to a point; thence South 19°43'32" West 151.95 feet to a point; thence South 36°56'49" West 27.69 feet to a point; thence Northwesterly 59.20 feet along the arc of a curve whose center lies to the South, whose radius is 102.51 feet and whose chord bears North 89°28'11" West 58.38 feet to a point; thence North 29°49'22" West 107.58 feet to a point; thence North 10°57'07" West 38.78 feet to a point; thence North 27°25'28" West 76.67 feet to a point; thence North 35°49'20" West 52.84 feet to a point; thence North 89°48'55" West 52.13 feet to a point; thence South 57°01'37" West 62.85 feet to a point; thence South 07°06'41" West 74.56 feet to a point; thence South 40°02'34" East 75.87 feet to a point; thence South 41°15'16" East 46.31 feet to a point; thence North 82°07'54" East 30.58 feet to a point; thence North 69°58'27" East 57.87 feet to a point; thence South 32°32'04" East 99.20 feet to a point; thence Southeasterly 112.14 feet along the arc of a curve whose center lies to the East, whose radius is 79.93 feet and whose chord bears South 00°52'19" East 103.17 feet to a point; thence Southeasterly 7.25 feet along the arc of a curve whose center lies to the Southwest, whose radius is 10.00 feet and whose chord bears South 22°10'01" East 7.09 feet to a point on the North line of said Subdivision; thence South 88°27'25" West along said North line 409.48 feet to a point; thence North 01°32'35" West 288.25 feet to a point; thence North 35°47'02" East 65.61 feet to a point; thence North 34°01'15" East 215.84 feet to a point on the North line of said 1/4 Section; thence North 88°27'25" East along said North line 650.68 feet to the point of beginning. Containing 316,504 square feet or 7.2659 acres.

June 25, 2015

City of Franklin

Survey No. 166313-BMJ



Line Table					
Line #	Direction	Length	Line #	Direction	Length
L1	N33°41'14"E	37.75	L13	N10°57'07"W	38.78
L2	N52°45'09"E	19.36	L14	N27°25'28"W	76.67
L3	S71°45'39"E	47.25	L15	N35°49'20"W	52.84
L4	N73°37'04"E	33.81	L16	N89°48'55"W	52.13
L5	S86°20'04"E	71.80	L17	S57°01'37"W	62.85
L6	S88°14'51"W	69.99	L18	S7°06'41"W	74.56
L7	S46°51'19"W	70.01	L19	S40°02'34"E	75.87
L8	S5°24'14"W	76.96	L20	S41°15'16"E	46.31
L9	S49°22'52"E	28.14	L21	N82°07'54"E	30.58
L10	S2°06'43"E	33.65	L22	N69°58'27"E	57.87
L11	S36°56'49"W	27.69	L23	S32°32'04"E	99.20
L12	N29°49'22"W	107.58			

Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord
C1	7.22	10.00	N19°11'02"E	7.07
C2	59.20	102.51	N89°28'11"W	58.38
C3	112.14	79.93	S0°52'19"E	103.17
C4	7.25	10.00	S22°10'01"E	7.09

R.A. Smith National, Inc.

*Beyond Surveying
and Engineering*

16745 W. Bluemound Road, Brookfield WI 53005
262-781-1000 Fax 262-797-7373 www.rasmithnational.com
Appleton, WI Orange County, CA Pittsburg, PA

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R.A. Smith National, Inc.

EXHIBIT A

WATERMAIN EASEMENT

Situated on South 80th Street, in the City of Franklin, Milwaukee County, Wisconsin.

Part of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 21, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

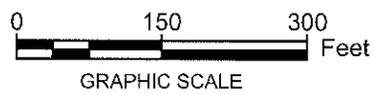
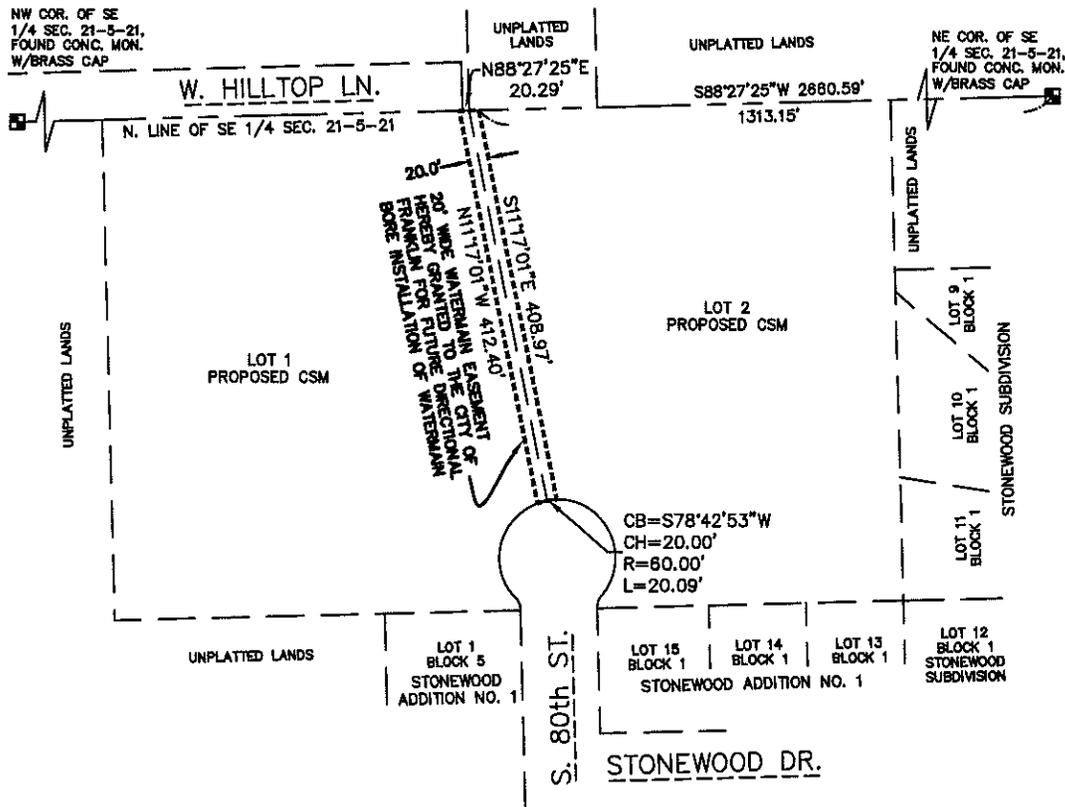
Commencing at the Northeast corner of said 1/4 Section; thence South 88°27'25" West along the North line of said 1/4 Section 1313.15 feet to the point of beginning of lands to be described; thence South 11°17'01" East 408.97 feet to a point on the cul-de-sac of South 80th Street; thence Southwesterly 20.09 feet along said cul-de-sac and the arc of a curve whose center lies to the South, whose radius is 60.00 feet and whose chord bears South 78°42'53" West 20.00 feet to a point; thence North 11°17'01" West 412.40 feet to a point on the North line of said 1/4 Section; thence North 88°27'25" East along said North line 20.29 feet to the point of beginning.

Containing 8,203 square feet or 0.1883 acres.

June 23, 2015

City of Franklin

Survey No. 166313-BMJ



R.A. Smith National, Inc.

*Beyond Surveying
and Engineering*

16745 W. Bluemound Road, Brookfield WI 53005
262-781-1000 Fax 262-797-7373 www.rasmithnational.com
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EX101L15.dwg/SHEET 1

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R.A. Smith National, Inc.

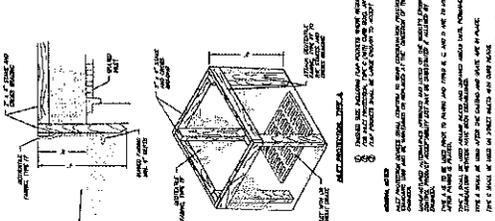
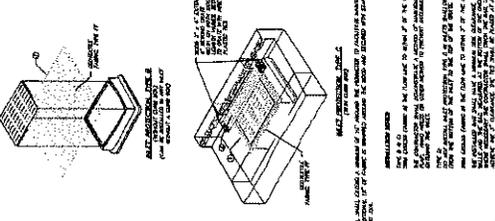
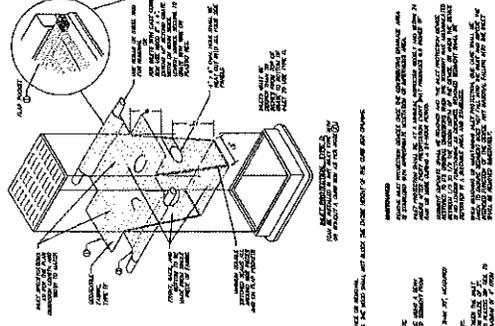
DATE	DESCRIPTION

R.A. Smith National
Surveying and Engineering
 www.ra-smith.com

HORIZON - FRANKLIN 2 LOT CSM
 CITY OF FRANKLIN, WISCONSIN
 DETAIL SHEET
 EROSION CONTROL

PRELIMINARY
NOT FOR CONSTRUCTION

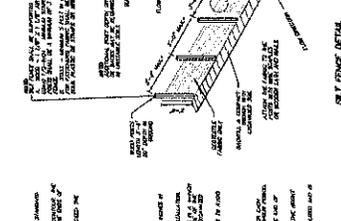
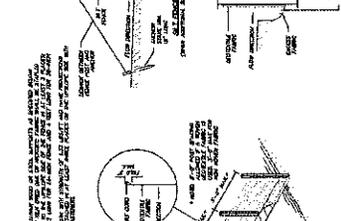
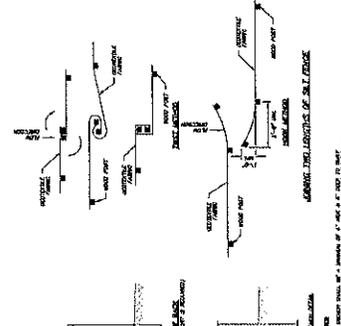
DATE: 04/24/2013
 SCALE: 1/4" = 1'-0"
 JOB NO: 1304037
 PROJECT MANAGER: CHRISTOPHER B. WICH, P.E.
 DESIGNED BY: LHM
 CHECKED BY: LHM
 SHEET NUMBER: C400



CONCRETE CURB AND GUTTER
 PART 01 50 00
 1. SUMMARY
 A. Section Includes
 1. Concrete curb and gutter
 2. Gravel base
 3. Sand layer
 4. Slope
 B. Related Sections
 1. Earth Retention
 2. Paving
 3. Stormwater Management
 4. Utility Installation

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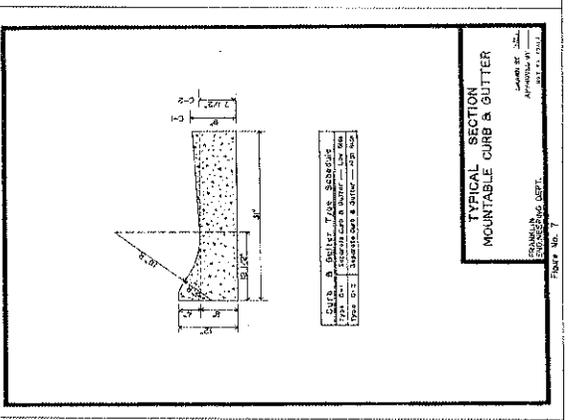
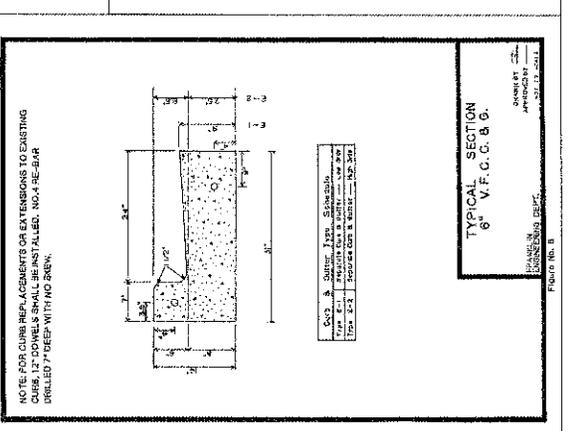
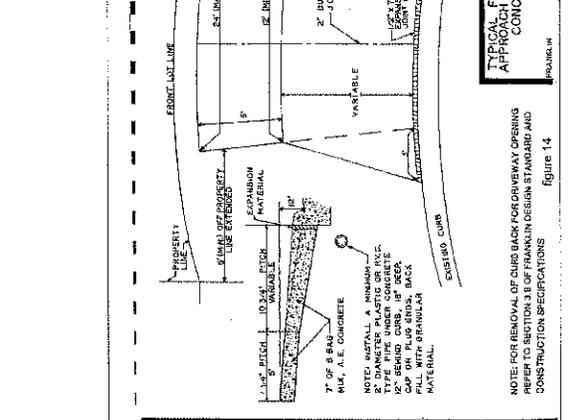
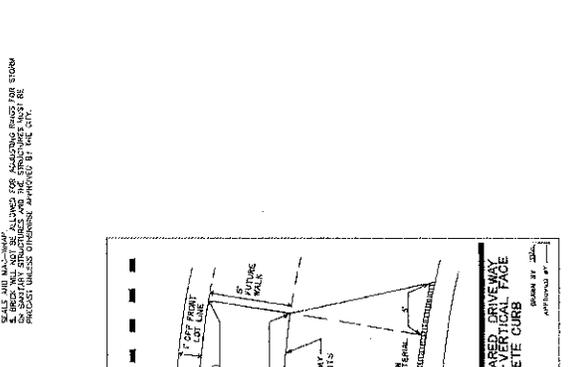
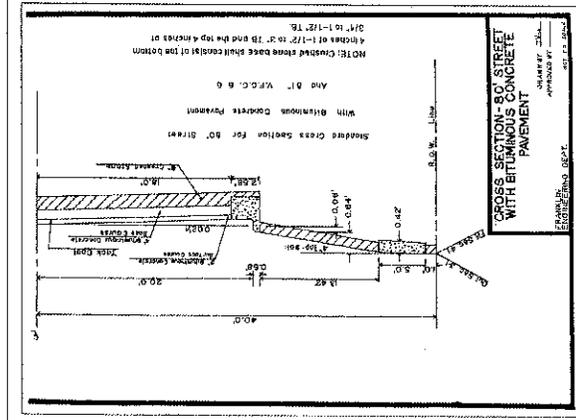
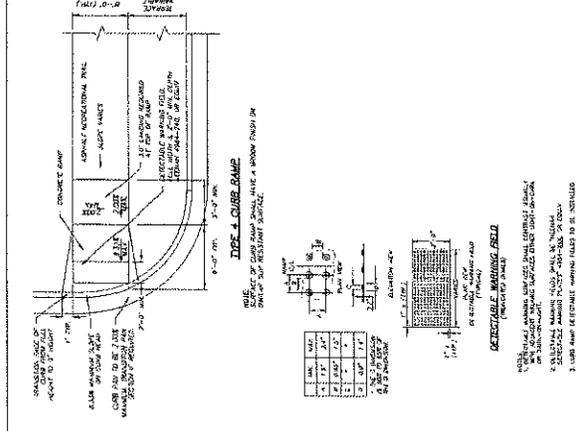
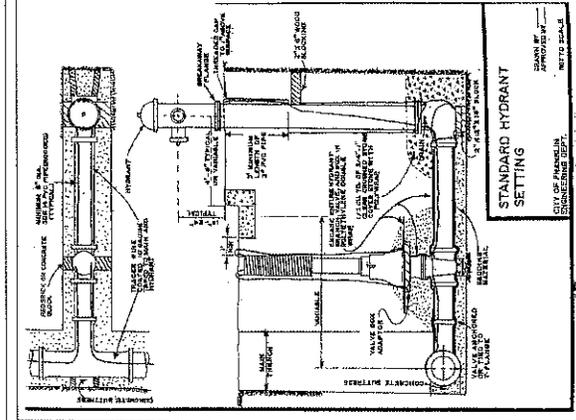
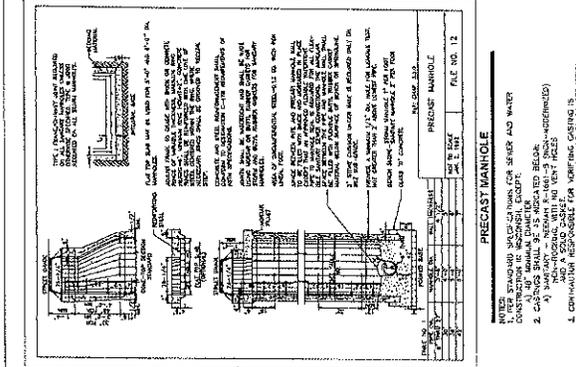
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DATE	
DESCRIPTION	

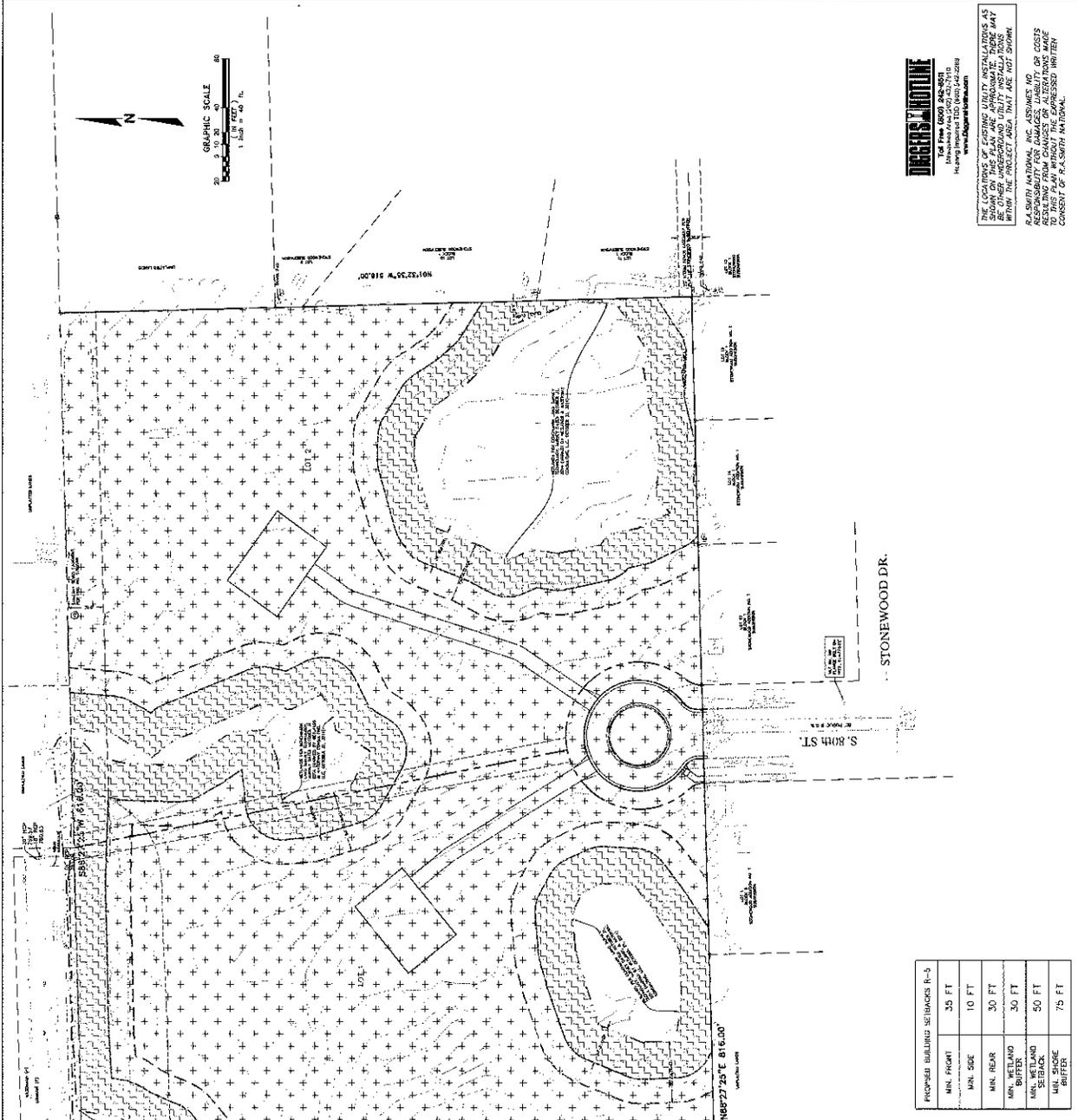
R.A. Smith National
Beyond Surveying
and Engineering
www.ra-smithnational.com

CITY OF FRANKLIN, WISCONSIN
NATURAL RESOURCE
PROTECTION PLAN

HORIZON - FRANKLIN 2 LOT CSM

DESIGNS & PLANNING
Tel: Free (800) 842-8451
Milwaukee Area (262) 267-7910
www.designs-planning.com

THE LOCATIONS OF EXISTING UTILITY INSTALLATIONS AS SHOWN ON THIS PLAN ARE APPROXIMATE. THERE MAY BE OTHER UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN. THE ENGINEER HAS NO RESPONSIBILITY FOR DAMAGES, LIABILITY, OR COSTS RESULTING FROM CHANGES OR ALTERATIONS MADE WITHOUT THE WRITTEN CONSENT OF R.A. SMITH NATIONAL.



MIN. FRONT	35 FT
MIN. SIDE	10 FT
MIN. REAR	30 FT
MIN. WETLAND BUFFER	30 FT
MIN. WETLAND SETBACK BUFFER	50 FT
MIN. SHORE BUFFER	75 FT

DESCRIPTION	AREA (SQ.FT.)	AREA (ACRES)	PATTERN
BASE SITE AREA	401,258	9.27	
WOODLANDS	402,613	9.23	
WOODLANDS - OUTSIDE OF WETLANDS & BUFFER AREAS	285,092	6.54 (100.0%)	
WETLANDS	51,990	1.33	
WETLAND BUFFER	70,854	1.63	
WETLAND SETBACK	118,642	2.71	
STEP SLOPE AREA 10-15% (FROM ROAD TO EXISTING W-9)	27,275	0.63	
SHORE BUFFER	26,899	0.66	
WOODLAND IMPACT	65,208	1.56 (20.0%)	
STEP SLOPE AREA 10-15% IMPACT			
WETLAND IMPACT			
WETLAND BUFFER IMPACT			
WETLAND SETBACK IMPACT			
SHORE BUFFER IMPACT			



REPORT TO THE PLAN COMMISSION

Meeting of July 9, 2015

Certified Survey Map

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

Table with 2 columns: Field Name and Value. Fields include Project Name, Project Address, Applicant, Owners (property), Current Zoning, 2025 Future Land Use, Use of Surrounding Properties, and Applicant Action Requested.

INTRODUCTION:

Please note:

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

On March 3, 2015, the applicant filed a Certified Survey Map (CSM) Application with the Department of City Development requesting approval to subdivide an existing 9.4-acre property into two separate lots.

As noted by the applicant, a number of discussions have been held with staff to discuss various options for development of the subject property. In addition, staff has met with the Alderman of the subject District and the larger adjacent property owners...

- the number of lots which the subject property and adjacent properties could be divided into;
whether S. 80th Street should be extended northward to Hilltop Lane;
whether Hilltop Lane should be extended eastward to 76th Street; and
and the amount of natural resource impacts which could be anticipated from each of the various options discussed.

From those discussions and meetings, little consensus was reached. It was apparent however, that all of the options discussed would have impacts upon protected natural resource features,

with the 2-lot option subsequently chosen by the applicant as likely having the least amount of such impacts, and that there was some interest by some of the adjacent property owners for additional development of their properties, but that no final decisions or timeframes had been reached.

PROJECT DESCRIPTION AND ANALYSIS:

The applicant will be constructing a cul-de-sac from the exiting dead end of South 80th Street to access the proposed lots. Lot 1 will have double frontage as it abuts West Hilltop Lane to the north. The proposed cul-de-sac includes an island and a location for two mailboxes, which conforms to City of Franklin and Board of Public Works recommended standards. The driveways and homes will add approximately 19,291 square feet or 0.44 acres of new impervious surface.

Public sanitary sewer and water service is located immediately to the south and will be provided to the subject lots. At the request of the Engineering Department, the applicant will prepare a water main easement for City approval extending from the proposed cul-de-sac to Hilltop Lane in the event that the City wishes to extend the water main in the future. Storm water management facilities are not required for development of the two homes as long as the amount of new impervious surface is under a half acre.

Section 15-7.0201 of the UDO requires the submission of a Natural Resource Protection Plan for all Certified Survey Map (CSM) requests. As such, Wetlands and Waterway Consulting, LLC delineated the wetlands on October 21, 2014. As previously mentioned, the majority of the property is also wooded. The applicant chose to consider the entire site mature woodland, except for a small area on the northwest corner of the site that does not contain trees, opposed to providing a detailed tree survey. Trees within wetland and wetland buffer areas were not counted within woodland impact calculations (as those areas require a more restrictive protection standard). The site also contains steep slopes (10-19%).

The applicant is proposing to disturb 1.96 acres of the 6.54 acres of mature woodlands onsite, which is an impact of approximately 30%. Table 15-4.0100 of the UDO requires a protection standard of 70% for mature woodlands; therefore, the applicant is within the disturbance limits for residential development per Part 4 of the UDO. There are no proposed impacts to steep slopes, shore buffer, wetlands, wetland buffers or wetland setbacks.

Due to previous impacts and violations with other properties when conservation easement exists on individual parcels (opposed to outlots), staff suggests that the applicant mark the limits of the conservation easement onsite with signage, boulders or some other type of identification. Staff notes that these particular lots do have large yard areas, which should make violations less likely to occur.

Staff recommends the following:

1. The Natural Resource Protection Plan shall be subject to review by a consultant of the City's choosing, with all costs of said review being the responsibility of the applicant. Furthermore, the applicant shall address all consultant comments to the satisfaction of

the Planning Manager, prior to recording the Certified Survey Map with Milwaukee County.

2. The applicant submit a written Conservation Easement for Common Council approval and recording with the Milwaukee County Register of Deeds at the time the Certified Survey Map is recorded.

COMPREHENSIVE MASTER PLAN CONSISTENCY:

Pursuant to Wisconsin State Statute 66.1001 “Consistent with means furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.”

It can be noted that the Comprehensive Master Plan (CMP) identifies the future land use for the subject area as Institutional and Areas of Natural Resources. In this regard, it can be noted that the CMP envisioned that the subject property, along with the property located immediately to the west, could potentially be the site of a future public school, based upon input provided by Franklin School District representatives at that time. However, it is staff’s understanding that the School District may not be interested in that property at this time.

Pursuant to the Unified Development Ordinance Section 15-9.0309 Minor Land Division (Certified Survey Map), “The Certified Survey Map shall be reviewed by the Plan Commission for conformance with this Ordinance and all other ordinances, rules, regulations, adopted regional, County, or City of Franklin Comprehensive Master Plans or adopted plan components which affect it.”

Therefore, staff recommends that the City amend the Comprehensive Master Plan Future Land Use Map to change the future land use designation from Institutional and Areas of Natural Resource Features to Residential and Areas of Natural Resource Features.

STAFF RECOMMENDATION:

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

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">07/21/15</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT APPROXIMATELY 9150 SOUTH 80TH STREET (HORIZON RESOURCE GROUP LLC, OWNER)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>B.16.</i></p>

City Development staff recommends approval of a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of a Certified Survey Map for property located at approximately 9150 South 80th Street (Horizon Group LLC, Owner), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2015-_____, authorizing certain officials to accept a conservation easement for and as part of the review and approval of a Certified Survey Map for property located at approximately 9150 South 80th Street (Horizon Group LLC, Owner), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2015-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART
OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR
PROPERTY LOCATED AT APPROXIMATELY 9150 SOUTH 80TH STREET
(HORIZON RESOURCE GROUP LLC, OWNER)

WHEREAS, the Plan Commission having approved a 2 Lot Certified Survey Map upon the application of Horizon Resource Group LLC, on July 9, 2015, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the steep slopes, mature woodlands, shore buffers, wetland buffers and wetlands on the site; and

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

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT
HORIZON GROUP LLC
RESOLUTION NO. 2015-_____

Page 2

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CONSERVATION EASEMENT

Horizon - 80th Street CSM – Franklin, WI

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

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, Part of the Northeast ¼ and the Northwest ¼ of the Southeast ¼ of Section 21, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as Exhibit A, Conservation easement, and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, steep slopes, mature woodlands, young woodlands, lakes, ponds, streams, floodplains, floodways, floodlands, shore buffers, wetland buffers, wetlands and shoreland wetlands, and refer to Natural Resource Investigation by RA Smith & Associates dated June 29th 2015, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

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

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

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

WHEREAS, Mortgage Holder Name, mortgagee of the Protected Property ("Mortgagee"), consents to the grant of this Easement by Grantor to Grantee and Mortgagee's consent is attached hereto and identified as "Mortgage Holder Consent". - No Mortgage Holder

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

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

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

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

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

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

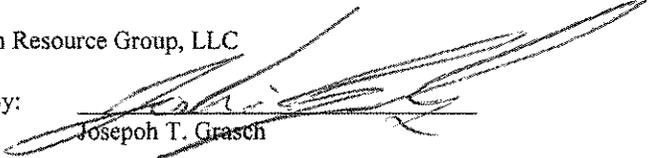
The covenants, terms, conditions, and restrictions set forth in this grant shall be binding upon the Grantor and the Grantee and their respective agents, personal representatives, heirs, successors, and assigns, and shall constitute servitudes running with the protected property in perpetuity. This grant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

To Grantor:
 Horizon Resource Group, LLC
 Attn: Joseph Grascch
 3341 N. Menomonee River Parkway
 Wauwatosa, WI 53222

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

In witness whereof, the grantor has set its hand and seals this on this date of July 13, 2015.

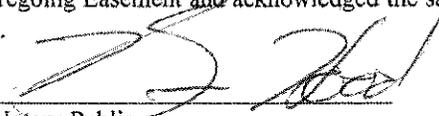
Horizon Resource Group, LLC

By: 
 Joseph T. Grascch

STATE OF WISCONSIN)
) ss
 COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on the 15th day of JULY, A.D. 2015 by

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


 Notary Public

My commission expires 12-11-2016

Acceptance



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

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

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

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

Notary Public

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:

Nicholas Fuchs, Senior Planner
Department of City Development

Date

Approved as to form only:

Jesse A. Wesolowski
City Attorney

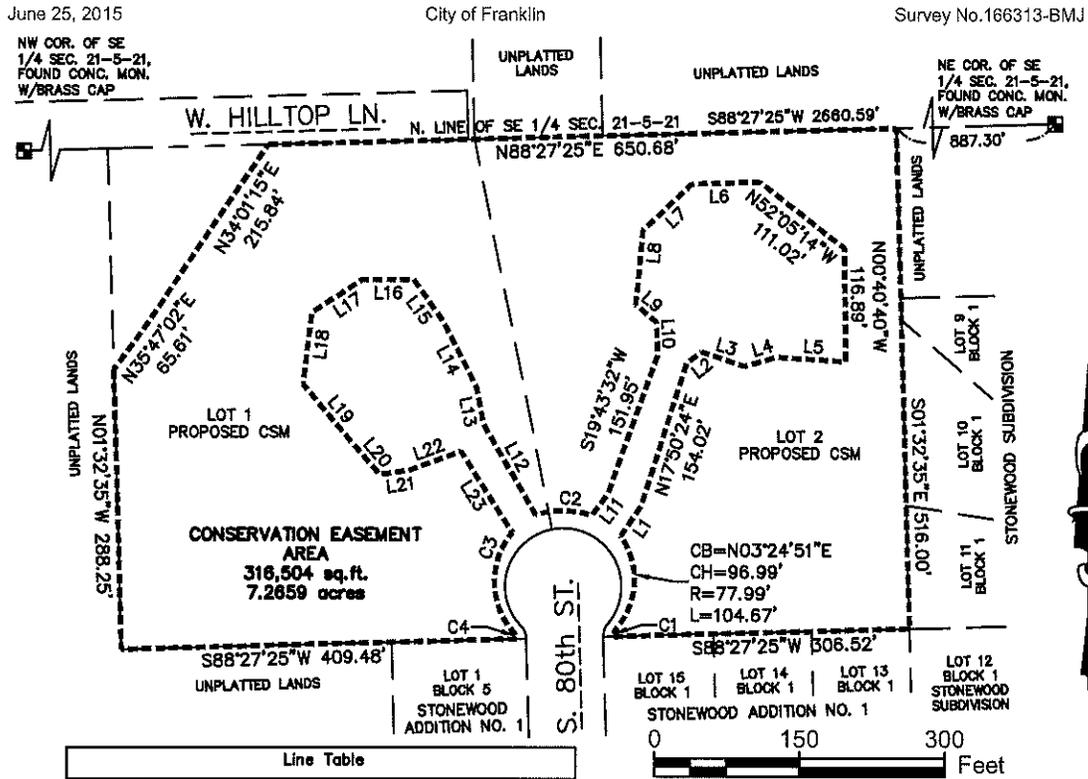
Date

EXHIBIT A CONSERVATION EASEMENT

Part of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 21, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northeast corner of said 1/4 Section; thence South 88°27'55" West along the North line of said 1/4 Section 887.30 feet to the point of beginning of lands to be described; thence South 01°32'35" East 518.00 feet to a point on the North line of Stonewood Addition No. 1 Subdivision; thence South 88°27'25" West along said North line 306.52 feet to a point; thence Northeasterly 7.22 feet along the arc of a curve whose center lies to the Southeast, whose radius is 10.00 feet and whose chord bears North 19°11'02" East 7.07 feet to a point; thence Northeasterly 104.67 feet along the arc of a curve whose center lies to the Northwest, whose radius is 77.99 feet and whose chord bears North 03°24'51" East 96.99 feet to a point; thence North 33°41'14" East 37.75 feet to a point; thence North 17°50'24" East 154.02 feet to a point; thence North 52°45'09" East 19.36 feet to a point; thence South 71°45'39" East 47.25 feet to a point; thence North 73°37'04" East 33.81 feet to a point; thence South 86°20'04" East 71.80 feet to a point; thence North 00°40'40" West 116.89 feet to a point; thence North 52°05'14" West 111.02 feet to a point; thence South 88°14'51" West 69.99 feet to a point; thence South 46°51'19" West 70.01 feet to a point; thence South 05°24'14" West 76.96 feet to a point; thence South 49°22'52" East 28.14 feet to a point; thence South 02°06'43" East 33.65 feet to a point; thence South 19°43'32" West 151.95 feet to a point; thence South 36°56'49" West 27.69 feet to a point; thence Northwesterly 59.20 feet along the arc of a curve whose center lies to the South, whose radius is 102.51 feet and whose chord bears North 89°28'11" West 58.38 feet to a point; thence North 29°49'22" West 107.58 feet to a point; thence North 10°57'07" West 38.78 feet to a point; thence North 27°25'28" West 76.67 feet to a point; thence North 35°49'20" West 52.84 feet to a point; thence North 89°48'55" West 52.13 feet to a point; thence South 57°01'37" West 62.85 feet to a point; thence South 07°06'41" West 74.56 feet to a point; thence South 40°02'34" East 75.87 feet to a point; thence South 41°15'16" East 46.31 feet to a point; thence North 82°07'54" East 30.58 feet to a point; thence North 69°58'27" East 57.87 feet to a point; thence South 32°32'04" East 99.20 feet to a point; thence Southeasterly 112.14 feet along the arc of a curve whose center lies to the East, whose radius is 79.93 feet and whose chord bears South 00°52'19" East 103.17 feet to a point; thence Southeasterly 7.25 feet along the arc of a curve whose center lies to the Southwest, whose radius is 10.00 feet and whose chord bears South 22°10'01" East 7.09 feet to a point on the North line of said Subdivision; thence South 88°27'25" West along said North line 409.48 feet to a point; thence North 01°32'35" West 288.25 feet to a point; thence North 35°47'02" East 65.61 feet to a point; thence North 34°01'15" East 215.84 feet to a point on the North line of said 1/4 Section; thence North 88°27'25" East along said North line 650.68 feet to the point of beginning. Containing 316,504 square feet or 7.2659 acres.

R.A. Smith National, Inc.



Line Table					
Line #	Direction	Length	Line #	Direction	Length
L1	N33°41'14"E	37.75	L13	N10°57'07"W	38.78
L2	N52°45'09"E	19.36	L14	N27°25'28"W	76.67
L3	S71°45'39"E	47.25	L15	N35°49'20"W	52.84
L4	N73°37'04"E	33.81	L16	N89°48'55"W	52.13
L5	S86°20'04"E	71.80	L17	S57°01'37"W	62.85
L6	S88°14'51"W	69.99	L18	S7°06'41"W	74.56
L7	S46°51'19"W	70.01	L19	S40°02'34"E	75.87
L8	S5°24'14"W	76.96	L20	S41°15'16"E	46.31
L9	S49°22'52"E	28.14	L21	N82°07'54"E	30.58
L10	S2°06'43"E	33.65	L22	N69°58'27"E	57.87
L11	S36°56'49"W	27.69	L23	S32°32'04"E	99.20
L12	N29°49'22"W	107.58			

Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord
C1	7.22	10.00	N19°11'02"E	7.07
C2	59.20	102.51	N89°28'11"W	58.38
C3	112.14	79.93	S0°52'19"E	103.17
C4	7.25	10.00	S22°10'01"E	7.09

R.A. Smith National, Inc.

*Beyond Surveying
and Engineering*

16745 W. Bluemound Road, Brookfield WI 53005
262-781-1000 Fax 262-797-7373 www.rasmithnational.com
Appleton, WI Orange County, CA Pittsburgh, PA

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