

CITY OF FRANKLIN
COMMON COUNCIL MEETING*
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA**
TUESDAY, JUNE 20, 2017 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes:
 - 1. Regular Common Council Meeting of June 6, 2017.
 - 2. Special Common Council Meeting of June 12, 2017.
- D. Hearings.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. Contract with Ehlers, Inc. for Financial Services Related to the Potential Creation of Tax Incremental Finance District in Area G, Approximately Between S. 112th Street and the City's Western Boundary and Between W. Ryan Road and W. Oakwood Road.
 - 2. An Ordinance to Amend the Unified Development Ordinance Text to Amend Section 15-2.0206 to Allow a Single-Family Residence Structure to Temporarily Remain Upon a Lot During the Construction of a Replacement Single-Family Residential Structure (City of Franklin, Applicant).
 - 3. An Ordinance to Amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (the Rock Sports Complex/Ballpark Commons) to Allow for Placement of a Sprecher Beer Café at The Rock Sports Complex (7900 West Crystal Ridge Drive) (Michael E. Zimmerman, Owner, The Rock Sports Complex, LLC, Applicant).
 - 4. A Resolution to Amend Resolution Nos. 79-1562, 83-2091, 85-2581, 2009-6579, 2012-6812 and 2014-7007 Imposing Conditions and Restrictions for the Approval of a Special Use for the Gazebo Park Apartment Complex Property Located at Approximately 6300-6346 South 35th Street to Allow for the Construction of an Accessory Building (GPark LLC, Applicant).
 - 5. An Ordinance to Amend Chapter 210: Signs and Billboards to Provide for a One-Year Suspension of a Requirement for Master Sign Programs, to Clarify Allowances for Monument Signs, and to Expand the Exception Appertaining to Signs for the Lease, Sale, or New or Pending Business or Commercial Occupancy of Any Building or Land.
 - 6. A Resolution Approving the Wisconsin Department of Natural Resources NR-208 Compliance Maintenance Report for 2016.
 - 7. An Ordinance to Amend Ordinance 2016-2240, an Ordinance Adopting the 2017

Annual Budget for the General Fund, St. Martins Fair, Capital Outlay, Capital Improvement and Grant Funds for the City of Franklin for Fiscal Year 2017: (A) to Provide Appropriations for Preliminary Engineering of the Reconstruction of West Oakwood Road; (B) and Carry Forward 2016 Appropriations for the Senior Travel Program and Franklin Seniors to 2017 St. Martins Fair Summer Mondays Promotion; (C) and Carry Forward 2016 Appropriations for Carpeting, to Provide Appropriations for Emergency Replacement of Police HVAC Equipment and the Purchase of Financial Software and Street Lights on South 76th Street.

8. Request Common Council Approval of the Newly Created Fire Department Job Description for "Community Fire Prevention Specialist."
9. Request Council Approval to Amend the Authorized Positions for the Fire Department to Add 1 Full Time Equivalencies ("FTE") for the Position of Community Fire Prevention Specialist, and Adjust the FTEs for Paramedic/Firefighter to 27, Maintaining Net Authorized FTEs at 46.
10. Presentation and Discussion on 2018 Budget Development Issues.
11. Community Orientated Police Services ("C.O.P.S.") Grant Application Request for Additional Police Officers.
12. Consideration of an Award of Bid(s) for the Historical Barn Reconstruction in Lions Legend Park: Contract Package #2 (Footings and Foundation) and Contract Package #3 (Carpentry for the Construction).
13. Authorization to Execute a Cooperation Agreement with Milwaukee County for Program Years 2018 through 2020 for the Community Development Block Grant and HUD HOME Programs.
14. City of Franklin's Community Development Block Grant Program Projects for 2018.
15. Update on City Hall Remodeling Project.
16. Authorization to Purchase Special Assessment Software.
17. Request to Purchase an Enterprise License Subscription for "The Business Journals" (Aldерwoman Wilhelm).
18. Annual Market Adjustment and Market Adjustment to Wage and Salary Rates for Non-Represented Employees.
19. Mowing of Cemetery and Grounds of the Painesville Meeting Hall (2740 W. Ryan Road).

H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of July 19 and 20, 2017.

I. Bills.

Request for Approval of Vouchers and Payroll.

Common Council Meeting Agenda

June 20, 2017

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J. Adjournment.

*Notice is given that a majority of the Community Development Authority, Plan Commission and Economic Development Commission may attend this meeting to gather information about an agenda item over which the Community Development Authority, Plan Commission and Economic Development Commission has decision-making responsibility. This may constitute a meeting of the Community Development Authority, Plan Commission and Economic Development Commission, per State ex rel. Badke v. Greendale Village Board, even though the Community Development Authority, Plan Commission and Economic Development Commission will not take formal action at this meeting.

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

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

REMINDERS:

June 22	Plan Commission Meeting	7:00 p.m.
July 4	City Hall Closed	
July 11	Common Council Meeting	6:30 p.m.
July 12	Plan Commission Meeting	7:00 p.m.

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CITY OF FRANKLIN
COMMON COUNCIL MEETING
JUNE 6, 2017
MINUTES

- ROLL CALL
 - A.1. The regular meeting of the Common Council was held on June 6, 2017 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber and Alderman John R. Nelson. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

- CITIZEN COMMENT
 - B.1. Citizen comment period was opened at 6:31 p.m. and closed at 6:32 p.m.

- APPROVAL OF MINUTES
 - C.1. Alderman Barber moved to approve the minutes of the regular Common Council Meeting of May 16, 2017 as presented at this meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried.
 - C.2. Alderman Dandrea moved to approve the minutes of the Special Common Council Meeting of May 22, 2017 as presented at this meeting. Seconded by Alderman Mayer. All voted Aye; motion carried.

- PUBLIC HEARINGS
2025 COMPREHENSIVE MASTER
PLAN AMENDMENT
 - D.2. A public hearing was called to order at 6:35 p.m. regarding a proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the future land use map use designation for property located at the northwest corner of South 76th Street and West Oakwood Road, from Business Park use and areas of natural resource features use to residential use and areas of natural resource Features use (Neumann Developments, Inc., Applicant). The property which is the subject of this application bears Tax Key No. 934-9992-010, consisting of approximately 43.63 total acres of land. This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.1001(4)(d). The public hearing was closed at 6:35 p.m.

- ORD. 2017-2270
AMEND 2025 FUTURE LAND USE
MAP – S. 76TH ST & W.
OAKWOOD RD. (NEUMANN)
 - G.3. Alderman Nelson moved to adopt Ordinance No. 2017-2270, AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025

DEVELOPMENTS, INC.,
APPLICANT)

FUTURE LAND USE MAP FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF SOUTH 76TH STREET AND WEST OAKWOOD ROAD FROM BUSINESS PARK USE AND AREAS OF NATURAL RESOURCE FEATURES USE TO RESIDENTIAL USE AND AREAS OF NATURAL RESOURCE FEATURES USE (APPROXIMATELY 43.63 ACRES) (NEUMANN DEVELOPMENTS, INC., APPLICANT). Seconded by Alderman Mayer. All voted Aye; motion carried.

ORD. 2017-2271
AMEND UDO (ZONING MAP) AT
76TH ST AND W. OAKWOOD RD.
(NEUMANN DEVELOPMENTS,
INC., APPLICANT)

G.4. Alderman Nelson moved to adopt Ordinance No. 2017-2271, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT, R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT AND FW FLOODWAY DISTRICT TO R-5 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT AND FW FLOODWAY DISTRICT (THE NORTHWEST CORNER OF SOUTH 76TH STREET AND WEST OAKWOOD ROAD) (APPROXIMATELY 43.63 ACRES) (NEUMANN DEVELOPMENTS, INC., APPLICANT). Seconded by Alderman Mayer. All voted Aye; motion carried.

D.1. A public hearing was called to order at 6:40 p.m. regarding a proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the future land use map use designation for two properties located at approximately 9733 South 76th Street, from commercial use to residential-multi-family use and areas of natural resource features use (Neumann Developments, Inc., Applicant). The properties which are the subject of this application bear Tax Key Nos. 896-9999-007 and 896-9999-008, consisting of approximately 15.04 acres of land (Tax Key No. 896-9999-008) and approximately 2.73 acres of land (Tax Key No. 896-9999-007) (Total acreage approximately 17.77 acres). This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.1001(4)(d). The public hearing was closed at 6:40 p.m.

ORD. 2017-2272
AMEND 2025 FUTURE LAND USE
MAP AT 9733 S. 76TH ST .

G.1. Alderman Nelson moved to adopt Ordinance No. 2017-2272, AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN

(NEUMANN DEVELOPMENTS,
INC., APPLICANT)

TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT APPROXIMATELY 9733 SOUTH 76TH STREET FROM BUSINESS PARK USE TO RESIDENTIAL-MULTI-FAMILY USE AND AREAS OF NATURAL RESOURCE FEATURES USE (APPROXIMATELY 15.04 ACRES (TAX KEY NO. 896-9999-008); 2.73 ACRES (TAX KEY NO. 896-9999-007)) (NEUMANN DEVELOPMENTS, INC., APPLICANT). Seconded by Alderman Mayer. All voted Aye; motion carried.

ORD. 2017-2273
AMEND UDO (ZONING MAP) AT
9733 S. 76TH ST. (NEUMANN
DEVELOPMENTS, INC.,
APPLICANT)

G.2. Alderman Nelson moved to adopt Ordinance No. 2017-2273, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE TWO PARCELS OF LAND FROM BP BUSINESS PARK DISTRICT TO R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT (APPROXIMATELY 9733 SOUTH 76TH STREET) (APPROXIMATELY 15.04 ACRES (TAX KEY NO. 896-9999-008); 2.73 ACRES (TAX KEY NO. 896-9999-007)) (NEUMANN DEVELOPMENTS, INC., APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried.

APPOINTMENT TO FAIR
COMMISSION

E. Alderman Taylor moved to confirm the Mayoral appointment of Alderman Dan Mayer to the Fair Commission, expiring on 4/16/19. Seconded by Alderman Nelson. On roll call, all voted Aye. Motion carried.

LETTER FROM COUNTY
EXECUTIVE – ACTIVATION OF
NEW DIGITAL CONSOLES

F.1. Mayor Olson noted a letter from County Executive Chris Abele regarding activation of new digital consoles at six dispatch centers: Milwaukee County OEM-911, Milwaukee County Transit System, Oak Creek, Franklin, Cudahy and Greendale.

LETTER FROM
INTERGOVERNMENTAL
CORPORATION COUNCIL

F.2. Mayor Olson noted a letter from Intergovernmental Cooperation Council to President Donald Trump Regarding Budgeted Reductions by the Environmental Protection Agency for Great Lakes Pollution Cleanup and Protection.

RES. 2017-7276
EXPANSION OF USE FOR MILW.
CO. HOUSE OF CORRECTIONS
9225 S. 68TH ST. (JOSE
HERNANDEZ, ASST

G.5. Alderman Dandrea moved to adopt Resolution No. 2017-7276, A RESOLUTION APPROVING AN EXPANSION OF A LEGAL NONCONFORMING USE FOR MILWAUKEE COUNTY HOUSE OF CORRECTIONS LOCATED AT 9225 SOUTH 68TH STREET (JOSE

SUPERINTENDENT, HOC,
APPLICANT)

HERNANDEZ, ASSISTANT SUPERINTENDENT OF
THE MILWAUKEE COUNTY HOUSE OF
CORRECTIONS, APPLICANT). Seconded by Alderman
Nelson. All voted Aye; motion carried.

RES. 2017-7277
APPROVAL OF SPECIAL USE AT
5621 W. RAWSON AVE. (SUSAN
VAN ERDEN,
OWNER/OPERATOR, DOWN-N-
CHEESY LLC., APPLICANT)

G.6. Alderman Barber moved to adopt Resolution No. 2007-
7277, A RESOLUTION IMPOSING CONDITIONS AND
RESTRICTIONS FOR THE APPROVAL OF A
SPECIAL USE FOR A FOOD TRUCK BUSINESS USE
UPON THE RAWSON PUB PROPERTY LOCATED AT
5621 WEST RAWSON AVENUE (SUSAN C. VAN
ERDEN, OWNER/OPERATOR OF DOWN-N-CHEESY
LLC, APPLICANT). Seconded by Alderman Mayer. All
voted Aye; motion carried.

ORD. 2017-2274
AMEND UDO TO UPDATE
PROVISIONS BETWEEN WI DNR
CODE & REGULATIONS FOR
STORM WATER MANAGEMENT

G.7. Alderman Dandrea moved to adopt Ordinance No. 2017-
2274, AN ORDINANCE TO AMEND THE UNIFIED
DEVELOPMENT ORDINANCE TEXT WITHIN
SECTION 15-8.0607: PERFORMANCE STANDARDS,
TO UPDATE ITS PROVISIONS AND RESOLVE
CONFLICTS BETWEEN WISCONSIN DEPARTMENT
OF NATURAL RESOURCES WISCONSIN
ADMINISTRATIVE CODE STANDARDS AND
REGULATIONS AS THEY PERTAIN TO STORM
WATER MANAGEMENT WITHIN THE CITY OF
FRANKLIN. Seconded by Alderman Barber. All voted
Aye; motion carried.

RES. 2017-7278
CHANGE ORDER 2 WITH LUNDA
CONST. CO.
W. ST. MARTINS RD. BRIDGE

G.8. Alderman Nelson moved to adopt Resolution No. 2017-
7278, A RESOLUTION AUTHORIZING CHANGE
ORDER 2 WITH LUNDA CONSTRUCTION
COMPANY TO EXECUTE COST REDUCTION
INCENTIVE PROPOSAL FOR WEST ST. MARTINS
ROAD BRIDGE. Seconded by Alderwoman Wilhelm.
All voted Aye; motion carried.

ORD. 2017-2275
AMEND MUNICIPAL CODE TO
CREATE LICENSE FEES TO
ADMINISTER RETAIL FOOD &
RECREATIONAL PROGRAMS

G.9. Alderman Barber moved to adopt Ordinance No. 2017-
2275, AN ORDINANCE TO AMEND §169-1.
LICENSES REQUIRED OF THE MUNICIPAL CODE
TO CREATE CERTAIN LICENSE FEES AS
AUTHORIZED BY THE CONTRACT TO
ADMINISTER THE RETAIL FOOD AND
RECREATIONAL PROGRAMS FOR THE STATE OF
WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION. Seconded
by Alderman Mayer. All voted Aye; motion carried.

- AMENDMENT TO PURCHASE ORDER FOR INSTALLATION OF CARPETING IN CITY HALL G.10. Alderwoman Wilhelm moved to authorize the Director of Administration to execute an amendment to the purchase order with Building Service Incorporated for an additional \$898 to incorporate the installation of a moisture barrier underlayment. Seconded by Alderman Mayer. All voted Aye; motion carried.
- ORD. 2017-2276 AMEND ORD. 2016-2240 TO REALLOCATE APPROPRIATIONS FOR HEALTH GRANTS FOR COPIER PURCHASE G.11. Alderman Mayer moved to adopt Ordinance No. 2017-2276, AN ORDINANCE TO AMEND ORDINANCE 2016-2240, AN ORDINANCE ADOPTING THE 2017 ANNUAL BUDGET FOR THE GRANTS FUND FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2017 TO REALLOCATE APPROPRIATIONS FOR HEALTH GRANTS TO PROVIDE FOR A COPIER PURCHASE. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.
- APRIL 2017 FINANCIAL REPORT G.12. Alderman Mayer moved to receive and place on file the April 2017 Financial Report. Seconded by Alderman Barber. All voted Aye; motion carried.
- LICENSES AND PERMITS H.1. Alderman Taylor moved to approve the following:
Grant 2016-17 and 2017-18 Class B Beer License, subject to Agent completing Responsible Beverage Server training course, to Top Dog Restaurants LLC, Agent/Owner John O'Malley, 7178 S. 76th St.;
Hold 2016-17 and 2017-18 Operator license applications for Molly Baron, 206 W Jefferson St., Apt A, Oconomowoc, pending her contacting Clerk's Office;
Grant 2016-17 and 2017-18 Operator licenses to Peter Mundschau, 213 Fountain Ave., Waukesha; Katelyn Edwards, 1241 E. Sommers Dr. Oak Creek; Alicia Kontowski, 5626 Middle Rd., Caledonia; Kelsey Lonergan, 7456 W. Brunn Dr., Franklin; Megan Wlodarski, 5629 S. Berkshire Ct., New Berlin;
Grant 2016-17 and 2017-18 Operator license with a warning letter from City Clerk to Jason Johnson, 1533 S. Green Bay Rd., #203, Mount Pleasant;
Hold 2016-17 Operator license for appearance for Matthew Johnson, 11200 W. Cleveland Ave., #G12, West Allis;
No action needed for 2017-18 Class B Combination license application for La Toscana Restaurant LLC, Agent Mirela Sopigoti, 8405 S. 27th St.;
Grant 2017-18 Entertainment & Amusement license,

subject to satisfactory inspections, to Prime Timez, LLC, Agent Mohammed Nowman, 6544 S. Lovers Lane Rd.; Grant 2017-18 Amusement Device licenses to American Entertainment, Owner Ken Grothman, W337 S5059 Hwy GG, Dousman; Games R Us Inc., Owner Steven Murphy, W144 S6315 College Ct., Muskego; National Amusements, Owner Janis Thein, 2740 S. 9th Pl., Milwaukee; Reggie's Amusements, LLC, Owner Reginald Zeniecki, 4918 S. Packard Ave., Cudahy;

Grant 2016-17 and 2017-18 Daycare license, subject to satisfactory inspections, to Discovery Days Childcare III, Inc., Manager Tina Kraussel, 9758 S Airways Ct.;

Grant 2017-18 Auto Salvage license, subject to satisfactory inspections, to Al's Auto Salvage, Owner Albert Schill, 10942 S. 124th St.; Durham Auto Salvage & Sales Inc., Manager Couillard, Gilbert, 10528 S 124th St.;

Grant 2017-18 Operator licenses to Karen Ban, 5629 S. Berkshire Ct., New Berlin; Alicia Bellanger, 9315 S. Orchard Park Cir., #3A, New Berlin; Breanna Chacon, 3446 Links Dr., Franklin; Megan Dietrich, 828 S. 101st St., West Allis; Whitney Dohr, 8550 River Terrace Dr., Franklin; Sophia Dreyer, 8180 S. 20th St., Oak Creek; Dale Hasenstein, 3033 S. 91st St., West Allis; Katie Hertel, 10512 W. Cortez Cir., #23, Franklin; Marie Idzikowski, 5348 S. 8th St., Milwaukee; Barbara Jakubczak, 5003 S. 26th St., Milwaukee; John Lehman, 1301 S. 76th St., West Allis; Michael Lloyd, 8908 W. Vernon Ct., Milwaukee; Michelle Lucchesi, 2050 W. Van Beck Ave., Milwaukee; Michael Magolan, W125 S8583 Countryview Ct., Muskego; Judith Mantey, 2815 W. Hilltop Ln., Franklin; Lauren Mather, 8948 S. Barn Owl, Ct., Franklin; Michelle McDonald, 718 S. 112th St., West Allis; Martha Norman, 9741 S. Deerpath Dr., Oak Creek; Andrew Page, 4642 W. Crawford Ave., Greenfield; Tiffany Plowman, 6559 S. Whitnall Edge Rd., Franklin; Theresa Przybylski, 1334 Mackinac Ave., South Milwaukee; Taylor Purdy, 938 S. 75th St., West Allis; Syed Rizvi, 7164 S. Madison Ct., Franklin; Christine Rozewicz, 8123 S. Legend Dr., Unit A, Franklin; Amanda Schaefer, 10324 W. Bunzel Ave., Hales Corners; Lisa Schaefer, 2905 N. Newhall St., Unit 501, Milwaukee; Sanjeev Sharma, 2445 W. Briar Lake Way, #2B, Oak Creek; Daniel Stadler, S73 W14901 Candlewood Ln., Muskego; Rafal Szot, 4618 S. 50th St., Greenfield; Denise Thompson, 4601 S. Ahmedi Ave., St Francis; Caroline

Toberna, 8240 Fairmont Ln., Greendale; Meredith Yanke, 7030 Lindner Dr., Franklin; Roger Young, 5600 Mockingbird Ln., #C102, Greendale;

Hold 2017-18 Operator license applications for appearance from Jerime Hetzel, 24214 Burmeister Rd., Union Grove; Megan Rongolt, 3344 Marina Rd., #220, South Milwaukee; Maxwell Van Egeren, 2752 N. Bartlett Ave., #4, Milwaukee.

Grant Extraordinary Entertainment & Special Event license to the American Diabetes Association-Tour De Cure (Bonnie Aman) for their Bike Ride through Franklin on July 22, 2017.

Seconded by Alderman Barber. All voted Aye; motion carried.

VOUCHERS AND PAYROLL

I.1.

Alderman Dandrea moved to approve the following: City vouchers with an ending date of June 1, 2017 in the amount of \$1,191,508.05; Payroll dated May 26, 2017 in the amount of \$365,399.64 and payments of the various payroll deductions in the amount of \$389,455.41, plus City matching payments; and Estimated payroll dated June 9, 2017 in the amount of \$365,000.00 and payments of the various payroll deductions in the amount of \$212,000.00, plus City matching payments and Property tax investments and refunds with an ending date of June 1, 2017 in the amount of \$2,803,246.35 and the release of various vendor payments not to exceed \$110,510.95 and release of 2017 Franklin Civic Celebration deposits and prepayments not to exceed \$82,300.00. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J.

Alderman Taylor moved to adjourn the meeting at 7:50 p.m. Seconded by Alderman Barber. All voted Aye; motion carried.

0.2.

CITY OF FRANKLIN
SPECIAL COMMON COUNCIL MEETING
JUNE 12, 2017
MINUTES

ROLL CALL

- A. The special meeting of the Common Council was held on June 12, 2017 and called to order at 6:00 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber and Alderman John R. Nelson. Also present were Dir. of Administration Mark Luberd, Police Chief Rick Oliva, City Attorney Jesse A. Wesolowski and Deputy City Clerk Shirley Roberts.

CITIZEN COMMENT

- B. Citizen comment period was opened at 6:00 p.m. and closed at 6:01 p.m.

RES. 2017-7279
LOCAL/COUNTY
AGREEMENT WITH
MILWAUKEE COUNTY-
76TH ST. & RAWSON AVE.

- C. Alderman Barber moved to adopt Resolution No. 2017-7279, A RESOLUTION AUTHORIZING LOCAL/COUNTY AGREEMENT WITH MILWAUKEE COUNTY FOR ADDITION OF LIGHTS TO THE INTERSECTION OF CTH U (S. 76TH STREET) AND CTH BB (W. RAWSON AVENUE). Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

ADJOURNMENT

- D. Alderman Taylor moved to adjourn the special meeting at 6:03 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.

APPROVAL	REQUEST FOR Council ACTION	MEETING DATE 6/20/17
REPORTS AND RECOMMENDATIONS	Contract Ehlers, Inc. for financial services related to the potential creation of tax incremental finance district in Area G, approximately between S. 112 th Street and the City's western boundary and between W. Ryan Road and W. Oakwood Road.	ITEM NUMBER B.1,

Request

Staff is requesting approval of a contract with Ehlers, Inc. for a "Phase 1 – Feasibility Analysis" as outlined in the attached letter and scope of services to the Economic Development Director dated June 14, 2017. Activities include analysis and possible creation of a tax increment finance (TIF) district in the vicinity of Area G, roughly between S. 112 Street and the City's western boundary and between W. Ryan Road and W. Oakwood Road. The creation of a TIF district will be necessary to facilitate development on lands in Area G, including property recently acquired by Mills Hotel Wyoming Property (MHW Property), a company associated with Bear Development.

Enclosed is a letter from Bear Development requesting collaboration with the City of Franklin on the possible creation of a TIF district to stimulate development. Access to municipal water and sanitary sewer are critical for development to move forward. Of urgency is addressing the needs of a "respected industrial/manufacturing user" that would like to development a facility on approximately 30 acres of land owned by MHW Property . The name of the potential user remains confidential at this time.

Bear is also working on conceptual land planning for an additional 134 acres of land they own in Area G. Likely land uses include: commercial, industrial, mixed residential and permanent open space. Note these uses are consistent with conceptual land use plans recommended by the City's consultant GRAEF in the report, *City of Franklin Area G – Due Diligence Report*, June 5, 2015. A concept map produced by GRAEF as part of their report is enclosed. The full report is available on the City's website:
<http://www.franklinwi.gov/DefaultFile/Planning/PotentialDevAreas2015/Future Mixed Use Development Area AreaG.pdf>.

Staff has initiated conversations to explore additional development opportunities in the vicinity of Area G to consider ideal boundaries for a potential TIF district, including lands not owned by MHW Property. Primary considerations include appropriateness and timeliness of potential development, access to utilities, and potential infrastructure needs over the life of a TIF district.

Contract approval is subject to review by the City Attorney.

Funding

Staff requests authorization for spending up to \$9,450 for the services outlined in Phase 1 – Feasibility Analysis in the attached scope of services. The base rate of \$5,700 includes modeling up to five financial scenarios. The requested authorization amount would allow the Economic Development Director to contract the modeling of up to 5 additional financial scenarios from Ehlers, as needed.

The project will be contracted in phases as outlined in the proposal from Ehlers. Upon completion and presentation of the Phase 1 – Feasibility Analysis, authorization for Phase II – Project Plan Development and Approval, and Phase III State Submittal may be brought forth for consideration by the Common Council.

Funding is available in the Economic Development Budget for Other Professional Services (01-0641-5219).

Background

Area G was outlined in the 2000 report produced by Ticknor and Associates as having limited retail potential, with future potential for an industrial park. The previously noted report by GRAEF suggested a mix of uses for the site including industrial, commercial/retail, residential, mixed-use and open space. Area G, as defined in the GRAEF

report, currently has a mix of planned future uses including, Business Park, Commercial, residential, areas of natural feature and light manufacturing. Zoning in the area includes R-2, R-3, R-8, B2, C1.

Attachments

1. Ehlers Financial Feasibility Analysis Proposal
2. Letter from Bear Development
3. Concept Plan Map from 2015 GRAEF Report. Note this is a concept plan. While similar uses are being considered by a property owner in the area, these plans should not be taken as literal or representative of the owner's intent.
4. A map of current zoning. Cross hatching represents the area previously defined as Area G in the GRAEF report.

COUNCIL ACTION REQUESTED

A motion to contract Ehlers, Inc. for financial services related to the potential creation of tax incremental finance district in Area G, approximately between S. 112th Street and the City's western boundary and between W. Ryan Road and W. Oakwood Road.



June 14, 2017

Aaron Hertzberg
Director of Economic Development
City of Franklin
9229 W. Loomis Rd.
Franklin, WI 53132

Re: Written Municipal Advisor Client Disclosure with the City of Franklin ("Client") for Financial Feasibility Analysis and Potential Tax Increment District Creation Area G (Loomis & Ryan Rd) ("Project" Pursuant to MSRB Rule G-42)

Dear Aaron:

As a registered Municipal Advisor, we are required by Municipal Securities Rulemaking Board (MSRB) Rules to provide you with certain written information and disclosures prior to, upon or promptly, after the establishment of a municipal advisory relationship as defined in Securities and Exchange Act Rule 15Ba1-1. To establish our engagement as your Municipal Advisor, we must inform you that:

1. When providing advice, we are required to act in a fiduciary capacity, which includes a duty of loyalty and a duty of care. This means we are required to act solely in your best interest.
2. We have an obligation to fully and fairly disclose to you in writing all material actual or potential conflicts of interest that might impair our ability to render unbiased and competent advice to you. We are providing these and other required disclosures in **Appendix A** attached hereto.
3. As your Municipal Advisor, Ehlers shall provide this advice and service at such fees, as described within **Appendix B** attached hereto.

This documentation and all appendices hereto shall be effective as of its date unless otherwise terminated by either party upon 30 days written notice to the other party.

During the term of our municipal advisory relationship, this writing might be amended or supplemented to reflect any material change or additions.

We look forward to working with you on this Project.

Sincerely,

Ehlers

A handwritten signature in cursive script that reads "Dawn R. Gunderson Schiel".

Dawn R. Gunderson Schiel, CPFO, CIPMA
Senior Municipal Advisor

cc: Jon Cameron, Ehlers
Paula Czapelewski, Ehlers
Tracy Ringwell, Ehlers

¹ This document is intended to satisfy the requirements of MSRB Rule G-42(b) and Rule G-42(c).





Appendix A

Disclosure of Conflicts of Interest/Other Required Information

Actual/Potential Material Conflicts of Interest

Ehlers has no known actual or potential material conflicts of interest that might impair its ability either to render unbiased and competent advice or to fulfill its fiduciary duty to Client.

Other Engagements or Relationships Impairing Ability to Provide Advice

Ehlers is not aware of any other engagement or relationship Ehlers has that might impair Ehlers' ability to either render unbiased and competent advice to or to fulfill its fiduciary duty to Client.

Affiliated Entities

Ehlers offers related services through two affiliates of Ehlers, Bond Trust Service Corporation (BTSC) and Ehlers Investment Partners (EIP). BTSC provides paying agent services while Ehlers Investment Partners (EIP) provides investment related services and bidding agent service. Ehlers and these affiliates do not share fees. If either service is needed in conjunction with an Ehlers municipal advisory engagement, Client will be asked whether or not they wish to retain either affiliate to provide service. If BTSC or EIP are retained to provide service, a separate agreement with that affiliate will be provided for Client's consideration and approval.

Solicitors/Payments Made to Obtain/Retain Client Business

Ehlers does not use solicitors to secure municipal engagements; nor does it make direct or indirect payments to obtain or retain Client business.

Payments from Third Parties

Ehlers does not receive any direct or indirect payments from third parties to enlist Ehlers recommendation to the Client of its services, any municipal securities transaction or any financial product.

Payments/Fee-splitting Arrangements

Ehlers does not share fees with any other parties and any provider of investments or services to the Client. However, within a joint proposal with other professional service providers, Ehlers could be the contracting party or be a subcontractor to the contracting party resulting in a fee splitting arrangement. In such cases, the fee due Ehlers will be identified in a Municipal Advisor writing and no other fees will be paid to Ehlers from any of the other participating professionals in the joint proposal.

Municipal Advisor Registration

Ehlers is registered with the Securities and Exchange Commission (SEC) and Municipal Securities Rulemaking Board (MSRB).

Material Legal or Disciplinary Events

Neither Ehlers nor any of its officers or municipal advisors have been involved in any legal or disciplinary events reported on Form MA or MA-I nor are there any other material legal or disciplinary events to be reported. Ehlers' application for permanent registration as a Municipal Advisor with the Securities and Exchange Commission (SEC) was granted on July 28, 2014 and contained the information prescribed under Section 15B(a)(2) of the Securities and Exchange Act of 1934 and rules thereunder. It did not list any information on legal or disciplinary disclosures.

Client may access Ehlers' most recent Form MA and each most recent Form MA-I by searching the Securities and Exchange Commission's EDGAR system (currently available at <http://www.sec.gov/edgar/searchedgar/companysearch.html>) and searching under either our Company Name (Ehlers & Associates, Inc.) or by using the currently available "Fast Search" function and entering our CIK number (0001604197).

Ehlers has not made any material changes to Form MA or Form MA-I since that date.

Conflicts Arising from Compensation Contingent on the Size or Closing of Any Transaction

The forms of compensation for municipal advisors vary according to the nature of the engagement and requirements of the client. Compensation contingent on the size of the transaction presents a conflict of interest because the advisor may have an incentive to advise the client to increase the size of the securities issue for the purpose of increasing the advisor's compensation. Compensation contingent on the closing of the transaction presents a conflict because the advisor may have an incentive to recommend unnecessary financings or recommend financings that are disadvantageous to the client. If the transaction is to be delayed or fail to close, an advisor may have an incentive to discourage a full consideration of such facts and circumstances, or to discourage consideration of alternatives that may result in the cancellation of the financing or other transaction.

Any form of compensation due a Municipal Advisor will likely present specific conflict of interests with the Client. If a Client is concerned about the conflict arising from Municipal Advisor compensation contingent on size and/or closing of their transaction, Ehlers is willing to discuss and provide another form of Municipal Advisor compensation. The Client must notify Ehlers in writing of this request within 10 days of receipt of this Municipal Advisor writing.

MSRB Contact Information

The website address of the MSRB is www.msrb.org. Posted on the MSRB website is a municipal advisory client brochure that describes the protections that may be provided by MSRB rules and how to file a complaint with the financial regulatory authorities.

Appendix B Tax Incremental Financing Services

Scope of Service

Client has requested that Ehlers assist Client with Financial Feasibility Analysis and Potential Tax Increment District Creation Area G (Loomis & Ryan Rd) (“Project”). Ehlers proposes and agrees to provide the following scope of services:

Phase I – Feasibility Analysis

The purpose of Phase I is to determine whether the Project is a statutorily and economically feasible option to achieve the Client’s objectives. This phase begins upon your authorization of this engagement, and ends on completion and delivery of a feasibility analysis report. As part of Phase I services, Ehlers will:

- Consult with appropriate Client officials to identify the Client’s objectives for the Project.
- Provide feedback as to the appropriateness of using Tax Incremental Financing in the context of the “but for” test.
- If the Project includes creation of or addition of territory to a district, identify preliminary boundaries and gather parcel data from Client. Determine compliance with the following statutory requirements as applicable:
 - Equalized Value test.
 - Purpose test (industrial, mixed use, blighted area, or in need of rehabilitation or conservation).
 - Newly platted residential land use test.
- Prepare feasibility analysis report. The report will include the following information, as applicable:
 - Identification of the type or types of districts that may be created.
 - A description of the type, maximum life, expenditure period and other features corresponding to the type of district proposed.
 - A summary of the development assumptions used with respect to timing of construction and projected values.
 - Projections of tax increment revenue collections to include annual and cumulative present value calculations.
 - Qualification of the district as a donor or recipient of shared increment, and projected impact of any allocations of shared increment.
 - If debt financing is anticipated, a summary of the sizing, structure and timing of proposed debt issues.
 - A cash flow *pro forma* reflecting annual and cumulative district fund balances and projected year of closure.
 - A draft time table for the Project.

- Identification of how the creation date may affect the district's valuation date, the base value, compliance with the equalized value test, and the ability to capture current year construction values and changes in economic value.
- When warranted, evaluate and compare options with respect to boundaries, type of district, project costs and development levels.
- Ehlers will provide guidance on district design within statutory limits to creatively achieve as many of the Client's objectives as possible, and will provide liaison with State Department of Revenue as needed in the technical evaluation of options.
- Present the results of the feasibility analysis to the Client's staff, Plan Commission or governing body.

Phase II – Project Plan Development and Approval

If the Client elects to proceed following completion of the feasibility analysis, the Project will move to Phase II. This phase includes preparation of the Project Plan, and consideration by the Plan Commission¹, governing body, and the Joint Review Board. This phase begins after receiving notification from the Client to proceed, and ends after the Joint Review Board takes action on the Project. As part of Phase II services, Ehlers will:

- Based on the goals and objectives identified in Phase I, prepare a draft Project Plan that includes all statutorily required components.
- We will coordinate with your staff, engineer, planner or other designated party to obtain a map of the proposed boundaries of the district, a map showing existing uses and conditions of real property within the district, and a map showing proposed improvements and uses in the district.
- Submit to the Client an electronic version of the draft Project Plan for initial review and comment.
- Coordinate with Client staff to confirm dates and times for the meetings indicated within the following table. Ehlers will ensure that selected dates meet all statutory timing requirements, and will provide documentation and notices as indicated.

¹ If Client has created a Redevelopment Authority or a Community Development Authority, that body may fulfill the statutory requirements of the Plan Commission related to creation or amendment of the district.

Meeting	Ehlers Responsibility	Client Responsibility
Initial Joint Review Board	<p>Prepare Notice of Meeting and transmit to Client's designated paper.</p> <p>Mail meeting notice, informational materials, and draft Project Plan to overlapping taxing jurisdictions.</p> <p>Provide agenda language to Client.</p> <p>Attend meeting to present draft Project Plan.</p>	<p>Post or publish agenda and provide notification as required by the Wisconsin Open Records Law.</p> <p>Prepare meeting minutes.</p> <p>Designate Client Joint Review Board representative.</p> <p>Identify and recommend Public Joint Review Board representative for appointment.</p>
Plan Commission Public Hearing	<p>Prepare Notice of Public Hearing and transmit to Client's designated paper.</p>	<p>Post or publish agenda and provide notification as required by the Wisconsin Open Records Law.</p>
Plan Commission Public Hearing	<p>For blighted area districts and in need of rehabilitation or conservation districts, provide a format for the required individual property owner notification letters.</p> <p>Attend hearing to present draft Project Plan.</p>	<p>Prepare and mail individual property owner notices (only for districts created as blighted area, or in need of rehabilitation or conservation).</p> <p>Prepare meeting minutes.</p>
Plan Commission	<p>Provide agenda language to Client.</p> <p>Attend meeting to present draft Project Plan.</p> <p>Provide approval resolution for Plan Commission consideration.</p>	<p>Post or publish agenda and provide notification as required by the Wisconsin Open Records Law.</p> <p>Distribute Project Plan & resolution to Plan Commission members in advance of meeting.</p> <p>Prepare meeting minutes.</p>
Governing Body Action	<p>Provide agenda language to Client.</p> <p>Attend meeting to present draft Project Plan.</p> <p>Provide approval resolution for governing body consideration.</p>	<p>Post or publish agenda and provide notification as required by the Wisconsin Open Records Law.</p> <p>Provide Project Plan & resolution to governing body members in advance of meeting.</p> <p>Prepare meeting minutes.</p>
Joint Review Board Action	<p>Mail meeting notice and copy of final Project Plan to overlapping taxing jurisdictions.</p> <p>Prepare Notice of Meeting and transmit to Client's designated paper.</p> <p>Provide agenda language to Client.</p> <p>Attend meeting to present final Project Plan.</p> <p>Provide approval resolution for Joint Review Board consideration.</p>	<p>Post or publish agenda and provide notification as required by the Wisconsin Open Records Law.</p> <p>Prepare meeting minutes.</p>

- Throughout the meeting process, provide drafts of the Project Plan and related documents in sufficient quantity for the Client’s staff, Plan Commission, governing body and Joint Review Board members.
- Provide advice and updated analysis on the impact of any changes made to the Project Plan throughout the approval process.

Phase III – State Submittal

This phase includes final review of all file documents, preparation of filing forms, and submission of the base year or amendment packet to the Department of Revenue. This phase begins following approval of the district by the Joint Review Board, and ends with the submission of the base year or amendment packet. As part of Phase III services, Ehlers will:

- Assemble and submit to the Department of Revenue the required base year or amendment packet to include a final Project Plan document containing all required elements and information.
- Provide the Client with an electronic copy of the final Project Plan (and up to 15 bound hard copies if desired).
- Provide the municipal Clerk with a complete electronic and/or hard copy transcript of all materials as submitted to the Department of Revenue for certification.
- Act as a liaison between the Client and the Department of Revenue during the certification process in the event any questions or discrepancies arise.

[

Compensation

In return for the services set forth in the “Scope of Service,” Client agrees to compensate Ehlers as follows:

Phase I	\$ 5,700
Phase II	\$ 7,300
Phase III	\$ 1,500
Total	\$ 14,500

- Phase I base fee includes up to five financial scenarios. Additional scenarios will be run as needed at a cost of \$750/scenario.
- In the event Client determines not to proceed with the Project once a Phase has been authorized, but prior to that Phase’s completion, the compensation due for that Phase will be prorated to reflect the percentage of the work completed.

Payment for Services

For all compensation due to Ehlers, Ehlers will invoice Client for the amount due at the completion of each Phase. Our fees include our normal travel, printing, computer services, and mail/delivery charges. The invoice is due and payable upon receipt by the Client.

Client Responsibility

The following expenses are not included in our Scope of Services, and are the responsibility of Client to pay directly:

- Services rendered by Client’s engineers, planners, surveyors, appraisers, assessors, attorneys, auditors and others that may be called on by Client to provide information related to completion of the Project.
- Preparation of maps necessary for inclusion in the Project Plan.
- Preparation of maps necessary for inclusion in the base year or amendment packet.
- Publication charge for the Notice of Public Hearing and Notices of Joint Review Board meetings.
- Legal opinion advising that Project Plan contains all required elements. (Normally provided by municipal attorney).
- Preparation of District metes & bounds description. (Needed in Phase III for creation of new districts, or amendments that add or subtract territory).
- Department of Revenue filing fee and annual administrative fees. The current Department of Revenue fee structure is:

Current Wisconsin Department of Revenue Fee Schedules	
Base Year Packet	\$1,000
Amendment Packet with Territory Addition	\$1,000
Amendment Packet with Territory Subtraction	\$1,000
Base Value Redetermination	\$1,000
Amendment Packet	No Charge
Annual Administrative Fee	\$150

A G R E E M E N T

This AGREEMENT, made and entered into this 20th day of June, 2017, between the City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin 53132 (hereinafter "CLIENT") and Ehlers & Associates, Inc. (hereinafter "CONTRACTOR"), whose principal place of business is N21 W23350 Ridgeview Parkway West, Suite 100, Waukesha, Wisconsin, 53188.

W I T N E S S E T H

WHEREAS, the CONTRACTOR is duly qualified and experienced as a municipal services contractor and has offered services for the purposes specified in this AGREEMENT; and

WHEREAS, in the judgment of CLIENT, it is necessary and advisable to obtain the services of the CONTRACTOR to provide Tax Incremental District services.

NOW, THEREFORE, in consideration of these premises and the following mutual covenants, terms, and conditions, CLIENT and CONTRACTOR agree as follows:

- A. This AGREEMENT may only be amended by written instrument signed by both CLIENT and CONTRACTOR.

I. BASIC SERVICES AND AGREEMENT ADMINISTRATION

- A. CONTRACTOR shall provide services to CLIENT for consultation with respect to providing non-exclusive financial advisory services, as described in CONTRACTOR's proposal to CLIENT dated June 14, 2017, annexed hereto and incorporated herein as Attachment A.
- B. CONTRACTOR shall serve as CLIENT's professional representative in matters to which this AGREEMENT applies. CONTRACTOR may employ the services of outside consultants and subcontractors when deemed necessary by CONTRACTOR to complete work under this AGREEMENT following approval by CLIENT.
- C. CONTRACTOR is an independent contractor and all persons furnishing services hereunder are employees of, or independent subcontractors to, CONTRACTOR and not of CLIENT. All obligations under the Federal Insurance Contribution Act (FICA), the Federal Unemployment Tax Act (FUTA), and income tax withholding are the responsibility of CONTRACTOR as employer. CLIENT understands that express AGREEMENTS may exist between CONTRACTOR and its employees regarding extra work, competition, and nondisclosure.

- D. During the term of this AGREEMENT and throughout the period of performance of any resultant AGREEMENT, including extensions, modifications, or additions thereto, and for a period of one (1) year from the conclusion of such activity, the parties hereto agree that neither shall solicit for employment any technical or professional employees of the other without the prior written approval of the other party.

II. FEES AND PAYMENTS

CLIENT agrees to pay CONTRACTOR, for and in consideration of the performance of Basic Services further described in Attachment A, at our standard billing rates with a not-to-exceed budget of \$9,450, subject to the terms detailed below:

- A. CONTRACTOR may bill CLIENT and be paid for all work satisfactorily completed hereunder on a monthly basis. CLIENT agrees to pay CONTRACTOR's invoice within 30 days of invoice date for all approved work.
- B. Total price will not exceed budget of \$9,450. For services rendered, monthly invoices will include a report that clearly states the hours and type of work completed and the fee earned during the month being invoiced.
- C. In consideration of the faithful performance of this AGREEMENT, the CONTRACTOR will not exceed the fee for Basic Services and expenses without written authorization from CLIENT to perform work over and above that described in the original AGREEMENT.
- D. Should CLIENT find deficiencies in work performed or reported, it will notify CONTRACTOR in writing within thirty (30) days of receipt of invoice and related report and the CONTRACTOR will remedy the deficiencies within thirty (30) days of receiving CLIENT's review. This subsection shall not be construed to be a limitation of any rights or remedies otherwise available to CLIENT.

III. MODIFICATION AND ADDITIONAL SERVICES

- A. CLIENT may, in writing, request changes in the Basic Services required to be performed by CONTRACTOR and require a specification of incremental or decremental costs prior to change order agreement under this AGREEMENT. Upon acceptance of the request of such changes, CONTRACTOR shall submit a "Change Order Request Form" to CLIENT for authorization and notice to proceed signature and return to CONTRACTOR. Should any such actual changes be made, an equitable adjustment will be made to compensate CONTRACTOR or reduce the fixed price, for any incremental or decremental labor or direct costs, respectively. Any claim by CONTRACTOR for adjustments hereunder must be made to CLIENT in writing no later than forty-five (45) days after receipt by CONTRACTOR of notice of such changes from CLIENT.

IV. ASSISTANCE AND CONTROL

- A. Economic Development Director, Aaron Hertzberg, will coordinate the work of the CONTRACTOR, and be solely responsible for communication within the CLIENT's organization as related to all issues originating under this AGREEMENT.
- B. CLIENT will timely provide CONTRACTOR with all available information concerning PROJECT as deemed necessary by CONTRACTOR.
- C. CONTRACTOR will appoint, subject to the approval of CLIENT, Aaron Hertzberg. CONTRACTOR's Project Manager and other key providers of the Basic Services. Substitution of other staff may occur only with the consent of CLIENT.

V. TERMINATION

- A. This AGREEMENT may be terminated by CLIENT, for its convenience, for any or no reason, upon written notice to CONTRACTOR. This AGREEMENT may be terminated by CONTRACTOR upon thirty (30) days written notice. Upon such termination by CLIENT, CONTRACTOR shall be entitled to payment of such amount as shall fairly compensate CONTRACTOR for all work approved up to the date of termination, except that no amount shall be payable for any losses of revenue or profit from any source outside the scope of this AGREEMENT, including but not limited to, other actual or potential agreements for services with other parties.
- B. In the event that this AGREEMENT is terminated for any reason, CONTRACTOR shall deliver to CLIENT all data, reports, summaries, correspondence, and other written, printed, or tabulated material pertaining in any way to Basic Services that CONTRACTOR may have accumulated. Such material is to be delivered to CLIENT whether in completed form or in process. CLIENT shall hold CONTRACTOR harmless for any work that is incomplete due to early termination.
- C. The rights and remedies of CLIENT and CONTRACTOR under this section are not exclusive and are in addition to any other rights and remedies provided by law or appearing in any other article of this AGREEMENT.

VI. INSURANCE

The CONTRACTOR shall, during the life of the AGREEMENT, maintain insurance coverage with an authorized insurance carrier at least equal to the minimum limits set forth below:

- | | | |
|----|---|-------------|
| A. | Limit of General/Commercial Liability | \$1,000,000 |
| B. | Automobile Liability: Bodily Injury/Property Damage | \$1,000,000 |
| C. | Excess Liability for General Commercial or Automobile Liability | \$1,000,000 |

D. Worker's Compensation and Employers' Liability	\$500,000
E. Professional Liability	\$2,000,000

Upon the execution of this AGREEMENT, CONTRACTOR shall supply CLIENT with a suitable statement certifying said protection and defining the terms of the policy issued, which shall specify that such protection shall not be cancelled without thirty (30) calendar days prior notice to CLIENT, and naming CLIENT as an additional insured for General Liability.

VII. INDEMNIFICATION AND ALLOCATION OF RISK

- A. To the fullest extent permitted by law, CONTRACTOR shall indemnify and hold harmless CLIENT, CLIENT'S officers, directors, partners, and employees from and against costs, losses, and damages (including but not limited to reasonable fees and charges of financial advisors, attorneys, and other professionals, and reasonable court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of CONTRACTOR or CONTRACTOR'S officers, directors, partners, employees, and consultants in the performance of CONTRACTOR'S services under this AGREEMENT.
- B. To the fullest extent permitted by law, CLIENT shall indemnify and hold harmless CONTRACTOR, CONTRACTOR'S officers, directors, partners, employees, and consultants from and against costs, losses, and damages (including but not limited to reasonable fees and charges of financial advisors, attorneys, and other professionals, and reasonable court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of CLIENT or CLIENT'S officers, directors, partners, employees, and consultants with respect to this AGREEMENT.
- C. To the fullest extent permitted by law, CONTRACTOR'S total liability to CLIENT and anyone claiming by, through, or under CLIENT for any injuries, losses, damages and expenses caused in part by the negligence of CONTRACTOR and in part by the negligence of CLIENT or any other negligent entity or individual, shall not exceed the percentage share that CONTRACTOR'S negligence bears to the total negligence of CLIENT, CONTRACTOR, and all other negligent entities and individuals.
- D. In addition to the indemnity provided under Paragraph VII.B, and to the fullest extent permitted by law, CLIENT shall indemnify and hold harmless CONTRACTOR and CONTRACTOR'S officers, directors, partners, employees, and consultants from and against injuries, losses, damages and expenses (including but not limited to all fees and charges of financial advisors, attorneys, and other professionals, and all court or arbitration or other disputes resolution costs) caused by, arising out of, or resulting from an unexpected Hazardous Environmental Condition, provided that (i) any such injuries, losses, damages and expenses is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom, and (ii) nothing in this Paragraph shall obligate CLIENT to indemnify any individual or entity from and against the consequences of that individual or entity's own negligence or willful misconduct.

VIII. TIME FOR COMPLETION

CONTRACTOR shall commence work immediately having received a Notice to Proceed as of _____.

IX. DISPUTES

This AGREEMENT shall be construed under and governed by the laws of the State of Wisconsin. The venue for any actions arising under this AGREEMENT shall be the Circuit Court for Milwaukee County. The prevailing party shall be awarded its actual costs of any such litigation, including reasonable attorney fees.

X. RECORDS RETENTION

CONTRACTOR shall maintain all records pertaining to this AGREEMENT during the term of this AGREEMENT and for a period of 3 years following its completion. Such records shall be made available by the CONTRACTOR to CLIENT for inspection and copying upon request.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed on the day and year first above written.

CITY OF FRANKLIN, WISCONSIN

EHLERS & ASSOCIATES, INC.

BY: _____

BY: _____

PRINT NAME: _____

PRINT NAME: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

BY: _____

PRINT NAME: _____

TITLE: _____

DATE: _____

BY: _____

PRINT NAME: _____

TITLE: _____

DATE: _____

BY: _____

PRINT NAME: _____

TITLE: _____

DATE: _____



June 15, 2017

Aaron Hertzberg
Director of Economic Development
City of Franklin
9229 W. Loomis Rd.
Franklin, WI 53132

RE: Mills Hotel Wyoming Property-Loomis Road

Dear Mr. Hertzberg:

Thank you very much for your time and consideration over the last month regarding our property on Loomis Road. I certainly appreciate the time and assistance that the City of Franklin staff has provided the Bear Development team as we continue to develop future plans for our property.

Mills Hotel Wyoming, LLC ("MHW") is the owner of record of approximately 164 acres of property along Loomis Road, south of Ryan Road. The property is within the corporate limits of Franklin, is currently vacant and used for agricultural purposes. The property is entirely within an area commonly known as Area G by City of Franklin Staff.

As you are aware from previous correspondence and meetings, MHW has been in discussions with a group interested in purchasing a portion of the subject property. The group is a significant and respected industrial/manufacturing user. Their preliminary plans call for large industrial development on approximately 30 acres of land. The ultimate development and buildout of the operation would significantly increase the assessed value of the property and provide approximately 300 jobs. The potential user has a very aggressive timeline for the development of the property, therefore both parties are working diligently to meet critical dates.

Please note that the potential user has requested that we keep their information confidential until project plans are formally introduced to the City of Franklin.

We feel strongly that the property is an ideal fit for this specific user, as it is compatible with the City Comprehensive Plan and is located in an area planned for future development. In addition to the 30 acres referenced above, MHW has contracted with an engineering firm for

conceptual land planning for the remaining 134 acres. It is anticipated that the future development will include a mix of land uses including commercial, industrial, mixed residential and permanent open space.

While we are very excited about this opportunity, we are well aware that municipal utilities (municipal water, sanitary sewer, etc.) have not been extended to the subject property. Because of the expense involved in the extension of improvements and the significant economic benefits of such new development, we feel the discussion of utilizing tax incremental financing to assist in the development is warranted. Mills Hotel Wyoming, LLC would welcome the opportunity to renew previous discussions regarding the Area G TIF District at your earliest convenience.

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

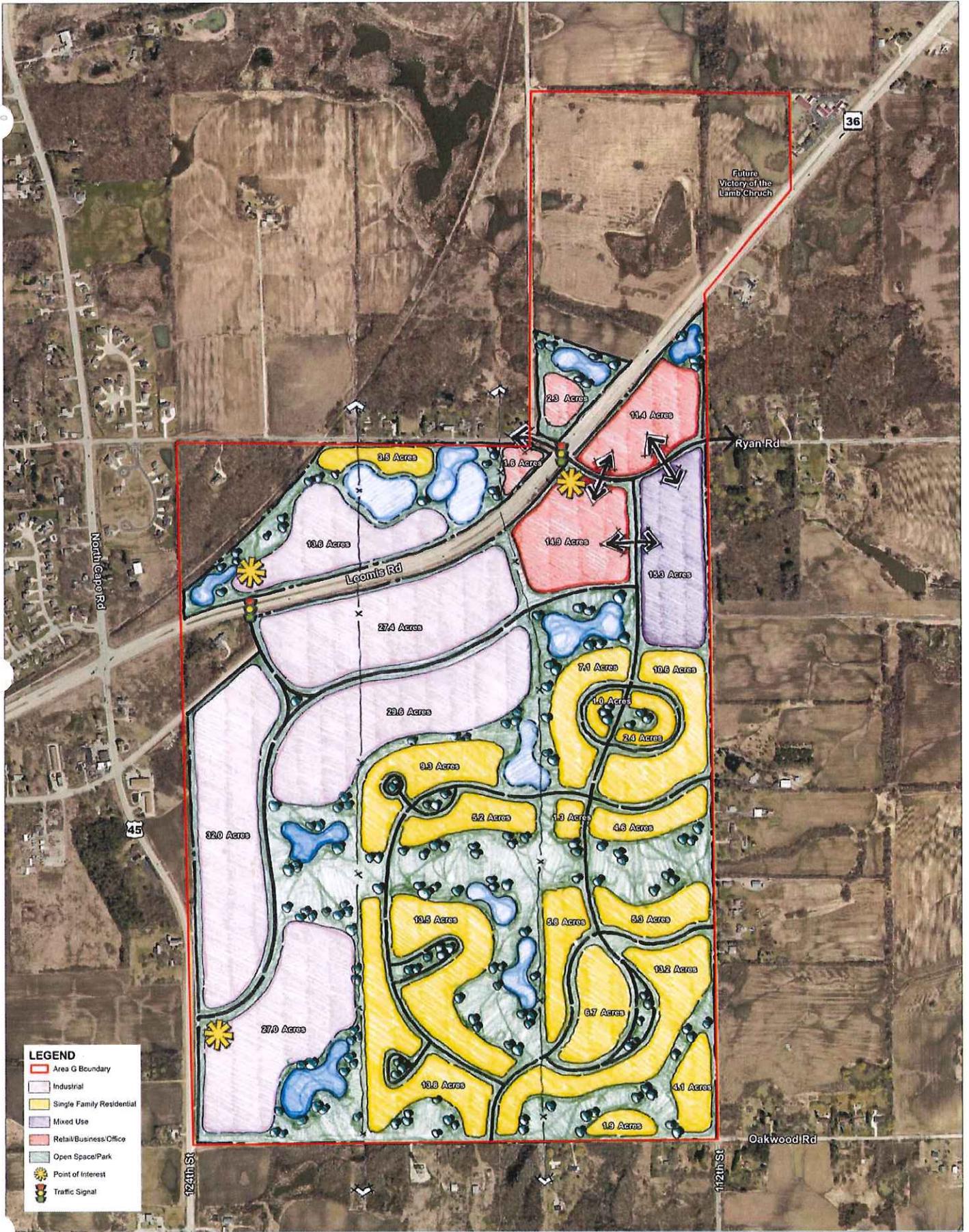
Thank you for your time and consideration.

Respectfully,



Daniel Szczap
Bear Development, LLC

Cc: S.R. Mills
Stephen C. Mills
John Hotvedt



AREA G

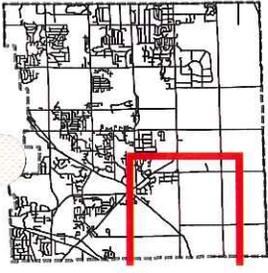
SCHEMATIC MASTER PLAN

CITY OF FRANKLIN
MILWAUKEE COUNTY, WISCONSIN



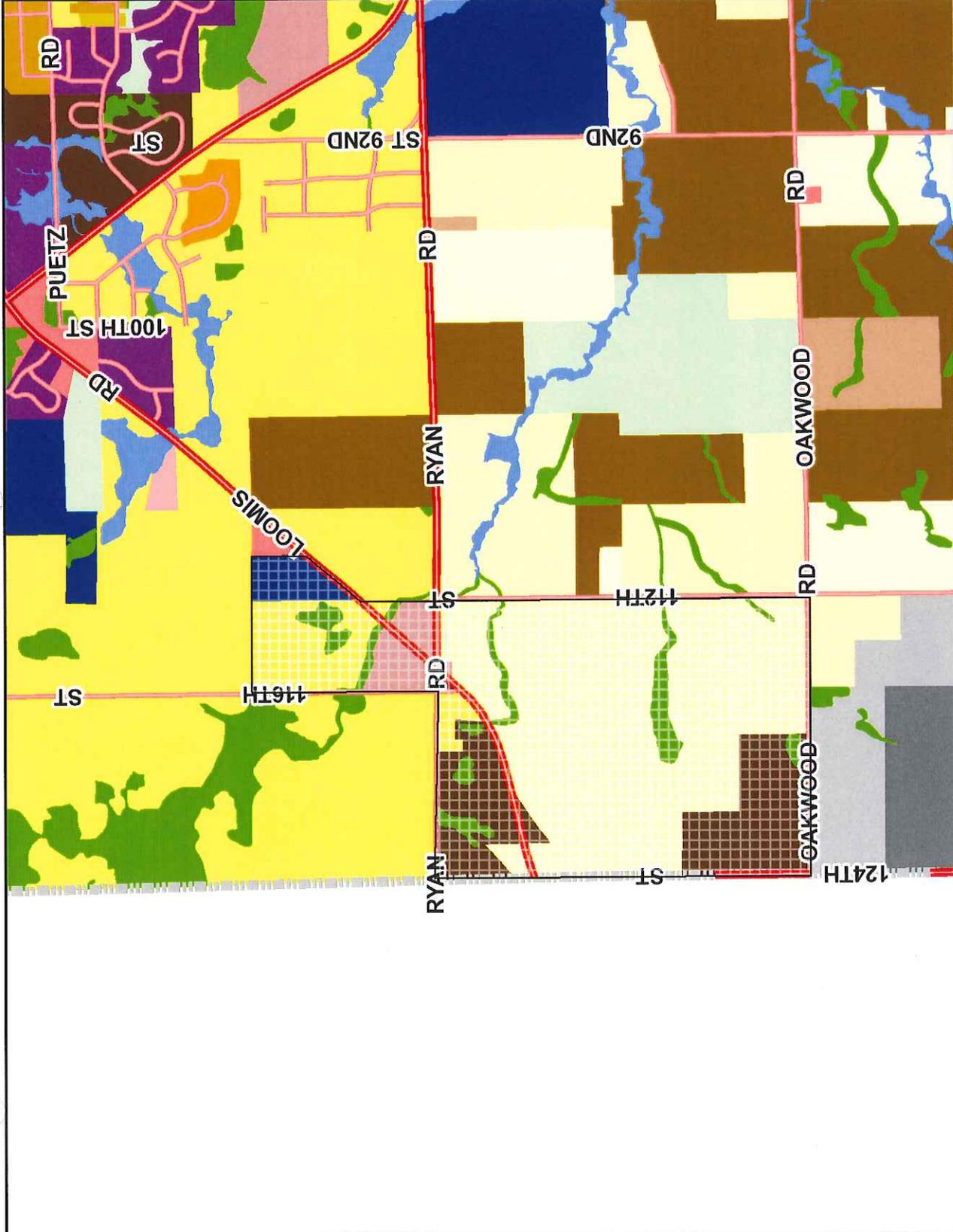
Area G Current Zoning

City Map



- Aldermanic District
- Building
- City Boundary
- Condo
- CSM
- Easement
- Elementary District
- Environmental Corridor
- FEMA DFIRM Flood - Zone A
- FEMA DFIRM Flood - Zone AE
- FEMA - 0.2% Annual Chance
- Parcel
- Park
- Pavement
- County or State Hwy
- Local Road
- Road Right-of-Way
- School District
- Welland

- ### Zoning Districts
- A-1
 - A-2
 - B-1
 - B-2
 - B-3
 - B-4
 - B-5
 - B-6
 - B-7
 - BP
 - CC
 - C-1
 - FC
 - R-2
 - R-3
 - R-3E
 - R-4
 - R-5
 - R-6
 - R-7
 - R-8
 - RC-1
 - RC-2
 - P-1
 - PDD
 - C-1
 - R-1
 - R-1E
- Legend includes all layers even if they are not visible in the map.



(C) City of Franklin, WI

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



<p align="center">APPROVAL</p>	<p align="center">REQUEST FOR COUNCIL ACTION</p>	<p align="center">MEETING DATE 06/20/17</p>
<p align="center">REPORTS & RECOMMENDATIONS</p>	<p align="center">ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT TO AMEND SECTION 15-2.0206 TO ALLOW A SINGLE-FAMILY RESIDENCE STRUCTURE TO TEMPORARILY REMAIN UPON A LOT DURING THE CONSTRUCTION OF A REPLACEMENT SINGLE-FAMILY RESIDENTIAL STRUCTURE (CITY OF FRANKLIN, APPLICANT)</p>	<p align="center">ITEM NUMBER</p> <p align="center">A.2.</p>

At their meeting on June 8, 2017, the Plan Commission recommended approval of an ordinance to amend the Unified Development Ordinance text to amend Section 15-2.0206 to allow a single-family residence structure to temporarily remain upon a lot during the construction of a replacement single-family residential structure (City of Franklin, Applicant).

COUNCIL ACTION

A motion to adopt Ordinance No. 2017-_____ to amend the Unified Development Ordinance text to amend Section 15-2.0206 to allow a single-family residence structure to temporarily remain upon a lot during the construction of a replacement single-family residential structure (City of Franklin, Applicant).



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of June 8, 2017

Unified Development Ordinance Text Amendment

RECOMMENDATION: City Development staff recommends denial of the proposed Unified Development Ordinance Text Amendment to Section 15-2.0206 to allow a single-family residence structure to temporarily remain upon a lot during the construction of a replacement single-family residential structure.

Project Name:	To allow two residential structures upon a lot
Project Address:	N/A
Applicant:	City of Franklin
Owners (property):	N/A
Current Zoning:	N/A
2025 Comprehensive Master Plan:	N/A
Use of Surrounding Properties:	N/A
Applicant Action Requested:	Recommendation of approval for the proposed Unified Development Ordinance Text Amendment to allow a single-family residence structure to temporarily remain upon a lot during the construction of a replacement single-family residential structure.

INTRODUCTION:

Earlier this year, a Franklin resident inquired about the possibility of remaining within their existing, residentially zoned, single-family residential home while they constructed a new home upon the same lot. City staff subsequently informed the resident that the City's zoning ordinance did not allow such a situation.

In response to the resident's inquiry, Alderwoman Wilhelm placed the subject matter on the Common Council's May 2, 2017 agenda. The Council subsequently moved to "direct staff to review and report upon allowing more than one principal structure temporarily ... as amendments to the Unified Development Ordinance, and to process same as staff determines appropriate."

Staff has provided the following information in response to the above motion.

PROJECT DESCRIPTION:

The City of Franklin Unified Development Ordinance (UDO) Section 15-2.0206, Number of Buildings on a Zoning Lot, currently states in part:

“All principal buildings shall be located on a zoning lot; only one (1) principal building shall be located, erected, or moved onto a lot in the R-1, R-2, R-3, R-3E, R-4, R-5, R-6, R-7 and VR residential zoning districts, and only two (2) principal buildings in the R-1E District.”

Based upon the above, the City’s Unified Development Ordinance does not allow for more than one single-family residential structure on a lot zoned for single-family residential uses, not even on a temporary basis, nor for purposes of replacing an existing residential structure on a lot. Therefore, in order to allow a second single-family residential structure, a UDO Text Amendment of Section 15-2.0206 would be necessary.

During initial staff review of this matter, a number of questions were raised about the intended extent and scope of this text amendment, which have been addressed in the draft ordinance as noted below.

- Should the scope of the UDO text amendment be expanded?
 - As the initial inquiry only pertains to the replacement of an existing single-family residential home, and as staff has many concerns with this proposal, the draft ordinance limits the text amendment to the replacement of existing single-family residential structures only, and only for that duration needed to construct the new home.
- Should the UDO text amendment be limited in some additional manner, such as by lot size?
 - Although originally considered, upon further review it was noted that any lot size restriction might be arbitrary (should all other zoning requirements otherwise be able to be met). Therefore, for purposes of the draft ordinance, it was determined that a minimum lot size would not be required.
- What technical requirements should apply to the allowance for a second residential structure?
 - It was initially determined that the pertinent technical issues would most likely be building code related. As such, the draft ordinance includes requirements for proper building demolition, gas and electric service disconnection, sewer and water system abandonment, etc., as well as a requirement for a bond or letter of credit to ensure proper implementation of the above.
- Who should be responsible for the review, approval, and administration of any such requests?
 - The most likely possibilities identified by staff included the Building Inspection Department, the Department of City Development, the Architectural Review Board, or the Plan Commission. However, should the UDO text amendment be approved in its current or in a somewhat similar form, it can be noted that most of the technical requirements would be building code related. Therefore, the draft ordinance provides that the Building Inspection Department will be responsible for the administration of these requests.

PROJECT ANALYSIS:

Upon further review of this matter, staff identified additional concerns with this proposal, as noted below.

- Potential adverse impacts upon neighborhood character.
 - Particularly in more established neighborhoods, if the original home remains while the new one is constructed, it is likely that the new home will not be placed in a location on the lot similar to the other existing homes in the neighborhood.
- Potential zoning district standard conflicts.
 - Particularly with smaller lots, while both structures are present, temporary conflicts with such district standards as setbacks and lot coverage could occur.
 - Should the Plan Commission or the Common Council still intend that this UDO text amendment proceed, staff would recommend that this matter be tabled so further UDO changes can be identified to address such temporary conflicts.
- Potential accessory structure standard conflicts.
 - Once a new home is completed and the existing home removed, the location of certain existing fences and/or accessory structures might no longer be conforming. For instance, if the new home is built behind the existing home, any existing fences or accessory structures that were in a permitted side yard might now be located within a front yard where they are not allowed.
 - If these structures were allowed to remain, they would become legal non-conforming.
 - Should the Plan Commission or the Common Council still intend that this UDO text amendment proceed, staff would recommend that this matter be tabled so further UDO changes can be identified to address such conflicts
- Potential natural resource feature conflicts.
 - Particularly with smaller lots, construction of the new home could lead to greater chances for conflicts with existing natural resources, conservation easements, or drainage ways.
- Potential private sewer and water system conflicts.
 - Particularly with smaller lots, construction of the new home could reduce the area available for future replacement systems.
- Potential implementation and enforcement difficulties.
 - Should such a UDO Text Amendment be approved, violations may be difficult to enforce. Examples of such difficulties could include instances where: the property owner would like to retain both homes (to keep the existing home as an accessory dwelling unit); for financial, weather, or other reasons completion of the new home cannot occur in a timely fashion; the owner does not wish to remove or relocate existing fences, accessory structures, drainage ways, or other similar features; etc.

In addition, staff believes that while approval of the proposed UDO Text Amendment would be unfair as it would provide single-family residential uses an advantage not available to multi-family residential uses, staff also believes that expanding the Text Amendment to additional uses and situations would exacerbate the issues and concerns noted above.

Lastly, it can be noted that staff is aware of only a few such inquiries over the past 10 years, and would envision that the use of this provision, if approved, would still be relatively rare. Furthermore, staff believes that one of the reasons this provision would be rarely used would be because of the concerns noted above.

COMPREHENSIVE MASTER PLAN CONSISTENCY:

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

Wisconsin State Statute 66.1001 also requires that “...if a local governmental unit enacts or amends any of the following ordinances, the ordinance shall be consistent with that local governmental unit’s comprehensive plan: ...City of village zoning ordinances enacted or amended under s. 62.23(7)...”

Staff believes that the proposed UDO Text Amendment would not have any significant impact upon the City’s Comprehensive Master Plan and its goals, objectives, and policies.

STAFF RECOMMENDATION:

City Development staff recommends denial of the proposed Unified Development Ordinance Text Amendment to Section 15-2.0206 to allow a single-family residence structure to temporarily remain upon a lot during the construction of a replacement single-family residential structure.

However, should the Plan Commission and/or the Common Council wish to proceed with the proposed Text Amendment, staff would recommend that further direction and guidance be provided to staff in regard to the issues and concerns noted above. Staff would also recommend that action on this matter be postponed until the draft ordinance can be revised accordingly, and returned to the Plan Commission and the Common Council for further review and consideration.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2017-____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT
TO AMEND SECTION 15-2.0206 TO ALLOW A SINGLE-FAMILY RESIDENCE
STRUCTURE TO TEMPORARILY REMAIN UPON A LOT DURING THE
CONSTRUCTION OF A REPLACEMENT SINGLE-FAMILY
RESIDENTIAL STRUCTURE
(CITY OF FRANKLIN, APPLICANT)

WHEREAS, Section 15-2.0206 of the Unified Development Ordinance provides in part that in all residential zoning districts excepting the R-1E District, only one principal building may be located, erected, or moved onto a lot; and

WHEREAS, there are circumstances over time where it may be land use appropriate and property owner convenient to allow for more than one principal structure temporarily upon a property, such as where a new single-family residential dwelling is being constructed with the intent to replace an existing home building on a relatively larger area property, to allow occupancy of the existing structure until completion of construction of the new structure; and

WHEREAS, the City of Franklin having applied for a text amendment to Section 15-2.0206 of the Unified Development Ordinance so as to allow for such land use appropriate and property owner convenient purposes; and

WHEREAS, the Plan Commission having reviewed the proposed amendment, and having held a public hearing on the proposal on the ____ day of _____, 2017 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council upon the recommendation of the Plan Commission 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: Section 15-2.0206 Number of Buildings on a Zoning Lot, of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended to add the following to and at the end of the existing text:

Notwithstanding anything to the contrary in this Section, during the construction of a new single-family residential structure upon a lot in a residential zoning district, a then existing residential structure upon such lot may temporarily remain upon the property for the purpose of housing the property owner(s) until the new residence has obtained an occupancy permit from the Inspection Department, providing that the property owner(s) apply for and obtain a building permit for such purposes with the Building Inspection Department, which building permit application shall require that the property owner(s) obtain and provide a contract for building demolition, asbestos testing, asbestos abatement, disconnection of gas and electrical service, abandonment of sewer/septic, and water lateral or private well service for the review and approval of the Building Inspection Department; obtain and provide a bond or letter of credit to insure the demolition, cleanup and restoration of the site, and such other site specific and/or general conditions determined to be reasonably necessary by the Building Inspector, for the review and approval of the Building Inspection Department.

During the temporary time period of construction of the new residence and until the existing residence is timely demolished, setback and lot coverage standards required under this Ordinance, which shall be met and adhered to upon and after such timely demolition, shall not be enforced. It shall be a condition of the issuance and qualification for issuance of a permit hereunder that all existing and any new accessory structures on the property shall be in compliance with all standards required under this Ordinance; any existing accessory structures not in compliance shall be removed or relocated as a requirement of the permit, no later than the timely demolition of the existing residence. It shall be a condition of the issuance and qualification for issuance of a permit hereunder that all natural resource features standards required under this Ordinance, including the terms of any conservation easement upon the property, shall be complied with. It shall be a condition of the issuance and qualification for issuance of a permit hereunder that the subject lot is of sufficient size and area such that despite the temporary existence of two residence structure pads on the property or the locations thereof there remains a reasonable area to accommodate any future need for private sewer and water replacement systems facilities, as determined by the Building Inspector. Any violation of any term of a permit issued under this Section or of any term or provision of this Section shall constitute a violation of and be enforceable under

Division 15-9.0500 of this Ordinance and §1-19. of the Municipal Code.

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

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

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

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

<p style="text-align: center;">APPROVAL</p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE 06/20/17</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">ORDINANCE TO AMEND SECTION 15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO ALLOW FOR PLACEMENT OF A SPRECHER BEER CAFÉ AT THE ROCK SPORTS COMPLEX (7900 WEST CRYSTAL RIDGE DRIVE) (MICHAEL E. ZIMMERMAN, OWNER, THE ROCK SPORTS COMPLEX, LLC, APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">B. 3.</p>

At their meeting on June 8, 2017, the Plan Commission recommended approval of an ordinance to amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to allow for placement of a Sprecher Beer Café at The Rock Sports Complex (7900 West Crystal Ridge Drive) (Michael E. Zimmerman, Owner, The Rock Sports Complex, LLC, Applicant).

The Plan Commission motion included directing staff to add a statement in the ordinance regarding the uniqueness of the project as well as eliminating two conditions related to architecture and landscaping. The whereas paragraph drafted by staff and the two conditions removed from the original draft ordinance are below.

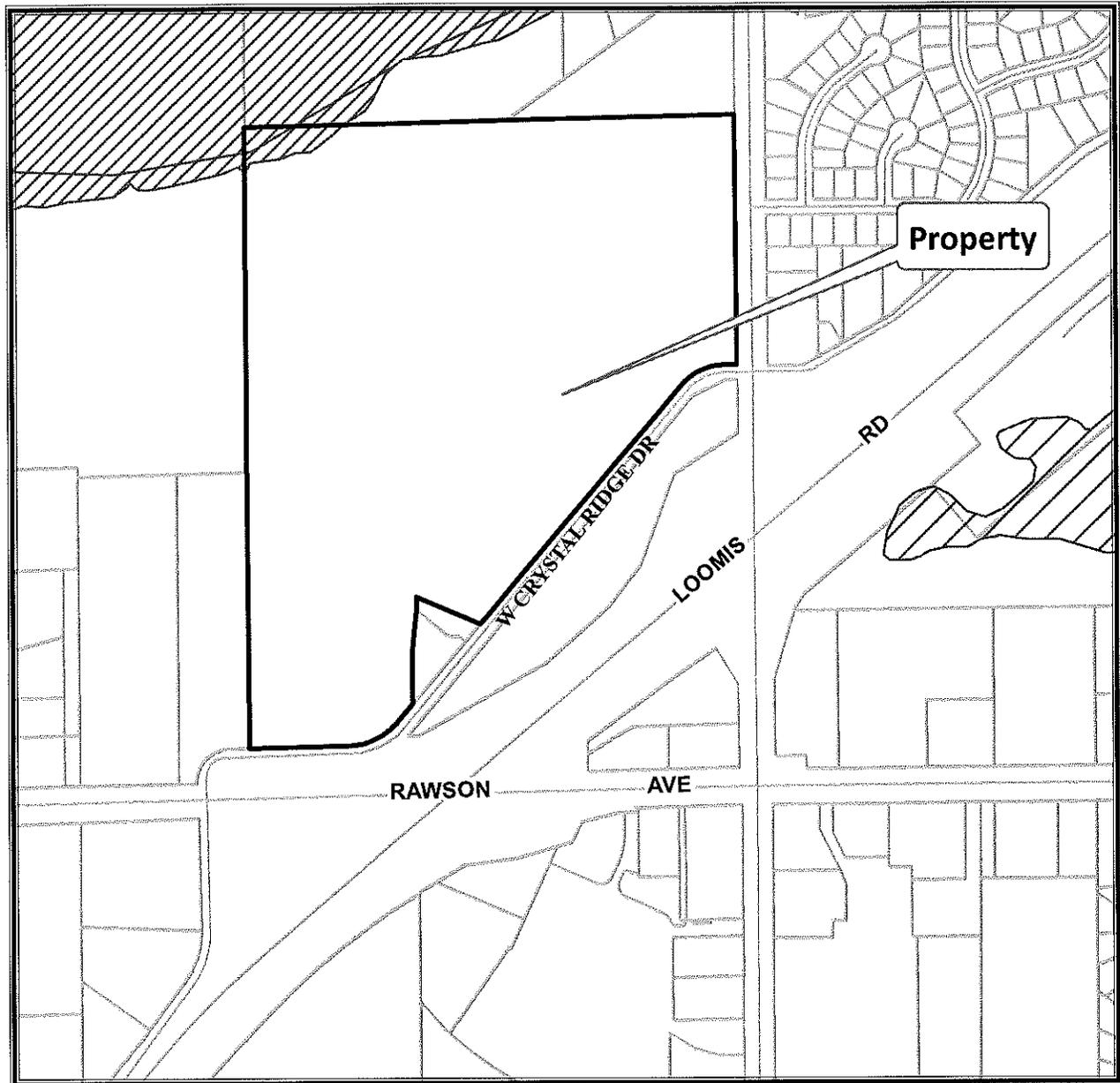
- WHEREAS, the Plan Commission further determined the amendment and Sprecher Beer Café use to be unique in design and location, being adjacent to the four existing baseball fields and consistent with the purpose and intent of concession stands located onsite.
- The applicant shall provide decorative siding (compatible with the existing concession stands), to a significant proportion of the exterior of the shipping container, for Department of City Development review and approval prior to issuance of a Building Permit.
- The proposed landscaping shall be replaced with decorative pavers, decorative walls, and decorative outdoor furniture for Department of City Development review and approval prior to issuance of a Building Permit.

COUNCIL ACTION REQUESTED

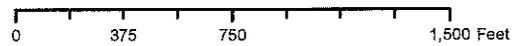
A motion to approve Ordinance No. 2017-_____, an ordinance to amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to allow for placement of a Sprecher Beer Café at The Rock Sports Complex (7900 West Crystal Ridge Drive) (Michael E. Zimmerman, Owner, The Rock Sports Complex, LLC, Applicant).



7900 W. Crystal Ridge Drive
TKN: 744 8980 001



Planning Department
(414) 425-4024



2017 Aerial Photo

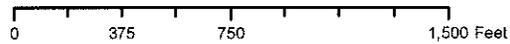
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



7900 W. Crystal Ridge Drive
TKN: 744 8980 001



Planning Department
(414) 425-4024



2017 Aerial Photo

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



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of June 8, 2017

Planned Development District No. 37 Minor Amendment

RECOMMENDATION: Department of City Development staff recommends denial of the Minor Amendment of Planned Development District No. 37 for the Sprecher Beer Café at The Rock Sports Complex. Staff recommends that such use be reviewed via Special Use Application.

Project Name:	The Rock Sports Complex, Minor PDD Amendment (Sprecher Beer Café)
Project Address:	7900 West Crystal Ridge Drive
Applicant:	Thomas Earl, Durham Hill Nursery, Inc.
Property Owner:	Milwaukee County
Current Zoning:	Planned Development District No. 37, FW Floodway District
2025 Comprehensive Plan:	Mixed Use and Areas of Natural Resource Features
Use of Surrounding Properties:	Root River Parkway (Village of Greendale) to the north, single-family residential and vacant land zoned commercial to the east, Loomis Road (State Highway 36) to the south, and single-family residential to the west
Applicant's Action Requested:	Recommendation to the Common Council for approval of the proposed Planned Development District Minor Amendment

Please note:

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

Introduction:

On May 4, 2017, the applicant submitted a Planned Development District (PDD) Amendment application to amend PDD No. 37 to allow for the Sprecher Beer Café at the Rock Sports Complex. The applicant is proposing to locate the Sprecher Beer Café between the four existing baseball fields located on the northern portion of the site. The café will serve beer, soda, popcorn, pretzels and candy.

The applicant is recommending that the Plan Commission classify the proposed amendment as a Minor PDD Amendment. Major PDD Amendments are typically reserved for changes to the exterior boundaries of a PDD, changes to use, and changes to street layouts.

Project Description:

The applicant is proposing to convert a shipping container into the “Sprecher Beer Café” to sell beer, soda and non-processed foods. The applicant has indicated that the re-use of shipping containers is part of a growing trend, which would fit well with the Rock Sports Complex and with the larger Ballpark Commons development as well. In addition, it allows for the placement of a structure without the requirement of footings, allowing the landfill cap to remain undisturbed.

The applicant indicates that the Sprecher Beer Café will be operated by The Rock Sports Complex and will sell Sprecher brand products. Hours of operations will be determined upon baseball tournament schedules and usage of the fields. However, it is important to note that PDD No. 37 currently states the Hours of Operation for the Athletic Fields and Concessions Stands as 7:00 a.m. to 10:30 p.m. Therefore, staff recommends that the hours of operation for the Sprecher Beer Café be limited to 7:00 a.m. to 10:30 p.m.

The applicant has further indicated that there will be seating on top of the container, enclosed by a metal railing, and that additional tables and seating may be placed adjacent to the Sprecher Beer Café as needed. Waste containers will also be provided. The applicant also noted that there will be no outdoor storage of any equipment.

The plans provided illustrate a ground surface covering of crushed/compacted red granite in front (to the south) of the container and washed stone to the rear (on the north side) of the container. The applicant is proposing to plant four Holmstrup Arborvitae and twenty-three Alpine Currant Arborvitae around the container area. Note the plan indicates twenty-three; however, twenty-four plantings are illustrated.

The container is proposed to be wrapped with a 3M graphic with the Sprecher logo and design as shown on the attached renderings. The Sprecher name and logo is considered signage and must comply with Chapter 210 of the Municipal Code. Architectural Review Board review and approval may be required. In addition, a Sign Permit issued by the Inspection Department is required, prior to locating the container onsite or the wrap being applied to the container.

Project Analysis:

Representatives of the Ballpark Commons project have indicated to staff that the use of shipping containers elsewhere within PDD No. 37 is under consideration, but has not been included within the subject Minor PDD amendment. Staff would therefore note that consideration of the proposed Sprecher Beer Café in the context of both The Rock Sports Complex as well as the overall Ballpark Commons development is particularly appropriate.

Use Interpretation. In review of the materials provided by the applicant and of the Planned Development District No. 37 Ordinances, staff finds that the proposed use is more appropriately classified as a drinking place, as opposed to a concession stand. A concession stand is a permitted use in PDD No. 37, whereas a drinking place may only be allowed as a Special Use.

The applicant has maintained that the use is a concession stand and has requested review through the Minor PDD Amendment process. In doing so, the applicant is requesting that the Plan Commission and Common Council agree with their use interpretation.

Staff can note that the primary use and item sold is beer, that the quantity of food items provided is limited, and that the range of food items is not consistent with the range of food items provided at the existing concession stands. Therefore, staff contends that the Sprecher Beer Café should be considered a drinking place. As such, staff recommends denial of the PDD No. 37 Minor Amendment and resubmittal of the request as a Special Use for review and approval by the Plan Commission and Common Council.

Site Plan/Aesthetics/Architecture. While staff has no objection to the concept of the use of a shipping container as a drinking place as part of The Rock Sports Complex, staff does not believe that the currently proposed site layout and structure's architecture is compatible with the purpose and intent of Planned Development District No. 37 which states "It is the intent of Planned Development District No. 37 to provide a unique and high quality sports anchored mixed-use development...And to provide an attractive center of recreational and economic activity which serves to enhance not only the subject District but the City of Franklin, surrounding communities, and Milwaukee County as well..."

More specifically, staff can note in regard to PDD No. 37:

- Section 15-3.0442A.D.5. of the UDO (The Rock Sports Complex Area, Architecture) states "Future use and structures shall provide architectural elements consistent with the structures approved in Phase I to provide a single cohesive development."
- Section 15-3.0442E.B.5.c.ii. of the UDO (The Ballpark Commons Area, Building Materials and Colors) states "Metal is not allowed as the primary exterior building material, though it may be used for accents including awnings."

As such, staff does not believe that a metal sided shipping container is allowed within PDD No. 37, nor is it consistent with the existing concession stands, nor is it consistent with the District Intent. Therefore, staff recommends that the applicant provide decorative siding (compatible with the existing concession stands), to a significant proportion of the exterior of the shipping container, for Department of City Development review and approval prior to issuance of a Building Permit. Staff would suggest the use of decorative wood and/or decorative fiber cement products with the look of wood.

Furthermore, staff recommends that the applicant replace the proposed landscaping with decorative pavers, decorative walls, and decorative outdoor furniture for Department of City Development review and approval prior to issuance of a Building Permit. Staff would suggest such features similar to those present at the Umbrella Bar, and would further suggest the use of trellis' for hops, or vines such as ivy.

Staff Recommendation:

Department of City Development staff recommends denial of the Minor Amendment of Planned Development District No. 37 for the Sprecher Beer Café at The Rock Sports Complex. Rather, staff recommends that such use be reviewed via Special Use Application.

However, should the Plan Commission and/or the Common Council wish to proceed with the proposed Minor PDD Amendment, staff would recommend inclusion of the the three recommendations as noted previously.

ORDINANCE NO. 2017-_____

AN ORDINANCE TO AMEND SECTION 15-3.0442 OF THE UNIFIED
DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE
ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO ALLOW FOR PLACEMENT
OF A SPRECHER BEER CAFÉ AT THE ROCK SPORTS COMPLEX
(7900 WEST CRYSTAL RIDGE DRIVE)
(MICHAEL E. ZIMMERMAN, OWNER, THE ROCK
SPORTS COMPLEX, LLC, APPLICANT)

WHEREAS, §15-3.0442 of the Unified Development Ordinance provides for and regulates Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons),), same having been created by Ordinance No. 2012-2089 and later amended by Ordinance No. 2013-2101 and 2016-2212, with such District primarily being located at 7900 West Crystal Ridge Drive, bearing Tax Key Nos. 744-8980-00108-8996-000, 708-8999-000, 744-8980-001, 744-8981-000, 744-8985-001, 744-8985-002, 744-8988-000, 744-8989-000, 745-0029-000, 745-8998-000, 745-8999-004, 754-9988-001, 754-9988-002, 755-9995-002, 755-9995-001 and 755-9996-000; and

WHEREAS, Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) includes those lands legally described as follows:

Part of the Southeast 1/4 of the Southwest 1/4; the Northeast 1/4, Northwest 1/4, Southeast 1/4, and Southwest 1/4 of the Southeast 1/4; and the Southeast 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 4, Township 5 North, Range 21 East, and the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4; and the Northwest 1/4 of the Northeast 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin;

Commencing at the Southwest corner of said Southeast 1/4 of Section 4; thence North 88°42'47" East along the South line of said Southeast 1/4 section, 1452.10 feet to Loomis Road (State Trunk Highway "36") reference line as shown in Wisconsin Department of Transportation Plat of Right of Way Project Number F064-I(5)/2240-02-22, dated July 3, 1956 and the point of beginning;

Thence South 49°44'47" West along said reference line, 907.00 feet to a point of curve; thence southwesterly 1280.00 feet along said reference line and along the arc of said curve to the left, whose radius is 3819.72 feet and whose chord bears South 40°08'47" West, 1274.02 feet to a point of tangency; thence South 30°32'47" West along said reference line, 913.06 feet; thence North 59°36'20" West, 148.15 feet to the southeast corner of Stone Hedge Subdivision Addition No. 1; thence North 00°10'59" West along the east line of said Stone Hedge Subdivision Addition, 1801.35 feet to the northeast corner of said Stone Hedge Subdivision Addition; thence North

00°03'31" East, 485.75 feet to the north right of way line of West Rawson Avenue; thence North 88°25'44" East along said north right of way line 598.14 feet to the southeast corner of Parcel 1 of Certified Survey Map No. 3107; thence North 00°17'04" West along the east line of said Parcel 1 and then along the east line of Lot 14, Lot 13, and Lot 12 of Block 1 of Whitnall View Subdivision Addition No. 1, 852.41 feet to the northeast corner of said Lot 12; thence South 88°37'08" West along the north line of said Lot 12 and then the north line of Lot 11 of said Whitnall View Subdivision Addition, 485.05 feet to the northwest corner of said Lot 11; thence North 00°24'53" West along the east line of Lot 10 and then along the east line of Lot 9 of said Whitnall View Subdivision, 399.30 feet to the northeast corner of said Lot 9; thence North 88°36'34" East, 545.17 feet to the East line of said Southwest 1/4 of Section 4; thence South 00°20'48" East along said east line of said Southwest 1/4 of Section 4, 38.94 feet; thence North 88°41'22" East, 661.95 feet; thence North 00°14'26" West, 1877.15 feet; thence North 88°31'03" East 1252.42, feet; thence South 00°19'01" East, 369.30 feet; thence North 54°01'00" East, 650.18 feet; thence North 88°32'16" East, 202.64 feet to the east line of said Northeast 1/4 of Section 4; thence South 00°19'12" East along said east line, 520.62 feet to the southeast corner of said Northeast 1/4 of Section 4; thence South 00°25'03" East along the east line of said Southeast 1/4 of Section 4, 1659.17 feet to said reference line; thence South 49°44'7" West along said reference line, 1561.91 feet to the point of beginning.

Containing in all 8,946,167 square feet (205.376 acres) of land, more or less; and

WHEREAS, the property which is the subject of the application for placement of a Sprecher Beer Café at The Rock Sports Complex is more particularly described as follows:

TKN 744-8980-001: SE 4 5 21 N OF NWLY LI OF LOOMIS RD EXC W HALF OF W HALF OF SD QUAR & EXC COM CL OLD LOOMIS RD 406.47 FT NE OF S LI OF SD QUAR TH NLY 244.20 FT NLY 174.78 FT N 52.21 FT SE 311 .87 FT TH SWLY ALG CL OF SD RD TO BEG & EXC E 60 FT FOR RD CONT 81.478 ACS; and

WHEREAS, Michael E. Zimmerman, owner, The Rock Sports Complex, LLC having petitioned for an amendment to Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), to allow for placement of a Sprecher Beer Café at The Rock Sports Complex, within the four fields located on the north end of the site located at 7900 West Crystal Ridge Drive; and

WHEREAS, the City of Franklin Plan Commission determined that the amendment to Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) was not a substantial change to the Plan, thus not requiring a public hearing upon the aforesaid petition, and the Plan Commission thereafter having determined that the proposed

amendment would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Plan Commission further determined the amendment and Sprecher Beer Café use to be unique in design and location, being adjacent to the four existing baseball fields and consistent with the purpose and intent of concession stands located onsite.

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment would promote the health, safety and welfare of the Community.

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

- SECTION 1: §15-3.0442 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, is hereby amended to allow for placement of a Sprecher Beer Café at The Rock Sports Complex, within the four fields located on the north end of the site located at 7900 West Crystal Ridge Drive, pursuant to those plans City file-stamped May 31, 2017, subject to the hours of operation for the Sprecher Beer Café shall be limited to 7:00 a.m. to 10:30 p.m.
- SECTION 2: The proposed The Rock Sports Complex Sprecher Beer Café placement project shall be completed within one year from the date of adoption of this Ordinance, or this Ordinance and all rights and approvals resulting therefrom shall be null and void without any further action by the City of Franklin.
- SECTION 3: Michael E. Zimmerman, owner, The Rock Sports Complex, LLC, successors and assigns, shall pay to the City of Franklin all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for The Rock Sports Complex Sprecher Beer Café placement project. 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.
- SECTION 4: The approval granted hereunder is conditional upon Michael E. Zimmerman, owner, The Rock Sports Complex, LLC and The Rock Sports Complex Sprecher Beer Café placement project for the property

located at 7900 West Crystal Ridge Drive: (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.

SECTION 5: All other applicable terms and provisions of §15-3.0442 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) not inconsistent with the terms of this Ordinance, and the Unified Development Ordinance of the City of Franklin, as amended from time to time, shall apply to The Rock Sports Complex Sprecher Beer Café placement project, and all terms and provisions of §15-3.0442 of Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) as existing immediately prior to the adoption of this Ordinance and not amended by this Ordinance, shall remain in full force and effect.

SECTION 6: 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 7: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 8: 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 _____, 2017, by Alderman _____.

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

APPROVED:

Stephen R. Olson, Mayor

ORDINANCE NO. 2017-____
Page 5

ATTEST:

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

Sprecher Concession Stand

Located at The Rock Sports Complex

The Rock Sports Complex is a unique site that requires creative thoughts and ideas for the enjoyment of Franklin's citizens and their visiting guests.

The construction of various structures requires that same creativity.

Recycling, using local products and patronizing local businesses are a growing trend and certainly a draw to consumers.

The use of recycled shipping containers is not new to construction at large but is a new and exciting method of providing a structure without the use of typical materials or construction methods.

Building on a landfill is in itself a challenge, which is why **The Sprecher Concession Stand** has been proposed for The Rock Sports Complex. Not only does it provide Franklin's citizens and their guests with a favorite local product, but it's unique and trending structure is sure to create an attraction (look at what the Brewers Container did) and a solution that doesn't require digging into the landfill cap.

The Sprecher unit is constructed with Corten steel siding. The unit is then being wrapped, not painted, with a full 3M graphic wrap based on the logo and artwork provided by Sprecher. There will be no metal displayed on the exterior of the unit other than the end door wall and the railing, stairs and so on.

The roof top panels will be clear powder coated. The height meets safety requirements and the fastening mechanism is designed to IBC standards. The stairs will also be powder coated with traction material added. The roof top deck is made from marine grade plywood and then covered with putting green carpet material. The seating capacity is as permitted by the city.

City of Franklin
Department of City Development

Date: May 18, 2017

To: Thomas Earl, Durham Hill Nursery, Inc.
Mike Zimmerman, The Rock Sports Complex, LLC

From: Department of City Development Staff

RE: Planned Development District No. 37 Amendment (Sprecher Beer Café at The Rock Sports Complex) -- Staff Comments

Please be advised that City staff has reviewed the above application. Staff comments are as follows for the Planned Development District (PDD) No. 37 Amendment application materials submitted by Thomas Earl date stamped by the City of Franklin on May 4, 2017.

Staff would note that this application has been submitted as a PDD Minor Amendment. If determined a PDD Amendment Application is appropriate, staff concurs with this assumption. It is important to note that it is the Plan Commission which makes the final determination whether a PDD amendment is a minor (\$500 fee and no public hearing) or major (\$3,500 fee and a public hearing) amendment. It can be further noted that the final decision on approval of all PDD amendments rests with the Common Council.

Department of City Development:

1. Please provide a project narrative that includes information related to the following:
 - a. Describe the project in detail (i.e. purpose, uses, food and beverage types, hours, seating capacity, how this might tie into the larger Ballpark Commons, etc.).

The purpose of kinetic architecture concession stand is to serve beer, soda and non-processed food (pretzels, popcorn and candy). Hours will be determined by baseball tournament schedules throughout the Spring, Summer and Fall.

- b. Is this to be owned and/or run solely by Sprecher or will other entities be able to use the container? Would the use, food and beverages change in such situations?

The container will remain selling Sprecher Brand products. ROC Venture will staff the operation.

- c. Is this a permanent location or could the location change under any circumstances?

The location is permanent. It is physically possible to move it. If a reason occurs to want it moved the City of Franklin will be notified and appropriate approvals will be requested.

- d. Explain why this use and PDD Amendment is appropriate (i.e. why this is a concession stand and not a drinking place). Staff contends that if only beer, soda, pretzels, and popcorn are served, it should be considered a drinking place and would require a Special Use Permit as the primary item sold is beer. If additional food items are sold, then it may be considered a Concession Stand.

We consider this a concession stand

- e. Indicate if any additional seating is envisioned in front; outdoor heaters; any other materials, equipment, supplies stored outside; any garbage cans; etc. as noted in the preliminary staff comments of March 28th.

Additional tables would be added in front as needed. Waste Containers will be provided. Equipment would not be present outside.

- f. Indicate that metal is being proposed as a permitted building material as part of this PDD Amendment request. i. Please note that staff does not recommend that metal be the sole material. Staff recommends some kind of decorative siding, or combination of decorative trim/accents materials/and decorative lighting on the south, west and east elevations.

Answer on following page.....

The Sprecher unit is constructed with Corten steel siding. The unit is then being wrapped, not painted, with a full 3M graphic wrap based on the logo and artwork provided by Sprecher. There will be no metal displayed on the exterior of the unit other than the end door wall and the railing, stairs and so on.

- g. Provide additional details about the roof top aluminum panels (color, coating material, etc.), does it need to be taller and/or more securely fastened for safety purposes? Do the stairs and roof top need some kind of slip proof coating? i. Staff recommends corner posts for decorative lighting, banners, etc. Please also provide the material details of the rooftop seating.

The roof top panels are going to get powder coated clear. The height is fine for safety and is done to IBC standard along with the fastening mechanism. The stairs will be getting the powder coated with traction material added. The roof top deck is made from marine grade plywood and then covered with putting green carpet material. The seating capacity as permitted by the city.

2. Staff recommends substantial amounts of decorative fencing/walls, with trellis/pergolas, and with planters and vines rather than arborvitae, particularly if the siding material of the container is not revised.

The exterior is not being painted. It will be covered with a 3M adhesive full cover graphic no metal exposed except the door end of the container.

3. Please contact the Inspection Department regarding signage and Sign Code requirements. Is there any other signage proposed other than "Sprecher" painted on the structure?

The Sprecher 'Sign' is part of the wrap and is not 'Painted on'.

Engineering Department:

Please submit an AutoCAD drawing file referencing the SEWRPC coordinate system. The Engineering Department must have the exact location of the proposed building.

Justin Johnson of JSD Engineering is in contact with Ronnie Asunion City of Franklin Engineering about this.

Fire Department:

The project must be in compliance with City of Franklin, IBC and State fire code requirements.

Police Department:

The Franklin Police Department has reviewed the application for 7900 West Crystal Ridge Drive (Sprecher Beer Café). The Police Department has no issues with this request.

Health Department:

Please contact the Health Department directly to discuss this project further. Franklin Health Department 9229 W. Loomis Road M-F, 8 a.m. to 4 p.m. Phone: 414-425-9101 Fax: 414-427-7539

I (Thomas Earl) contacted the Health Department, William M. Wucherer RN/Health Officer Director of Health & Human Services and have not had any comments other than the requirement of screens or air curtain which will be installed.

sprecher beer cafe
the rock · franklin, wi



MAY 31, 2017



588 WISCONSIN LORRAINE DR
MILWAUKEE, WI 53150
414-539-5252



520 N SUMMIT ST
APPLETON, WI 54914
920-406-6788



588 W12707 LOOMIS DR
MUSKEGEE, WI 53150
414-529-5262



520 N SHAWNEE ST
APPLETON, WI 54914
920-406-6789

SPRECHER BEER CAFE
THE ROCK · FRANKLIN, WI

MAY 31, 2017

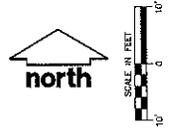
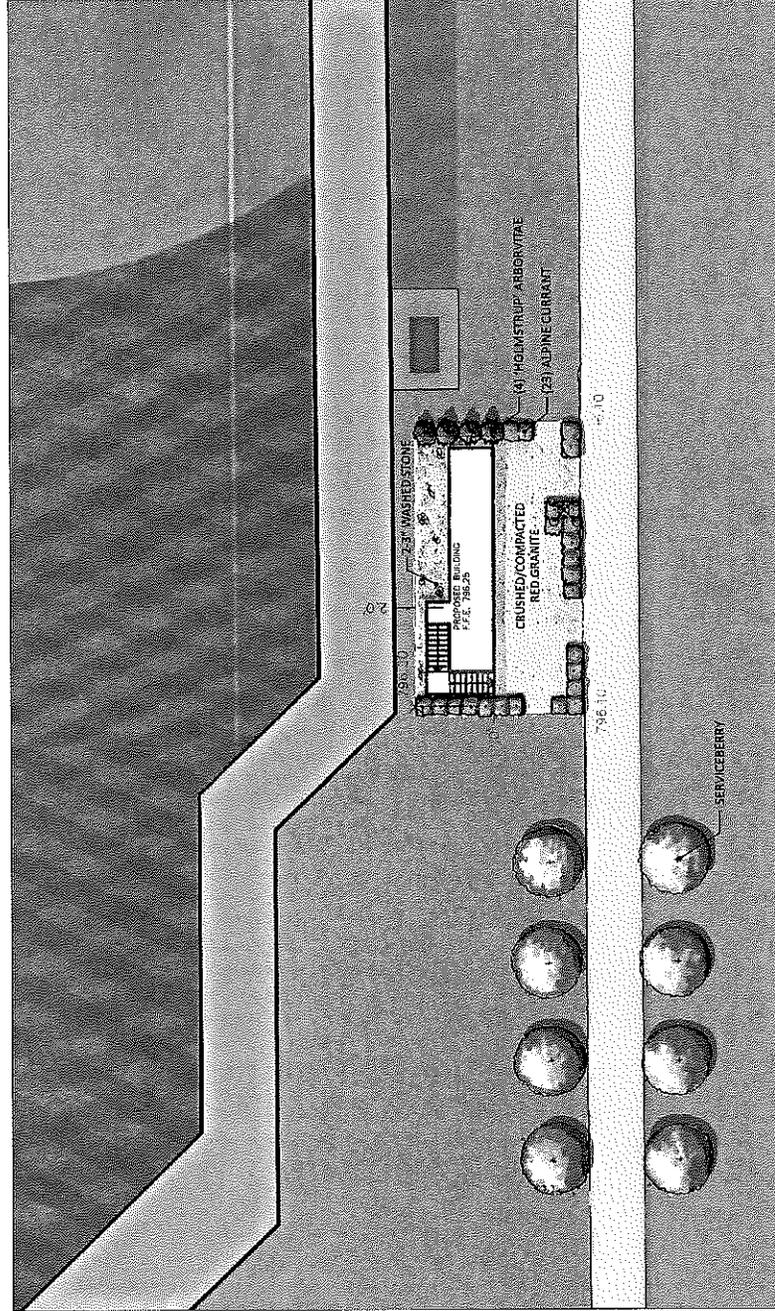
SHEET TITLE:

SPRECHER BEER
CAFE PLANTING
PLAN

SHEET NO.

L1.0

QTY.	SIZE	NAME
4	4-5'	HOLMSTRUP ARBORVITAE
23	3 gal	ALPINE CURRANT





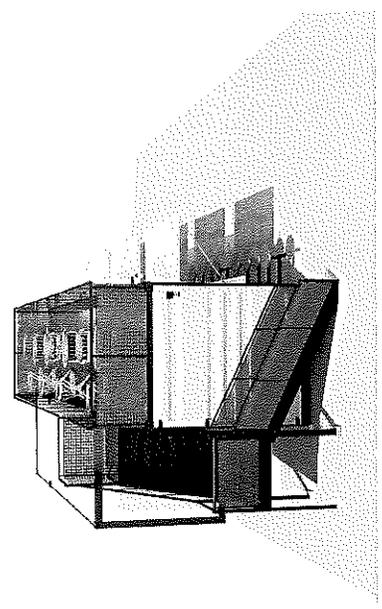
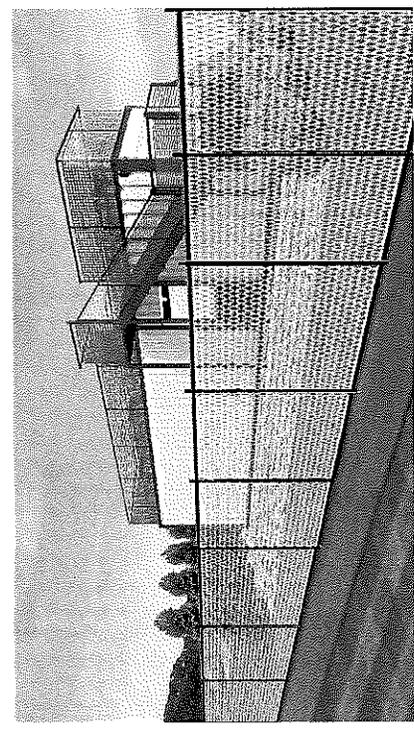
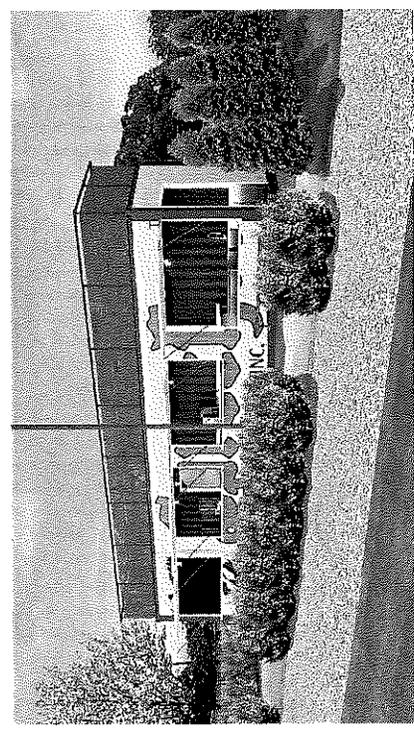
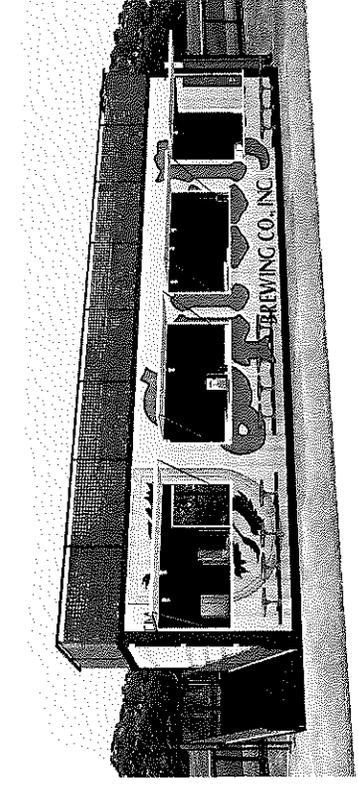
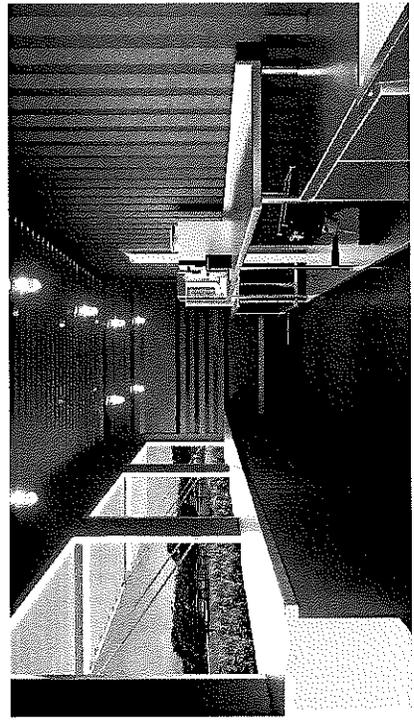
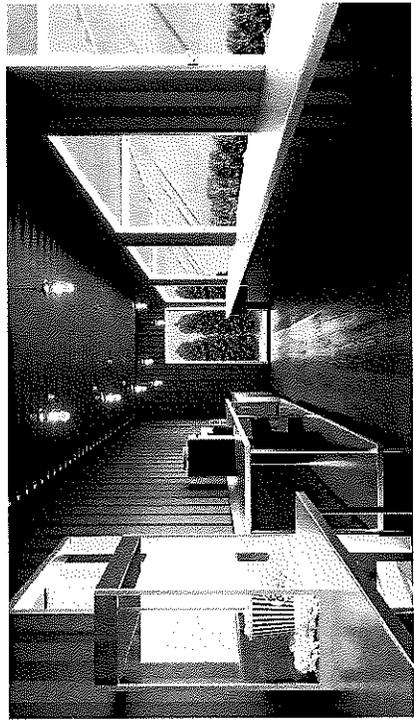
589 WINTERGARDENS DR.
MUSKEGO, WI 53150
414-529-5262



501 S SUMMIT ST
APPLESIDE, WI 53414
920-406-6769

SPRECHER BEER CAFE THE ROCK · FRANKLIN, WI

MAY 31, 2017
SHEET TITLE
SPRECHER BEER
CAFE PERSPECTIVES
SHEET NO.
L2.0



TERRENCE W. MARTIN, ARCHITECT
 2708 EAST PLANK ROAD
 APPLETON, WI 54915
 920.284.7769
 twm.architect@me.com

SPRECHER BEER CAFE

ROCK SPORTS COMPLEX
 CRYSTAL RIDGE DRIVE
 FRANKLIN, WISCONSIN

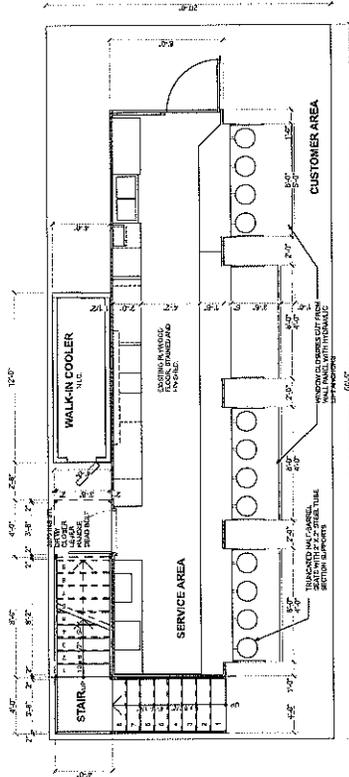
PROJECT NUMBER:
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PROJECT STATUS:
 CONSTRUCTION DRAWINGS

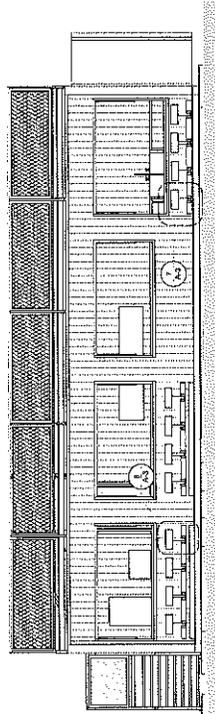
DATE OF ISSUE:
 4.12.2017

SHEET TITLE
FOUNDATION & FLOOR PLAN

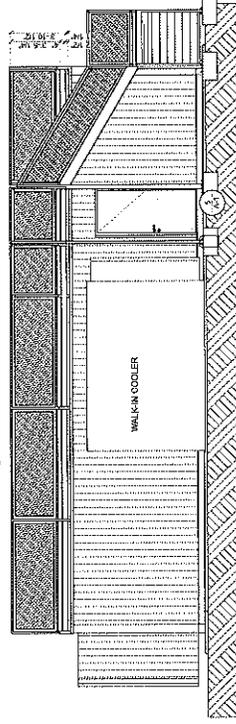
A-1
 SHEET 1 OF 4



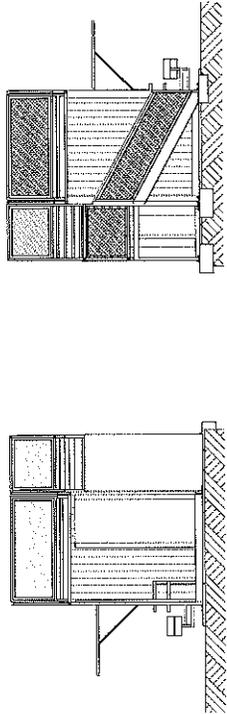
○ **FIRST FLOOR PLAN**
 SCALE: 1/4" = 1'-0"



○ **SOUTH ELEVATION**
 SCALE: 1/4" = 1'-0"

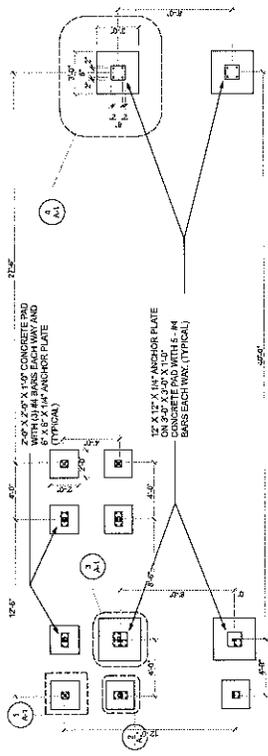


○ **NORTH ELEVATION**
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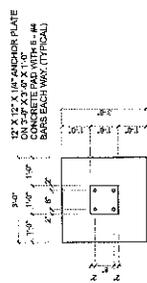


○ **EAST ELEVATION**
 SCALE: 1/4" = 1'-0"

○ **WEST ELEVATION**
 SCALE: 1/4" = 1'-0"



○ **FOUNDATION PLAN**
 SCALE: 1/4" = 1'-0"



④ **CONTAINER PAD DETAIL**
 SCALE: 1/4" = 1'-0"

TERRENCE W. MARTIN, ARCHITECT
 2708 EAST PLANK ROAD
 APPLETON, WI 54915
 920.284-7789
 twm.architect@me.com

SPRECHER BEER CAFE

ROCK SPORTS COMPLEX
 CRYSTAL RIDGE DRIVE
 FRANKLIN, WISCONSIN

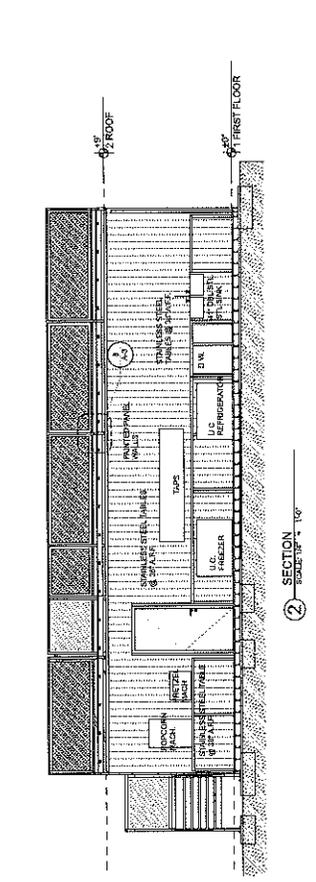
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PROJECT STATUS:
 CONSTRUCTION DRAWINGS

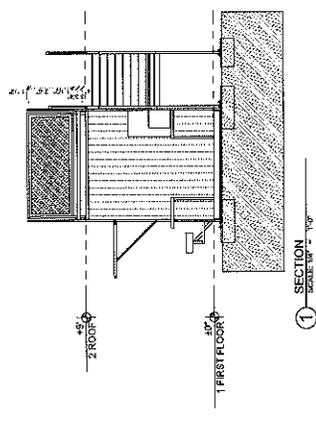
DATE OF ISSUE:
 4.12.2017

SHEET TITLE
SECTIONS AND DETAILS

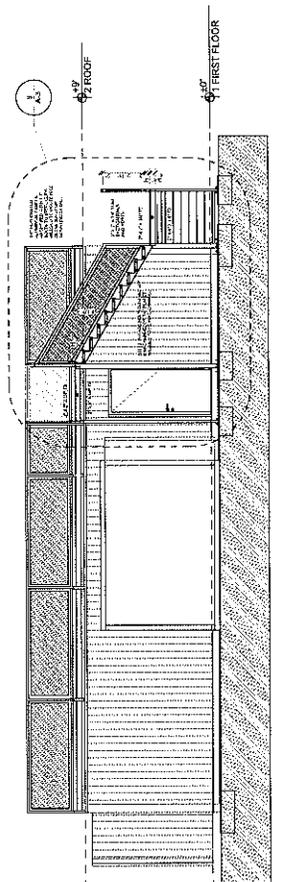
A-3
 SHEET 3 OF 4



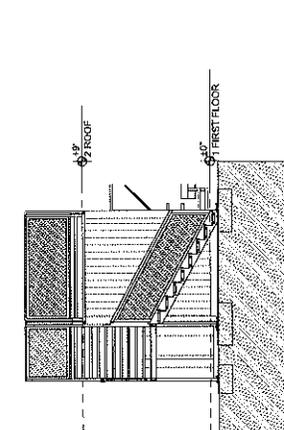
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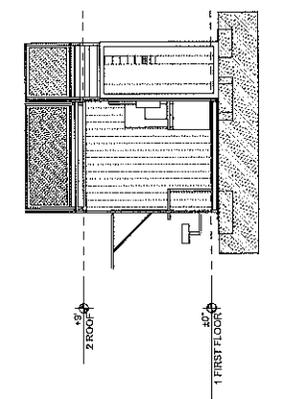
SECTION 2
 SCALE 1/8" = 1'-0"



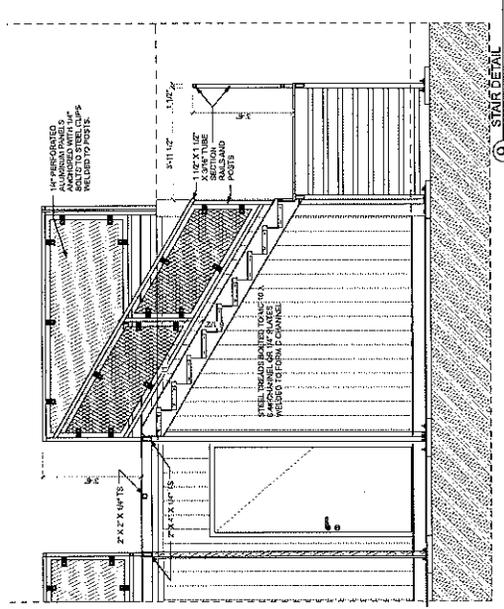
SECTION 3
 SCALE 1/8" = 1'-0"



SECTION 4
 SCALE 1/8" = 1'-0"

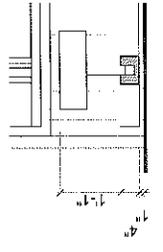


SECTION 5
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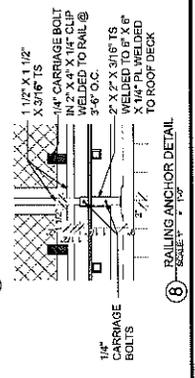


TRUNCATED BEER BARREL (BY SPRECHER) WELDED TO 6" X 6" X 1/4" PLATE WELDED TO SIDE WALL PANEL. BRACE WELDED TO 6" X 4" X 1/4" PLATE ANCHORED WITH (4) 1/4" CARRIAGE BOLTS BOLTED TO 4" X 4" CONT. X 1/4" PLATE WELDED TO SIDE WALL PANEL.

SECTION 6
 SCALE 1/8" = 1'-0"



SECTION 7
 SCALE 1/8" = 1'-0"



SECTION 8
 SCALE 1/8" = 1'-0"



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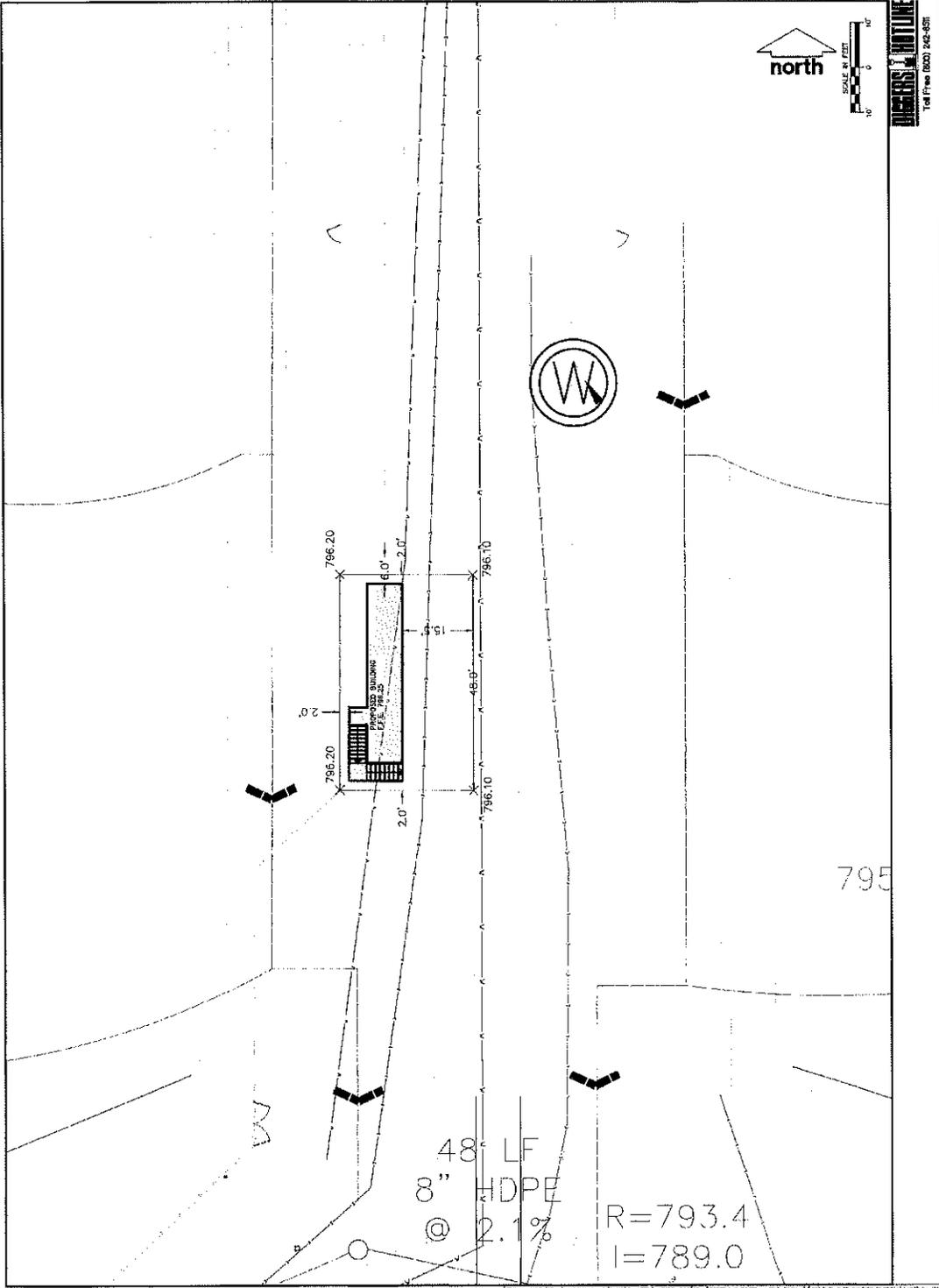
MILWAUKEE REGIONAL OFFICE
1000 W. WISCONSIN AVENUE
MILWAUKEE, WI 53233
P. 414.224.2200

OWNER
TERENCE W. MARTIN,
ARCHITECT

PROJECT
SPRECHER
BEER CAFE

PROJECT LOCATION
MILWAUKEE, WISCONSIN
MILWAUKEE COUNTY

DATE REVISIONS
DATE BY
DATE BY
DATE BY



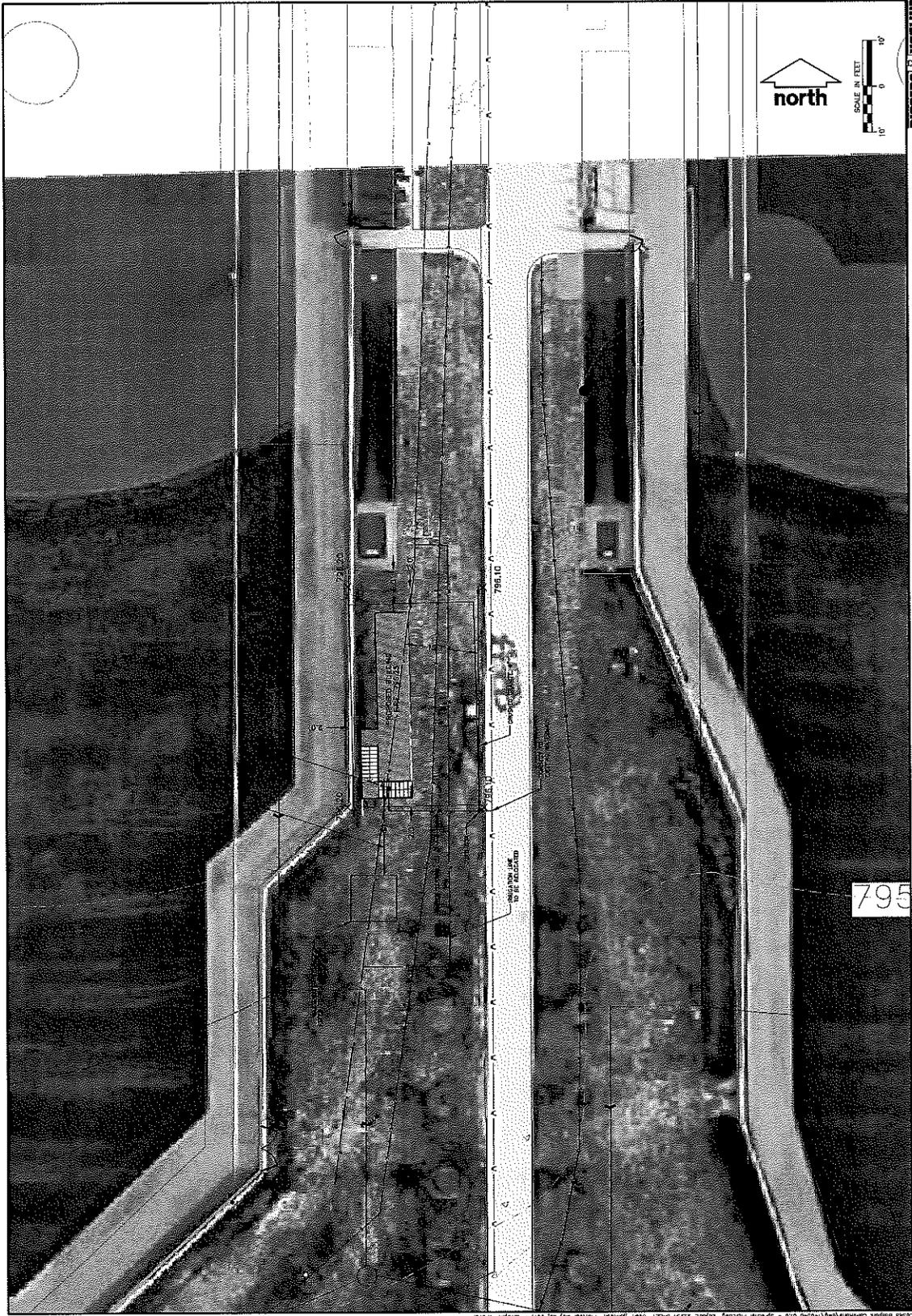
SCALE: 1" = 10'
north

TERENCE W. MARTIN, ARCHITECT
Tel: (414) 224-2200

SPRECHER BEER CAFE

C1.0

DATE REVISIONS
DATE BY
DATE BY
DATE BY



DIAGRAMS & NOTATIONS
 Tel Free (800) 242-6511

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MINNESOTA REGIONAL OFFICE
 147 HUNTERS HOLLOW COURT, SUITE 2
 MINNETONKA, MN 55345
 P. 952.333.6666

TERRENCE W. MARTIN,
 ARCHITECT

CLIENT ADDRESS:
 2798 EAST BLANK ROAD
 FRANKLIN, WI 53141
 608.782.7777
 www.sprecher.com

PROJECT:
 SPRECHER
 BEER CAFE

PROJECT LOCATION:
 FRANKLIN, WI
 MILWAUKEE COUNTY

NO.	DATE	DESCRIPTION
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PROJECT NUMBER:
C1.0

SITE PLAN

DATE:
 07/20/2017

SCALE:
 1" = 10'

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<p style="text-align: center;">APPROVAL</p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE 06/20/17</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION TO AMEND RESOLUTION NOS. 79-1562, 83-2091, 85-2581, 2009-6579, 2012-6812 AND 2014-7007 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR THE GAZEBO PARK APARTMENT COMPLEX PROPERTY LOCATED AT APPROXIMATELY 6300-6346 SOUTH 35TH STREET TO ALLOW FOR THE CONSTRUCTION OF AN ACCESSORY BUILDING (GPARK LLC, APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER B4.</p>

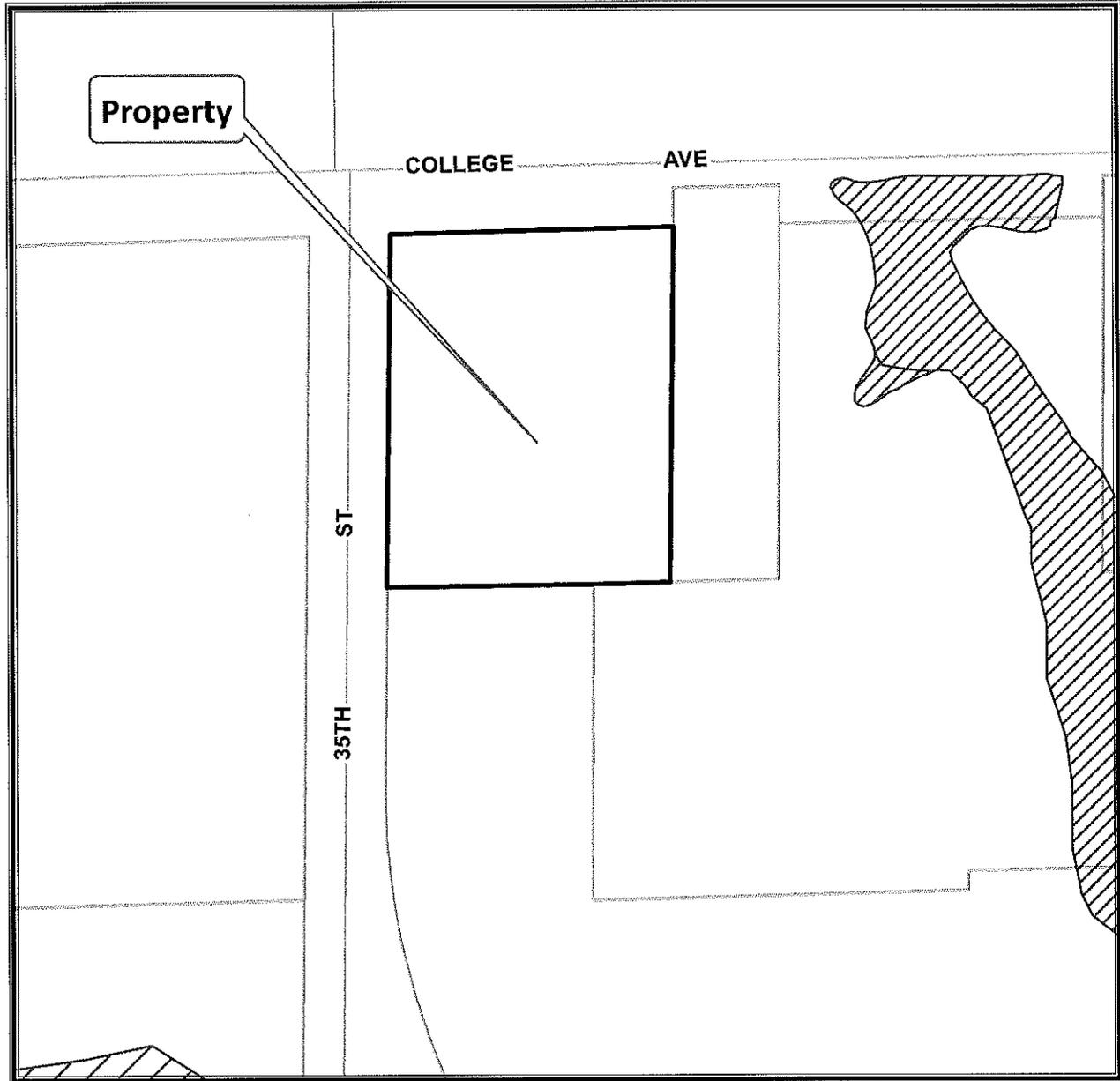
At its June 8, 2017 meeting the Plan Commission recommended approval of a resolution to amend Resolution Nos. 79-1562, 83-2091, 85-2581, 2009-6579, 2012-6812 and 2014-7007 imposing conditions and restrictions for the approval of a special use for the Gazebo Park apartment complex property located at approximately 6300-6346 South 35th Street to allow for the construction of an accessory building (GPark LLC, Applicant).

COUNCIL ACTION REQUESTED

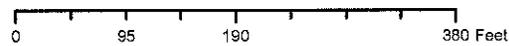
A motion to adopt Resolution No. 2017-_____, a resolution to amend Resolution Nos. 79-1562, 83-2091, 85-2581, 2009-6579, 2012-6812 and 2014-7007 imposing conditions and restrictions for the approval of a special use for the Gazebo Park apartment complex property located at approximately 6300-6346 South 35th Street to allow for the construction of an accessory building (GPark LLC, Applicant).



6300 - 6346 S. 35th Street
TKN: 714 9990 004



Planning Department
(414) 425-4024



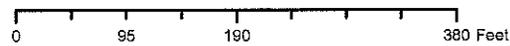
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



6300 - 6346 S. 35th Street
TKN: 714 9990 004



Planning Department
(414) 425-4024



2017 Aerial Photo

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

**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION**

Meeting of June 8, 2017

Special Use Amendment

RECOMMENDATION: City Development Staff recommends approval of the detached garage for Gazebo Park located at approximately 6300-6346 South 35th Street, subject to the conditions set forth in the draft resolution.

Project Name:	Gazebo Park Detached Garage
Project Address:	6300-6346 South 35 th Street
Applicant:	Chester Daxe, GPark, LLC
Owners (property):	GPark, LLC
Current Zoning:	R-8 Multiple-Family Residence District
Use of Surrounding Properties:	Two-family residential to the north and east and multi-family residential to the south and west.
Applicant Action Requested:	Recommendation of approval of the Special Use Amendment for the proposed detached accessory building

Introduction and History:

On May 9, 2017, the applicant submitted a Special Use Amendment application to construct a detached accessory building on property located at 6300-6346 South 35th Street. The subject property is zoned R-8 Multiple-Family Residence District and consists of three multi-family buildings and four detached accessory buildings.

The development, known as Gazebo Park, was approved in 1983 via Resolution 83-2091. The existing 2 ½ car detached garage was approved in 1985 via Resolution No. 85-2581 for the storage of maintenance materials. The property owner received approval of a 20-foot by 32-foot six-inch 3 ½-car garage in 2009 via Resolution No. 2009-6579 and a 20-foot by 42-foot 4 ½-car garage in 2012 via Resolution No. 2012-6812. The most recent special use amendment, Resolution No. 2014-7007, allowed for construction of a 20-foot by 38-foot (760 square feet) 4-car detached garage.

Project Description/Analysis

The applicant is proposing to construct a 20-foot by 49-foot (980 square feet) 5-car detached garage. The garage is located in the southeast portion of the property and will replace five exterior parking spaces. The garage will have a height of 12 feet.

The garage will consist of vinyl siding and 30-year shingles to match that of the existing apartment buildings and other accessory buildings located onsite. The garage includes three windows on the north elevation. The south elevation consists of two double and one single overhead garage doors and a double LED floodlight. The applicant is proposing a window on one

side of the garage and a double LED floodlight, window and service door on the opposite side elevation.

Per Resolution No. 83-2091, 2 parking spaces are required per each efficiency, one bedroom and two bedroom units and 2.5 parking spaces are required for each three or more bedroom unit. The applicant has indicated that a total of forty-eight parking spaces are required. The total number of parking spaces will not change and remain at 48; therefore, the site will conform to the required number of parking spaces. The property currently has six exterior parking spaces and two garage parking spaces that are designated for handicapped parking, which is in compliance with Table 15-5.0202(I)(1) of the UDO. The proposed garage will be replacing one ADA accessible parking space, however, that space will be relocated to a parking space to south. Staff is unaware of any parking issues on the site.

The proposed garage meets all R-8 District Development Standards. Note that the R-8 District Special Use Option for multi-family attached dwellings units with more than two dwelling units per structure requires a minimum Open Space Ratio (OSR) of 0.35. OSR is the number derived by dividing the open space of the site by the base site area, and includes natural resource features. Staff conservatively estimates the existing greenspace at approximately 34,500 square feet. The site has an area of approximately 96,267 square feet, resulting in an OSR of about 0.36. As indicated, the garage will be located over existing impervious surface, thus the OSR will remain in compliance.

As indicated, the applicant has illustrated double LED floodlights on the south and a side elevation of the garage. Staff finds that these spotlights will not cause any adverse impacts to the adjacent properties. The applicant is not proposing any new landscaping.

Mum Environmental, Inc. completed a Natural Resource Protection Plan on May 4, 2009. The NRPP showed a wetland to the south of the property and there is also probable woodlands located on or immediately adjacent to the property. The proposed garage is located a significant distance away from these areas and is being placed over existing parking spaces; therefore, no natural resources will be impacted.

Staff Recommendation:

City Development Staff recommends approval of the detached garage for Gazebo Park located at approximately 6300-6346 South 35th Street, subject to the conditions set forth in the draft resolution.

RESOLUTION NO. 2017-_____

A RESOLUTION TO AMEND RESOLUTION NOS. 79-1562, 83-2091, 85-2581, 2009-6579, 2012-6812 AND 2014-7007 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR THE GAZEBO PARK APARTMENT COMPLEX PROPERTY LOCATED AT APPROXIMATELY 6300-6346 SOUTH 35TH STREET TO ALLOW FOR THE CONSTRUCTION OF AN ACCESSORY BUILDING (GPARK LLC, APPLICANT)

WHEREAS, GPark LLC having petitioned the City of Franklin for the approval of an amendment to Resolution Nos. 79-1562, 83-2091, 85-2581, 2009-6579, 2012-6812 and 2014-7007, conditionally approving a Special Use to allow for the construction, location and operation of a multiple family housing development upon property located at approximately 6300-6346 South 35th Street, such property being zoned R-8 Multiple-Family Residence District, more particularly described as follows:

Parcel One (1) of Certified Survey Map No. 4438, recorded on March 13, 1984, on Reel 1620, Image 105, as Document No. 5699798, being a redivision of Parcels One (1), Two (2) and Three (3) of Certified Survey Map No. 3755, being a part of the Northwest One-quarter (1/4) of the Northeast One-quarter (1/4) of Section One (1), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, Milwaukee County, Wisconsin; Tax Key Number: 714-9990-004; and

WHEREAS, such proposed amendment being for the purpose of constructing an accessory building (5 car detached garage), which will replace existing exterior parking spaces just south of the northernmost building on the Gazebo Park Apartment Complex property; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 8th day of June, 2017, and the Plan Commission thereafter having determined to recommend that the proposed amendment to Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed amendment to Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

GPARK LLC – AMENDMENT TO SPECIAL USE
RESOLUTION NO. 2017-_____

Page 2

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of GPark LLC for the approval of an amendment to Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this amendment to Special Use is approved only for the use of the subject property by GPark LLC, successors and assigns, for the Gazebo Park Apartments accessory building construction, which shall be developed in substantial compliance with and constructed, operated and maintained by GPark LLC, pursuant to those plans City file-stamped May 31, 2017 and annexed hereto and incorporated herein as Exhibit A.
2. GPark LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consultants to the City of Franklin, for the Gazebo Park Apartments accessory building construction project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon GPark LLC and the Gazebo Park Apartments accessory building construction project for the property located at approximately 6300-6346 South 35th 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.

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

BE IT FURTHER RESOLVED, that any violation of any term, condition or

GPARK LLC – AMENDMENT TO SPECIAL USE
RESOLUTION NO. 2017-_____

Page 3

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

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be an amendment to such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance, and that all of the terms and conditions of Resolution Nos. 79-1562, 83-2091, 85-2581, 2009-6579, 2012-6812 and 2014-7007, not specifically and expressly amended by or in direct conflict with this Resolution, shall remain in full force and effect.

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

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

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Name of Property: GAZEBO PARK

Owner of property: GPARK LLC
6508 S 27th St, Suite 9 #176
Oak Creek, WI 53154

PROJECT NARRATIVE

6300-6346 S 35th St, Franklin WI 53132

The project consists of a new five car garage building which measures 49' by 20'. The garage would be built south of the existing north apartment building. The five new indoor spaces would replace five outdoor spaces. There would be no change in the total of parking spaces from the present total of 48 parking spaces, which include both indoor and outdoor.

The parking spaces to be removed includes one ADA accessible parking space. That ADA parking space will be relocated 30' south to an unassigned space that has good parallel access for a vehicle side ramp. There are presently six outside ADA parking spaces which are designated by ADA signs. There are two indoor ADA parking spaces. The total number of ADA parking spaces is eight. No additional ADA parking spaces are proposed.

No other changes of any type are contemplated for the existing buildings or features of the property, other than restoring the asphalt paving approach to the new garage.

The proposed five car garage would in terms of architectural character resemble the three other recently built garage buildings on the property. The same contractor who built those three buildings would be hired to build the proposed garage.

No landscaping areas would be added, since the construction site is 100% paved parking. The lawn area to the north of the new garage will be restored up to the new garage. The amount of green space to be eliminated would be zero.

The finish garage floor elevation shall be specified on the survey.

No additional keys will be supplied, as the master keys in the Knox box will cover the new garage service door.

Franklin

MAY 31 2017

City Development

RESPONSE TO THE GENERAL STANDARDS (5 CAR)

A. General Standards.

1. Ordinance and Comprehensive Master Plan Purposes and Intent.

The proposal meets the R-8 standards and the development is consistent with multi-family residential use. The property consists of three 8-family buildings built in 1984 along with a 2 car garage built in 1986 and a 3 ½ car garage built in 2010 and a 4 ½ car garage built in 2012 and a 4 car garage built in 2014 on 2.2 acres. The site is 96,238 square feet, while the total of the three residential buildings cover 14,994 square feet.

2. No Undue Adverse Impact.

There is no impact on neighboring properties as the proposed garage is completely surrounded by existing apartment buildings and garages. We propose to replace five paved outdoor parking spaces with five indoor garage spaces.

3. No Interference with Surrounding Development.

See above #2 answer.

4. Adequate Public Facilities.

This standard is not applicable as there is no need for public facilities or services other than police and fire protection.

5. No Traffic Congestion.

The proposed new five indoor parking spaces simply replace five existing outdoor parking spaces for a net change of zero.

6. No Destruction of Significant Features.

The existing paved outdoor parking surface is proposed to be replaced by an indoor parking area, with no other changes whatsoever.

7. Compliance with Standards.

The proposed new structure is compliant with R-8 standards.

B. Special Standards for Specified Special Uses.

C. Considerations.

1. Public Benefit.

N/A

2. Alternative Locations.

N/A

3. Mitigation of Adverse Impacts.

N/A

Franklin

MAY 31 2017

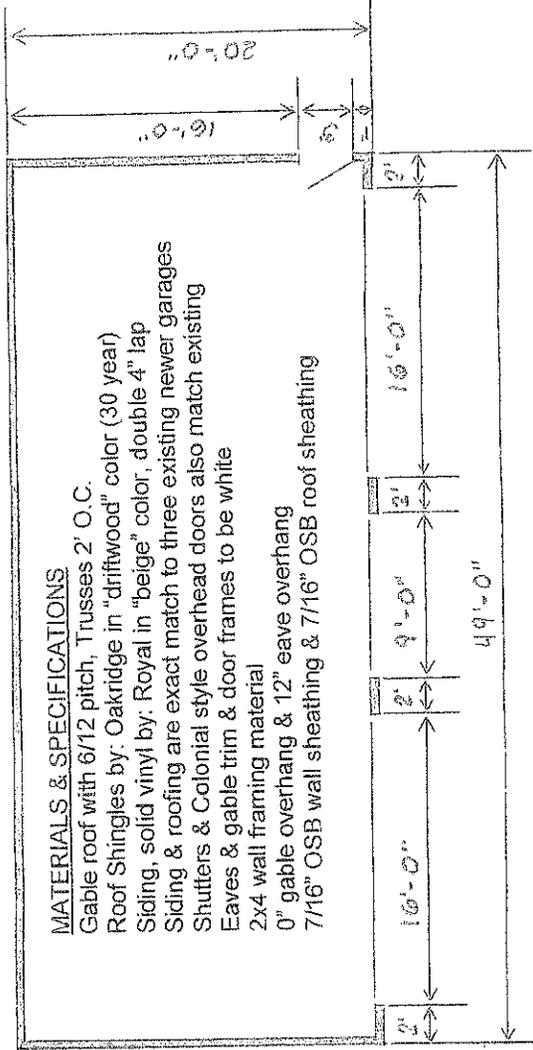
City Development

4. Establishment of Precedents of Incompatible Uses in the Surrounding Area.

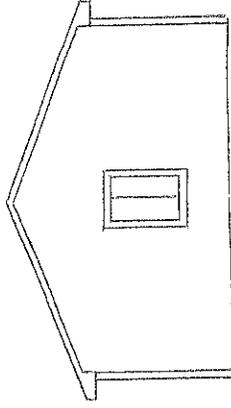
N/A

MATERIALS & SPECIFICATIONS

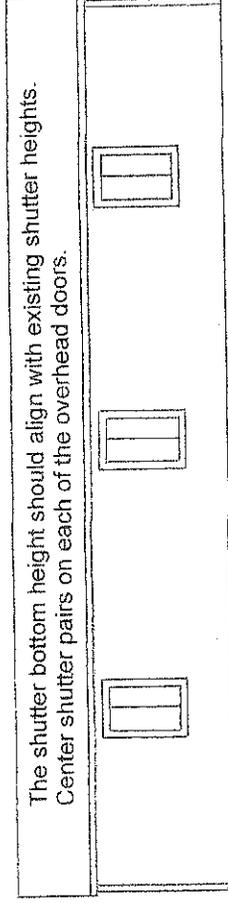
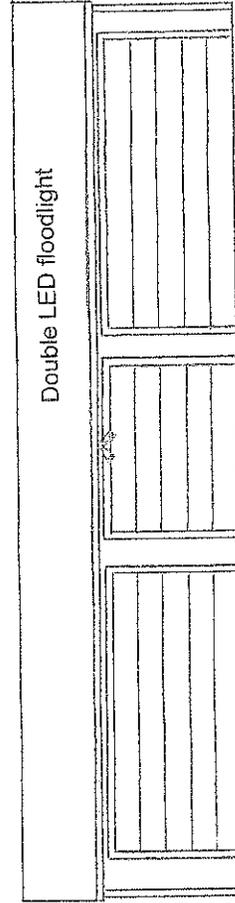
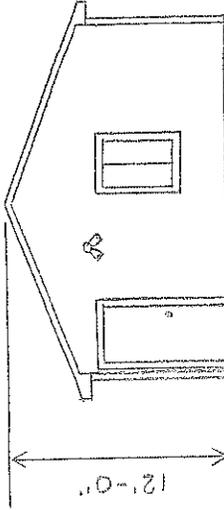
- Gable roof with 6/12 pitch, Trusses 2' O.C.
- Roof Shingles by: Oakridge in "driftwood" color (30 year)
- Siding, solid vinyl by: Royal in "beige" color, double 4" lap
- Siding & roofing are exact match to three existing newer garages
- Shutters & Colonial style overhead doors also match existing
- Eaves & gable trim & door frames to be white
- 2x4 wall framing material
- 0" gable overhang & 12" eave overhang
- 7/16" OSB wall sheathing & 7/16" OSB roof sheathing



Scale: 1/8" = 1'-0"



Double LED floodlight



The shutter bottom height should align with existing shutter heights.
Center shutter pairs on each of the overhead doors.

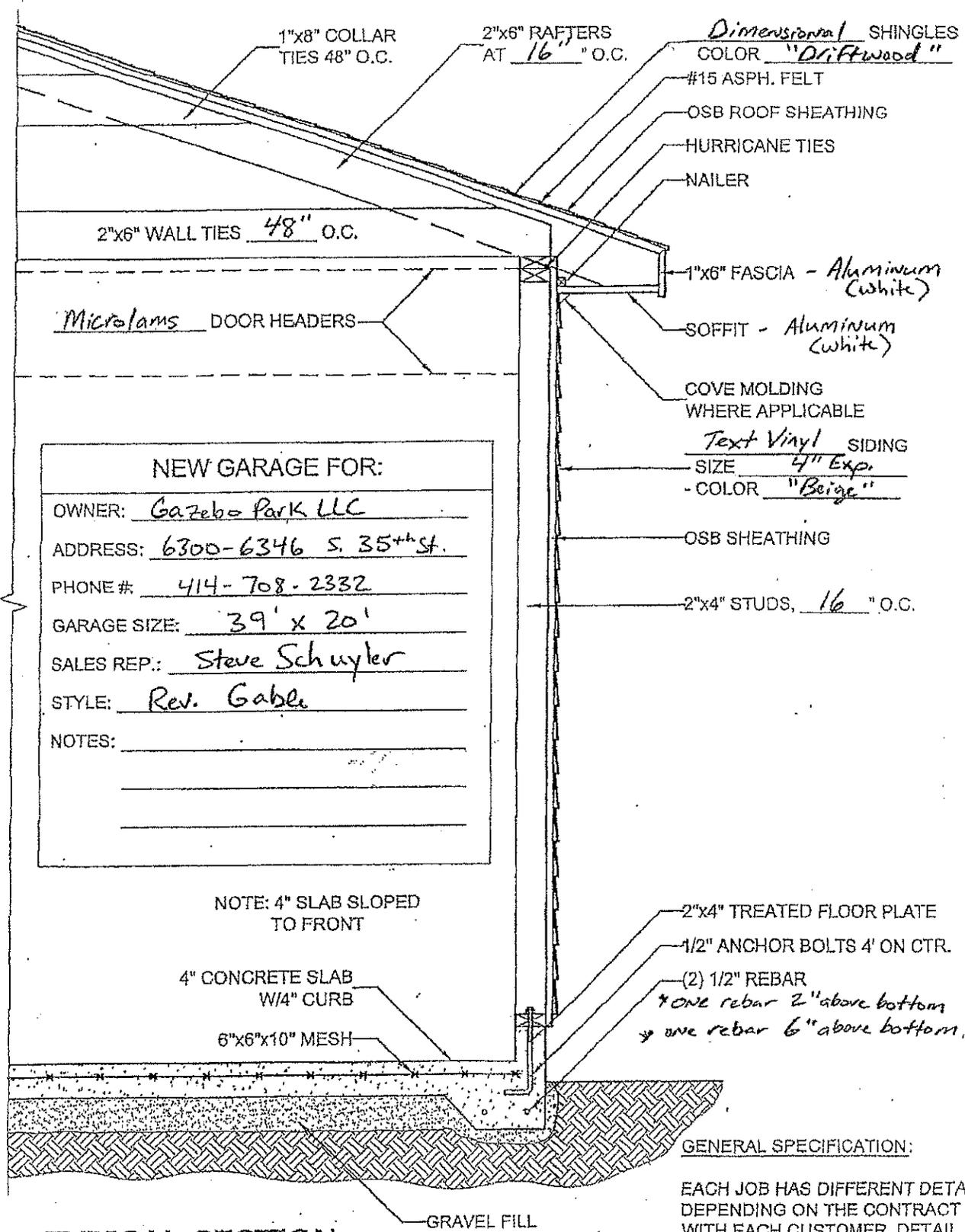
GAZEBO PARK
6300-6346 S. 35th ST, FRANKLIN

Owned by: GPark LLC
6508 S. 27th St, Suite 9 #176
Oak Creek, WI 53154

Franklin

MAY 5 1 2017

City Development



NEW GARAGE FOR:

OWNER: Gazebo Park LLC

ADDRESS: 6300-6346 S. 35th St.

PHONE #: 414-708-2332

GARAGE SIZE: 39' x 20'

SALES REP.: Steve Schuyler

STYLE: Rev. Gable

NOTES: _____

NOTE: 4" SLAB SLOPED TO FRONT

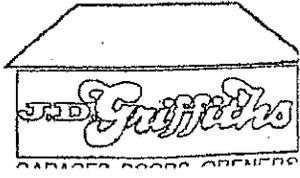
GENERAL SPECIFICATION:

EACH JOB HAS DIFFERENT DETAILS DEPENDING ON THE CONTRACT WITH EACH CUSTOMER. DETAIL SECTION SHOWN IS TYPICAL.

1

TYPICAL SECTION:

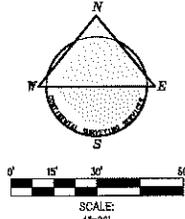
Scale: 3/4"=12"



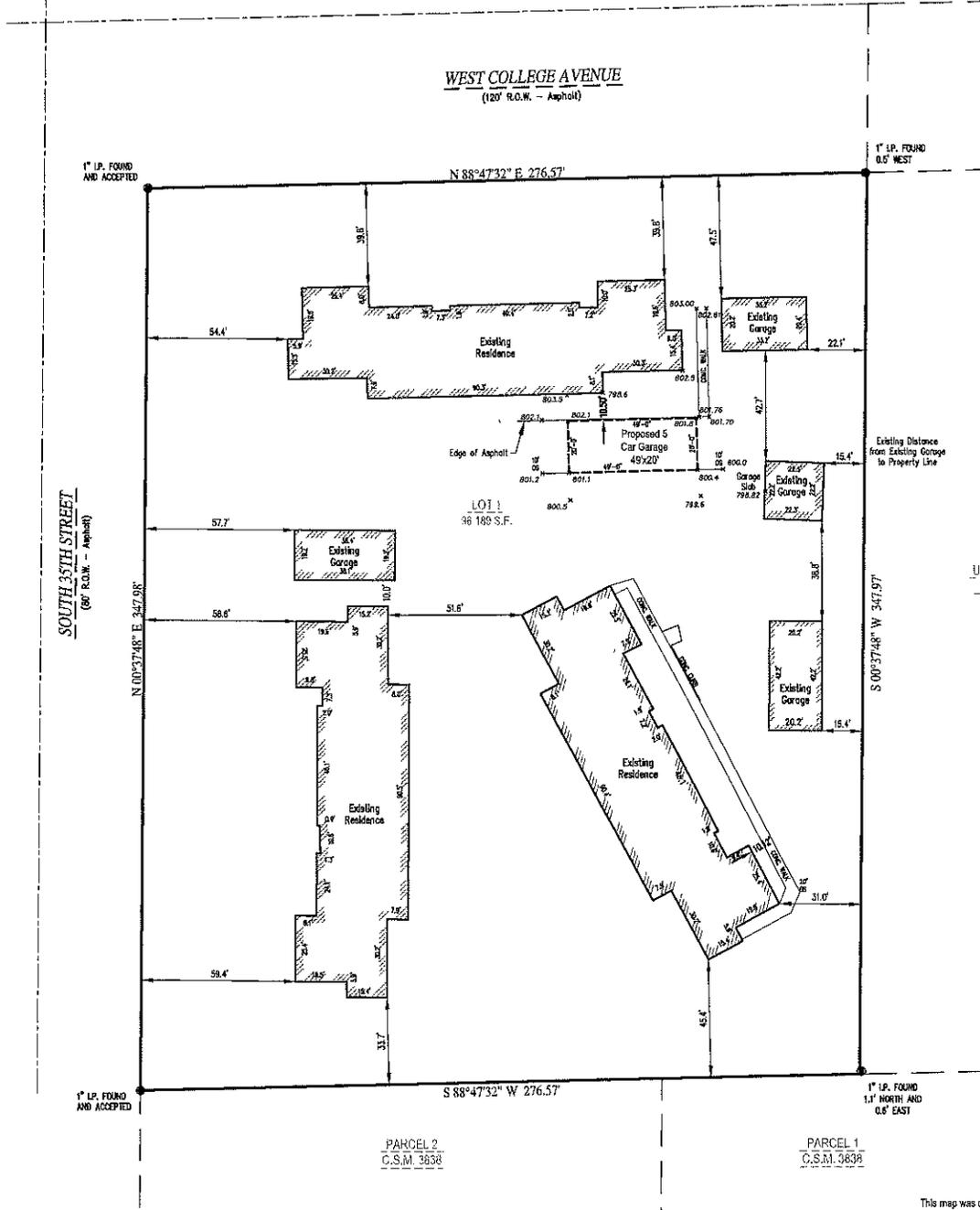
PLAT OF SURVEY

PROPERTY DESCRIPTION: (Per Document No.: 09377482)

Parcel One (1) of Certified Survey Map No. 4438, recorded on March 13, 1984, on Reel 1520, Image 105, as Document No. 5699798, being a redivision of Parcels One (1), Two (2), and Three (3) of Certified Survey Map No. 3735, being a part of the Northwest One-quarter (X) of the Northeast One-quarter (X) of Section One (1), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, Milwaukee County, Wisconsin.



Conversion to Inches	
0.0833	= 1"
0.1667	= 2"
0.2500	= 3"
0.3333	= 4"
0.4167	= 5"
0.5000	= 6"
0.5833	= 7"
0.6667	= 8"
0.7500	= 9"
0.8333	= 10"
0.9167	= 11"
1.0000	= 1 Foot



Revised this 30th Day of May, 2017.
(Added proposed 5 Car Garage and Elevations)

This map was drafted by: TLM

LEGAL NOTICE: UNAUTHORIZED REVISIONS, MODIFICATIONS, ALTERATIONS, AND OR MAKING CHANGES OF ANY KIND AND THEN USE AND OR DISTRIBUTE THIS MAP, CONTINENTAL SURVEYING SERVICES LLC'S NAME, OR THE SURVEYOR'S NAME NAMED ON THIS MAP WITHOUT CONSENT MAY BE A FEDERAL OFFENSE IN VIOLATION OF COPYRIGHT AND OR PLAGIARISM LAWS WHICH MAY RESULT IN LEGAL ACTION.

CONTINENTAL SURVEYING SERVICES LLC



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Alt. Phone: (262) 338-3600
Milwaukee: (414) 425-2050
Website: www.cassurveys.com
Email: survey@cassurveys.com

CLIENT:
Chester Daxe
6300-6346 S. 35th Street
Franklin, WI 53132

PROPERTY ADDRESS:
6300-6346 S. 35th Street
Franklin
Wisconsin 53132

PARCEL INFO:
TAX KEY NUMBER: 7149990004
PROJECT NO.: 20170416_MJTG0001
SERVICE PERFORMED: MTG



NOTE:
Geotags are referenced to the East Line of S. 35th Street on N 803748' E

NOTE: Underground Utilities
Location of underground utilities are not part of this agreement made between the Surveyor and Client named on this map, therefore none are shown.

NOTE: Title Policy
As of the date of this survey, no title policy was provided, therefore this Plat of Survey does not guarantee the existence, area and location of any easements, encumbrances, restrictions or other facts that could otherwise be disclosed in a title search or current Title Policy.

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND IN MY PROFESSIONAL OPINION THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SITE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, EASEMENTS, THE LOCATION OF ALL VISIBLE ENCUMBRANCES AND REMAINS OF OLD BUILDINGS, SETBACKS OR NEAR-SHOULDER DISTANCES, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE THE TITLE THEREIN. THIS SURVEY COMPLIES WITH WISCONSIN ADMINISTRATIVE CODE SCS 1.03(2) FOR THOSE ITEMS REQUIRED, IF ANY, AND IS BOUND BY WISCONSIN STATE STATUTE REG. 10.01 THAT DENIES STATUTE OF LIMITATIONS IN REGARD TO SURVEYS.

Rick R. Hillmann S-3005

Dated this 5th Day of MAY, 2017.