

**CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
FRANKLIN CITY HALL COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*  
TUESDAY, OCTOBER 6, 2015  
AT 6:30 P.M.**

Oath of Office-Alderman Steve Taylor

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.  
Mayoral Announcements:
  - 1. Proclamation in and of Invitation to Humanity for and to the Opening of Kayla's Playground.
  - 2. Aaron Hertzberg – Economic Development Director.
- C. Approval of Minutes:
  - 1. September 15, 2015 Common Council Meeting.
  - 2. September 22, 2015 Special Common Council Meeting.
- D. Hearings.
- E. Organizational Business.  
Boards and Commission Appointments:
  - 1. Alderman Steve Taylor – Board of Health (expiring 4/17/2017).
  - 2. Alderman Steve Taylor – Civic Celebration Committee (expiring 4/30/2016).
  - 3. Alderman Steve Taylor – License Committee (expiring 4/30/2016).
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1. Donations to St. Martins Fair from Max A. Sass & Sons Funeral Homes and M. Squared.
  - 2. Kayla's Playground Status as of 10/06/2015.
  - 3. A Resolution Authorizing Certain Officials to Accept a Conservation Easement for and as Part of the Review and Approval of a Minor Site Plan Amendment and Natural Resource Special Exception for Property Located at 4601 West Marquette Avenue (for Pleasant View Elementary School Basketball Court Addition/Relocation) (Tax Key No. 788-9980-000) (Franklin School District #5, Applicant).
  - 4. A Resolution Authorizing Certain Officials to Accept a Conservation Easement for and as Part of the Review and Approval of a Site Plan Amendment, Certified Survey Map and Natural Resource Special Exception for Property Located at 11010 West St. Martins Road (to Allow for a 23,600 Square Foot Addition to the Rear of the Existing Southbrook Church

- Building Along with a Fire Lane)(Southbrook Church, Inc., Applicant).
5. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Beauty Salon Business use Upon Property Located at 11113 West Forest Home Avenue, Suite 210 (Monda Salon, LLC, Applicant).
6. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Child Day Care Services Business Use Upon Property Located at 7260 South 76<sup>th</sup> Street (Guarding Your Angels, Inc., Applicant).
7. Request From the Parks Commission for the Common Council to Consider Naming the Dedicated Trail Through the Southbrook Church Property Located at 11010 West St. Martins Road Either "Allwood Trail" or "Robinwood Trail).
8. Status Report Related to Buxton Company and Retail Recruitment Efforts.
9. Area A Financial Report.
10. Pay-As-You-Go Tax Incremental Finance District Report.
11. Survey Results and a Resolution to Sign Agreement with RA Smith National for the Design of Water Main Extension on South 46<sup>th</sup> Street from West Sherwood Drive to West Thorncrest Drive.
12. Reconsideration of Action Taken at the August 18, 2015 Common Council Meeting to Direct Staff to Continue with the Estimate Process for Utility Undergrounding with regard to the Milwaukee County West St. Martins Road (CTH MM) from South North Cape Road to State Trunk Highway 100 Road Reconstruction Project (Postponed from the September 1, 2015 Meeting).
13. A Resolution to Award Paving Franklin Bike and Hiking Trail South Branch 2015 to Payne & Dolan, Inc.
14. A Resolution to Design, Permit and Solicit Bids for Restroom at Market Square Park (11230 West Church Street).
15. Release of Escrow Deposit for Riverwood Village (Location South 27<sup>th</sup> Street and West Riverwood Drive).
16. Release of Escrow Deposit for Villas of Franklin Oaks (Located on 3100 and 3200 Block of West Villa Drive).
17. An Ordinance to Amend Ordinance 2014-2152, an Ordinance Adopting the 2015 Annual Budgets for the Capital Improvement Fund for the City of Franklin for Fiscal year 2015, to Provide Appropriations for Roof Repairs at Fire Station #1.
18. A Resolution to Award the Contract for Fire Station No. 1 Roof Replacement to Cudahy Roofing & Supply, Inc.
19. August 2015 Monthly Financial Report.

H. Licenses and Permits.  
Miscellaneous Licenses.

I. Bills.  
Vouchers and Payroll approval.

J. Adjournment.

Common Council Meeting

October 6, 2015

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\*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:

October 8	Plan Commission	7:00 p.m.
October 20	Common Council Meeting	6:30 pm.
October 22	Plan Commission	7:00 p.m.

**CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN**

**C E R T I F I C A T I O N**

*This is to certify that on the eighth day of September, 2015*

**STEVE F. TAYLOR**

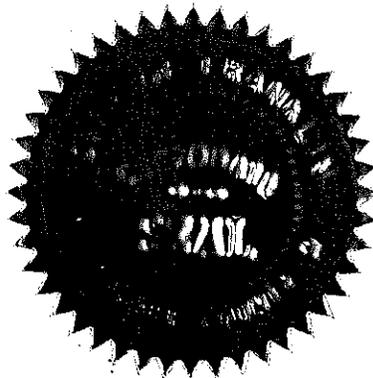
*was duly elected to the office of Fourth District Alderman of the City of Franklin for a three-year term expiring on the 18th day of April, 2017, as appears from the official canvass on file in the Office of the City Clerk.*

*In testimony whereof, I have set my hand and affixed the Seal of the City of Franklin, Wisconsin, this 11th day of September, 2015.*

*Sandra L. Wesolowski*

**Sandra L. Wesolowski**

**Director of Clerk Services/City Clerk**



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A PROCLAMATION  
IN AND OF INVITATION TO HUMANITY FOR AND TO THE OPENING OF  
KAYLA'S PLAYGROUND

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WHEREAS, Kayla Runte was born on August 1, 2004 to Michelle and John Runte; and

WHEREAS, Baby Kayla did not have it easy, having complications at birth and at the age of six months having been diagnosed with cerebral palsy; and

WHEREAS, Kayla nonetheless was the pinnacle of Human quality, effort, endeavor and success, becoming able to intelligently communicate with others, though without being able to speak, to move physically without being able essentially to physically move, and to engage in social activities and not only acquire friends, but to become the idol of many, not just children, but most, if not all of those People who met her; and

WHEREAS, tribute is due to Michelle and John, for without them and all of their true love and efforts for Kayla, perhaps Kayla's Wonderful Life on Earth may have been less; and

WHEREAS, Kayla's enjoyment of life not often enough included trips to far away all-inclusive all-accessible playgrounds, where she could enjoy the common elements of Life on Earth, such as friends, nature, fun and laughter along with playtime; and

WHEREAS, Kayla's Krew, an unincorporated association created by her Parents, and Penfield Children's Center, which helped Kayla and her family enjoy a rich life, and the City of Franklin, have worked together to create Kayla's Playground, an all-inclusive all-accessible playground, in Honor of Kayla (and her Parents), for all Humanity to enjoy; and

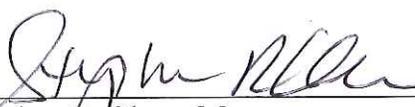
WHEREAS, All children deserve the experience to swing, slide, climb and socialize with other children, without the limitations of traditional playgrounds, through the inclusive design of Kayla's Playground; and

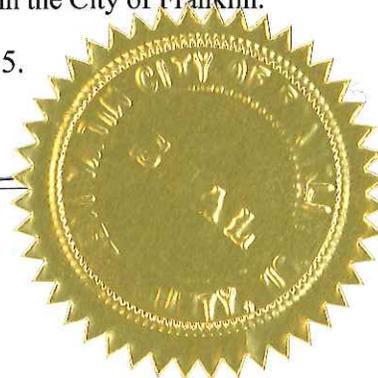
WHEREAS, Kayla's Playground will become a place where all abilities will be embraced, where life lessons can be learned from each other, and where patience, encouragement, compassion and believing in ones' self will be common; and

WHEREAS, while Kayla is no longer physically with us on Earth, she is here and among us in our hearts and minds and we will together further her Extraordinary Spirit.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Stephen R. Olson, Mayor of the City of Franklin, Wisconsin, on behalf of all of the Citizens of Franklin, hereby cherish the Spirit of Kayla and recognize and commend Michelle, John and Brooke Runte and all of the volunteers who valuably and joyfully assisted in the creation and development of Kayla's Playground. I further encourage all of the Citizens of the City of Franklin and beyond, upon their attendance to the opening of Kayla's Playground on October 9, 2015, and upon their attendance forever thereafter, to wear a little bit of purple or a butterfly symbol, to signify their recognition of Kayla, Kayla's Krew and the Humanity involved in this effort, and hereby designate October 9, 2015 as Kayla's All Inclusive, All Accessible Playground day in the City of Franklin.

Presented to the City of Franklin Common Council this 6th Day of October, 2015.

  
Stephen R. Olson, Mayor



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CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
SEPTEMBER 15, 2015  
MINUTES

ROLL CALL

A. The regular meeting of the Common Council was held on September 15, 2015 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 Doug Schmidt and Alderwoman Susanne Mayer. Excused was Alderman Steve Taylor. 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 6:32 p.m. and closed at 7:07 p.m.

APPROVAL OF MINUTES

C.1. Alderman Schmidt moved to approve the minutes of the regular Common Council meeting of August 18, 2015 as amended. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

C.2. Alderman Schmidt moved to approve the minutes of the regular Common Council meeting of September 1, 2015 as amended. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

PUBLIC HEARING  
9000 S. 68TH ST.  
MILW. CO. PARKS/  
HUNGER TASK FORCE

D.1. A public hearing was called to order at 7:10 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 9000 South 68th Street, from Commercial Use and Areas of Natural Resources to Mixed Use and Areas of Natural Resources (Milwaukee County Parks Department/Hunger Task Force, applicants). The property which is the subject of this application bears tax key no. 883-9999-002, consisting of approximately 50.6 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 7:11 p.m.

ORD. 2015-2191  
CHANGE 2025 FUTURE  
LAND USE MAP AT 9000  
S. 68TH ST. (MILW. CO.  
PARKS/HUNGER TASK  
FORCE, APPLICANTS)

G.1. Alderman Dandrea moved to adopt Ordinance No. 2015-2191, AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT APPROXIMATELY 9000 SOUTH 68TH STREET FROM COMMERCIAL USE TO AREAS OF NATURAL RESOURCE FEATURES USE TO MIXED USE AND AREAS OF NATURAL RESOURCE FEATURE USE

(APPROXIMATELY 50.6 ACRES)(MILWAUKEE COUNTY PARKS DEPARTMENT/HUNGER TASK FORCE, APPLICANTS). Seconded by Alderman D. Mayer. All voted Aye; motion carried.

PUBLIC HEARING  
9150 S. 80TH ST.  
CITY OF FRANKLIN

D.2. A public hearing was called to order at 7:12 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 approximately 9150 South 80th Street, from Institutional Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use (City of Franklin, applicant). The property which is the subject of this application bears tax key no. 885-9996-000, consisting of approximately 9.6661 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 7:12 p.m.

ORD. 2015-2192  
AMEND FUTURE LAND  
USE MAP AT 9150 S. 80TH  
ST. (CITY OF FRANKLIN,  
APPLICANT)

G.3. Alderman Dandrea moved to adopt Ordinance No. 2015-2192, AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT APPROXIMATELY 9150 SOUTH 80TH STREET FROM INSTITUTIONAL USE AND AREAS OF NATURAL RESOURCE FEATURES USE TO RESIDENTIAL USE AND AREAS OF NATURAL RESOURCE FEATURES USE (APPROXIMATELY 9,661 ACRES)(CITY OF FRANKLIN, APPLICANT). Seconded by Alderman D. Mayer. All voted Aye; motion carried.

ORD. 2015-2193  
AMEND UDO  
REZONE PROPERTY AT  
9000 S. 68TH ST.

G.2. Alderman Dandrea moved to adopt Ordinance No. 2015-2193, AN ORDINANCE TO CREATE SECTION 15-3.0443 OF THE FRANKLIN UNIFIED DEVELOPMENT ORDINANCE ESTABLISHING PLANNED DEVELOPMENT DISTRICT NO. 38 (MILWAUKEE COUNTY FARM/HUNGER TASK FORCE) AND TO REZONE PROPERTY FROM A-1 AGRICULTURAL DISTRICT TO PLANNED DEVELOPMENT NO. 38 (AT APPROXIMATELY 9000 SOUTH 68TH STREET). Seconded by Alderman D. Mayer. All voted Aye; motion carried.

2015 COMMUNITY  
HEALTH NEEDS  
ASSESSMENT REPORT

G.12. Alderwoman Wilhelm moved to accept and place on file the 2015 City of Franklin Community Health Needs Assessment Report. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

STATUS REPORT  
RELATED TO BUXTON

G.4. Alderman Schmidt moved to table the renewal agreement with Buxton Company for retail recruitment and retention services

COMPANY AND RETAIL  
RECRUITMENT EFFORTS

until October 6, 2015 with a written report from EDC invitation to EDC and written report from staff (potential changes with regard to what Buxton produces). Seconded by Alderman D. Mayer. On roll call, Alderman Dandrea, Alderman D. Mayer, Alderman Schmidt and Alderwoman S. Mayer voted Aye; Alderwoman Wilhelm voted No. Motion carried.

AGREEMENT WITH RA  
SMITH FOR WATER  
MAIN EXT. - S. 46TH ST.

G.8. Alderwoman Wilhelm moved to table to October 6, 2015 a Resolution to sign Professional Services Agreement with RA Smith National for the design of water main extension on S. 46th Street from W. Sherwood Drive to W. Thorncrest Drive. Seconded by Alderman Schmidt. All voted Aye; motion carried.

CONVEYANCES OF  
LANDS OWNED BY  
MMSD

G.5. Alderwoman Wilhelm moved to direct the City Attorney with input from affected district alderpersons to begin the non-profit discussion and if needed based on those discussions, begin the formal exemption process stating the City would like to prohibit some nature-based outdoor activities (NBOA) for safety reasons on certain lands to be transferred to the City, and such communication shall express the intent to review the nature-based outdoor activities exemptions within Chapter 52 and Wis. Stats. §23.0916. Motion died due to lack of a second.

Alderwoman Wilhelm then moved to direct the City Attorney with input from the affected district alderpersons to begin the non-profit discussion and if needed based on the outcome, begin the formal exemption process stating the City would like to prohibit some nature-based outdoor activities (NBOA) for safety and other reasons as discussed, on certain lands to be transferred to the City, and such communication shall express the intent to review the nature-based outdoor activities exemptions listed within Chapter 52 and Wis. Stats. §23.0916, and any other applicable laws or ordinances. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.

Alderman D. Mayer moved to direct staff to prepare a feasibility study on the Radicevich property and property to the north (Hribar Trust) with the idea of turning it into a full-fledged City park. Seconded by Alderwoman S. Mayer.

Alderman D. Mayer moved to call the question. Alderman Schmidt, Alderwoman Wilhelm, Alderman Mayer and Alderman Dandrea voted Aye; Alderwoman S. Mayer voted No. Motion carried.

On the roll call vote of the main motion, Alderman D. Mayer, Alderwoman Wilhelm, Alderman Schmidt, Alderwoman S. Mayer voted Aye; Alderman Dandrea voted No. Motion carried.

The meeting was recessed at 9:50 p.m. and reconvened at 9:55 p.m.

- KAYLA'S PLAYGROUND STATUS G.6. Status of Kayla's Playground was provided by City Engineer Morrow.
- RELEASE OF ESCROW DEPOSIT FOR RIVERWOOD VILLAGE G.7. Alderwoman Wilhelm moved to table the escrow deposit for the Riverwood Village Subdivision for additional information to be provided to the District Alderwoman. Seconded by Alderman D. Mayer. All voted Aye; motion carried.
- ORD. 2015-2194  
AMEND ORD. 2014-2152  
APPROPRIATIONS FOR S. NORTH CAPE RD. AND ELECTION EQUIPMENT TRAILER G.13. Alderwoman Wilhelm moved to adopt Ordinance No. 2015-2194, AN ORDINANCE TO AMEND ORDINANCE 2014-2152, AN ORDINANCE ADOPTING THE 2015 ANNUAL BUDGETS FOR THE CAPITAL OUTLAY, CAPITAL IMPROVEMENT, AND SANITARY SEWER FUNDS FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2015, TO PROVIDE APPROPRIATIONS FOR S. NORTH CAPE ROAD RECONSTRUCTION AND PURCHASE OF A TRAILER FOR TRANSPORTING ELECTIONS EQUIPMENT. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.
- RES. 2015-7135  
"LOCAL/COUNTY AGREEMENT FOR A HIGHWAY IMPR."  
S. NORTH CAPE RD. G.9. Alderwoman S. Mayer moved to adopt Resolution No. 2015-7135, A RESOLUTION TO SIGN "LOCAL/COUNTY AGREEMENT FOR A HIGHWAY IMPROVEMENT" WITH MILWAUKEE COUNTY FOR S. NORTH CAPE ROAD (CTH J)-PHASE 2 FROM W. HI-VIEW DRIVE TO W. SCHERREI DRIVE) as amended to include the amount and subject to technical review by the City Attorney. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- RES. 2015-7136  
CHANGE ORDER 3  
WATER & WASTEWATER OPERATIONS AND MAINT. FACILITY G.10. Alderman D. Mayer moved to adopt Resolution No. 2015-7136, A RESOLUTION AUTHORIZING STAFF TO EXECUTE CHANGE ORDER NO. 3 TO MIRON CONSTRUCTION CO., INC. IN THE AMOUNT OF \$9,649.76. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- JSD PROFESSIONAL SERVICES, INC. FOR DESIGN SERVICES FOR TRAIL AND BRIDGE G.11 Alderman Schmidt moved to table a Resolution to engage JSD Professional Service, Inc. for design services for a trail and bridge crossing East Branch of the Root River in the amount of \$103,631. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

NATIONAL NIGHT OUT DONATION      G.14.      Alderman D. Mayer moved to approve acceptance of donation for 2015 National Night Out for deposit into the Crime Prevention Donation Account from Johnson Bank in the amount of \$500. Seconded by Alderman Schmidt. All voted Aye; motion carried.

LICENSES AND PERMITS      H.1.      Alderman Dandrea moved to allow the box office (ticket sales) and music for The Hill Has Eyes, The Rock Sports Complex, to remain open until 10:00 p.m. on Thursday and Sunday and to allow the box office (ticket sales) and music to remain open until 11:00 p.m. on Friday and Saturday, all evenings allowing guests to proceed through until complete following the times listed, and further that the Mayor and Clerk notify the Greendale Village Manager and Police Chief, and the Franklin Police Chief of the Council's action for the dates of September 26, October 2, 3, 8-10, 15-18, 22-25, 29, and November 1, 2015. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

Alderman Dandrea moved to approve the following:  
Grant 2015-2016 Operator License to Carol Radliff, 10421 S. Chicago Rd., Oak Creek; April Dix, 8023 W. Wilbur Ave., Milwaukee; Marcus Drewek, 2957 S. 51st St., Milwaukee; Jeanne Johnson, 7703 W. Margaret Ln.; Matthew Krueger, 5678 Oriole Ct., Greendale; Hannah Perinovic, 3748 S. 94th St., Milwaukee; Kristi Quiles, 5588 Serene Ct., Greendale; and

Hold for appearance the applications for 2015-2016 Operator License to Katie Davis, 6814 Johnson Ct., Waterford; and Corey Seekins, 4620 W. Holt Ave., Greenfield; and

Grant 2015-2016 Class B Combination and Entertainment & Amusement Licenses to Little Cancun LLC, Owner Veronica Cervera, 7273A S. 27th St., subject to completion of remodeling; and

Grant Temporary Class B Beer and Wine License to St Martin of Tours Parish School, Jeanne Johnson, for Spaghetti Dinner on September 19, 2015; and

Grant 2015-2016 Change of Agent for Kwik Trip Inc. #287, Andrew Wichmann.

Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

I.1. Alderman D. Mayer moved to approve net general checking account City vouchers in the range of Nos. 157813 through 157967 in the amount of \$805,728.00 dated September 2, 2015 through September 10, 2015. Seconded by Alderman Schmidt. On roll call, all voted Aye. Motion carried.

(switch) Alderman D. Mayer moved to approve net payroll dated September 4, 2015 in the amount of \$362,872.28 and payments of the various payroll deductions in the amount of \$209,007.58 plus any City matching payments where required. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

Alderman Schmidt moved to approve net payroll dated September 18, 2015 estimated at \$355,000.00 and payments of the various payroll deductions estimated at \$369,000.00 plus any City matching payments where required. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

Alderman Schmidt moved to approve net payroll dated October 2, 2015 estimated at \$353,000.00 and payments of the various payroll deductions estimated at \$205,000.00 plus any City matching payments where required. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

Alderman Dandrea moved to approve property tax settlement in the amount of \$114.32 dated August 13, 2015 through September 10, 2015. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

Alderman Schmidt moved to approve payment for accepted work on approved contracts with Simplex Grinnell or Star Fire Systems. Seconded by Alderman Dandrea. D. Mayer abstain On roll call, all voted Aye. Motion carried.

Alderman D. Mayer moved to approve payment to Bay Communications in the amount of \$2,516.00 and Black Diamond in the amount of \$5,551.88. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderwoman Wilhelm moved to adjourn the meeting at 10:30 p.m. Seconded by Alderman Schmidt. All voted Aye; motion carried.

CITY OF FRANKLIN  
SPECIAL COMMON COUNCIL MEETING  
SEPTEMBER 22, 2015  
MINUTES

ROLL CALL

- A. The regular meeting of the Common Council was held on September 22, 2015 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 Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve Taylor, Alderman Doug Schmidt and Alderwoman Susanne Mayer. Excused was Alderman Dandrea. Also present were Dir. of Administration Mark Luberda, Dir. of Finance and Treasurer Paul Rotzenberg, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

CITIZEN COMMENT

- B. Citizen comment period was opened at 6:32 p.m. and closed at 6:32 p.m.
- C. Alderman Taylor moved to forward the Mayor's 2016 Recommended Budget to the October 5, 2015 Committee of the Whole meeting. Seconded by Alderman D. Mayer. All voted Aye; motion carried.
- D. No action was taken at this time relating to a presentation of the Draft Final Report of the City of Franklin Employee Classification and Compensation Study.

ADJOURNMENT

- E. Alderman Taylor moved to adjourn the Special Common Council meeting at 8:24 p.m. Seconded by Alderman Schmidt. All voted Aye; motion carried.

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<p><b>APPROVAL</b></p> <p><i>slw</i></p>	<p><b>REQUEST FOR COMMON COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>10/06/2015</b></p>
<p><b>ORGANIZATIONAL BUSINESS</b></p>	<p><b>Board and Commission Appointments</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>E.</i></p>

The following appointments have been submitted by the Mayor for Council confirmation:

- (a) Steve Taylor, 2812 West Hilltop Lane, Ald. Dist. 4 – Board of Health (expiring 4/17/2017).
- (b) Steve Taylor, 2812 West Hilltop Lane, Ald. Dist. 4 – Civic Celebration Committee (expiring 4/17/2017).
- (c) Steve Taylor, 2812 West Hilltop Lane, Ald. Dist. 4 – License Committee (expiring 4/17/2017).

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<p><b>APPROVAL</b></p> <p><i>slw</i></p>	<p><b>REQUEST FOR COMMON COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>10/06/2015</b></p>
<p><b>ORGANIZATIONAL BUSINESS</b></p>	<p><b>Donations to St. Martins Fair from Max A. Sass &amp; Sons Funeral Homes and M. Squared</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.1.</i></p>

Accept the following donations for advertising for St. Martins Fair:

- (a) Max A. Sass & Sons Funeral Homes - \$250.
- (b) M. Squared, Inc. (Crossroads II) - \$250.

**Council Action:**

Accept donations from Max A. Sass in the amount of \$250 and M. Squared in the amount of \$250 for advertising for St. Martins Fair.

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<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>10/06/2015</p>
<p>REPORTS &amp; RECOMMENDATIONS</p>	<p>KAYLA'S PLAYGROUND STATUS 10/06/2015</p>	<p>ITEM NUMBER</p> <p><i>G.2.</i></p>

**STATUS**

The Community Build went very well. The project play structure is substantially complete. DPW staff and Kayla's Krew is in process of completing a punch list of items. Many of those items are requiring additional plastic lumber.

Poured in Place Surface is expected to be complete approximately Wednesday, October 7- weather cooperating.

Willkomm has essentially completed the utility work and the water main is in service. Foundation for restrooms have been completed. The removed asphalt trail should be completed before October 6 and an overlay will be done next spring when the concrete and asphalt work for the other sidewalks and parking lot will be done.

Restrooms are being painted at the manufacturer and are expected to be delivered the last week of October.

DPW will install gravel bed and pavers this winter when other operations allow.

**Ribbon Cutting is Friday October 9 at 5:30 pm. Bring the kids.**

**FISCAL NOTE**

Given the work on the punch list items, many miscellaneous receipts from the community build are still being tabulated by Kayla's Krew. DPW and Engineering will update time charged to the project after the next time sheet submittal. An updated project cost is not included with this status but will be included for the next Common Council meeting.

**RECOMMENDATIONS**

None Needed

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">10/06/15</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A MINOR SITE PLAN AMENDMENT AND NATURAL RESOURCE SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 4601 WEST MARQUETTE AVENUE (FOR PLEASANT VIEW ELEMENTARY SCHOOL BASKETBALL COURT ADDITION/RELOCATION) (TAX KEY NO. 788-9980-000) (FRANKLIN SCHOOL DISTRICT #5, APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G. 3.</i></p>

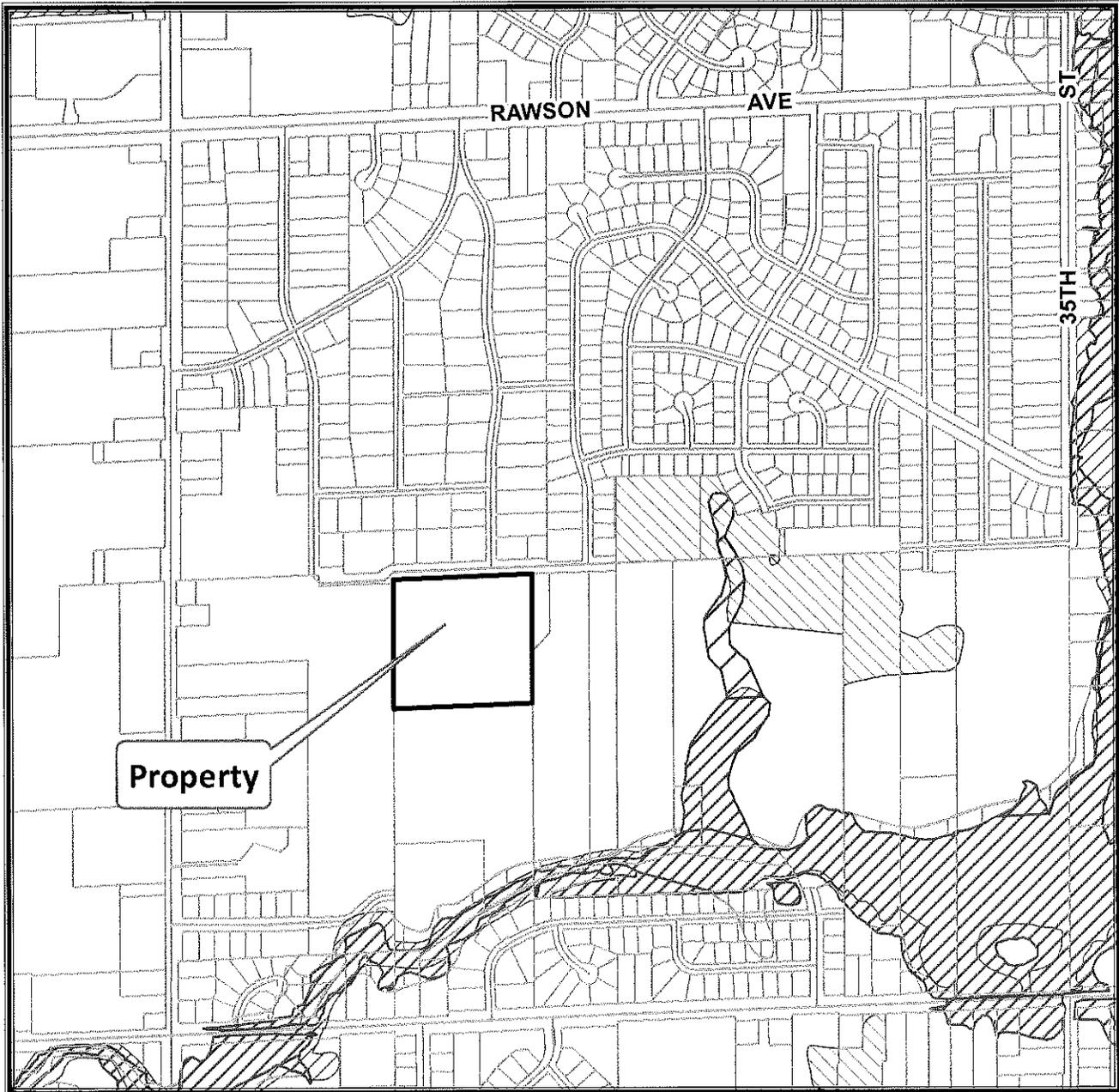
City Development staff recommends approval of a resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Minor Site Plan Amendment and Natural Resource Special Exception for property located at 4601 West Marquette Avenue (for Pleasant View Elementary School basketball court addition/relocation) (Tax Key No. 788-9980-000) (Franklin School District #5, Applicant), subject to technical corrections by the City Attorney.

**COUNCIL ACTION REQUESTED**

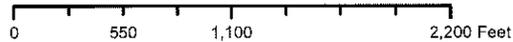
A motion to adopt Resolution No. 2015-\_\_\_\_\_, authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Minor Site Plan Amendment and Natural Resource Special Exception for property located at 4601 West Marquette Avenue (for Pleasant View Elementary School basketball court addition/relocation) (Tax Key No. 788-9980-000) (Franklin School District #5, Applicant), subject to technical corrections by the City Attorney.



4601 West Marquette Avenue  
TKN 788-9980-000  
Pleasant View Elementary School



Planning Department  
(414) 425-4024



2013 Aerial Photo

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

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2015-\_\_\_\_\_

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO  
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART  
OF THE REVIEW AND APPROVAL OF A MINOR SITE PLAN AMENDMENT AND  
NATURAL RESOURCE SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 4601  
WEST MARQUETTE AVENUE (FOR PLEASANT VIEW ELEMENTARY SCHOOL  
BASKETBALL COURT ADDITION/RELOCATION) (TAX KEY NO. 788-9980-000)  
(FRANKLIN SCHOOL DISTRICT #5, APPLICANT)

---

WHEREAS, the Plan Commission having recommended approval of a Natural Resource Special Exception and the Department of City Development having approved a Minor Site Plan Amendment upon the application of Franklin Public Schools, on July 9, 2015 and July 17, 2015, respectively, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the woodlands, wetland buffers and wetlands on the site; and

WHEREAS, §15-7.0107, 15-7.0102G and §15-7.0103Q of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Site Plan review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Minor Site Plan Amendment and Natural Resource Special Exception; and

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

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

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

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

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS  
TO ACCEPT A CONSERVATION EASEMENT  
FRANKLIN PUBLIC SCHOOLS  
RESOLUTION NO. 2015- \_\_\_\_\_

Page 2

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

APPROVED:

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

ATTEST:

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

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

CONSERVATION EASEMENT

Pleasant View Elementary School

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

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, East ½ of the Southeast ¼ of Section 11, Township 5 North, Range 21 East, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, wetland buffers, and wetlands and refer to Natural Resource Investigation by NRPP Star Environmental, Inc dated May 27, 2015 be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

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

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

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

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

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

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

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

1. Construct or place buildings or any structure;
2. Construct or make any improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to animal and bird feeding stations,

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

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

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

To Grantor:  
Franklin Public School District  
8255 West Forest Hill Ave  
Franklin, WI 53132

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

In witness whereof, the grantor has set its hand and seals this on this date of July 29, 2015.

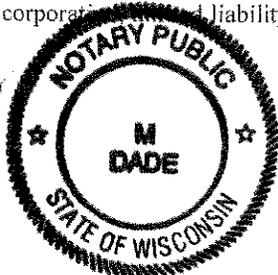
Franklin Public School District  
By: [Signature]  
Mark Cloutier  
Manager of Buildings and Grounds

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF MILWAUKEE )

This instrument was acknowledged before me on the 29<sup>th</sup> day of July, A.D. 2015 by

Mark Cloutier, Manager of Buildings and Grounds

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



[Signature]  
Notary Public

My commission expires Feb. 28, 2016

**Acceptance**

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

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

CITY OF FRANKLIN

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

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

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF MILWAUKEE )

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

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

This instrument was drafted by the City of Franklin.

Approved as to contents:

\_\_\_\_\_  
Nicholas Fuchs, Senior Planner  
Department of City Development

\_\_\_\_\_  
Date

Approved as to form only:

\_\_\_\_\_  
Jesse A. Wesolowski  
City Attorney

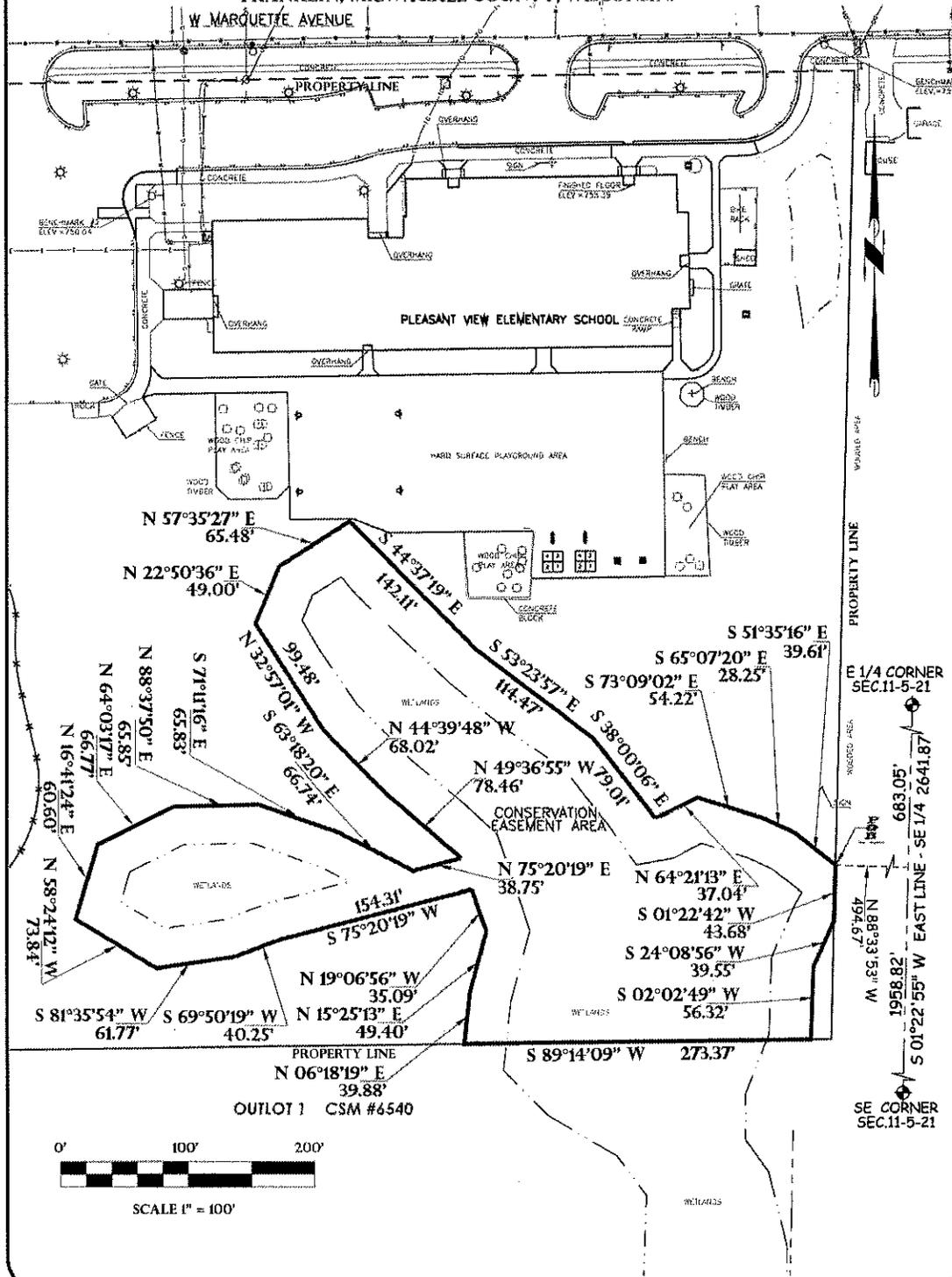
\_\_\_\_\_  
Date



Exhibit A

# EXHIBIT A - CONSERVATION EASEMENT #1

LOCATED IN THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



Civil Engineering  
Land Surveying  
Landscape Architecture  
Scott Groholski, RLS #2281  
5709 Winay Drive, Suite D  
Stevens Point, WI 54482  
715.344.9999 (Ph) 715.344.9922 (Fx)

THIS INSTRUMENT WAS DRAFTED BY SCOTT GROHOLSKI AND DRAWN BY TRAVIS PLANTICO

JOB # 13.515

SHEET 1 OF 2 SHEETS



Point of Beginning

**EXHIBIT "A"**  
**Conservation Easement #1 Legal Description**

**Legal Description**

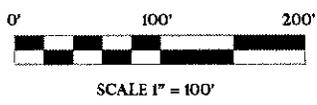
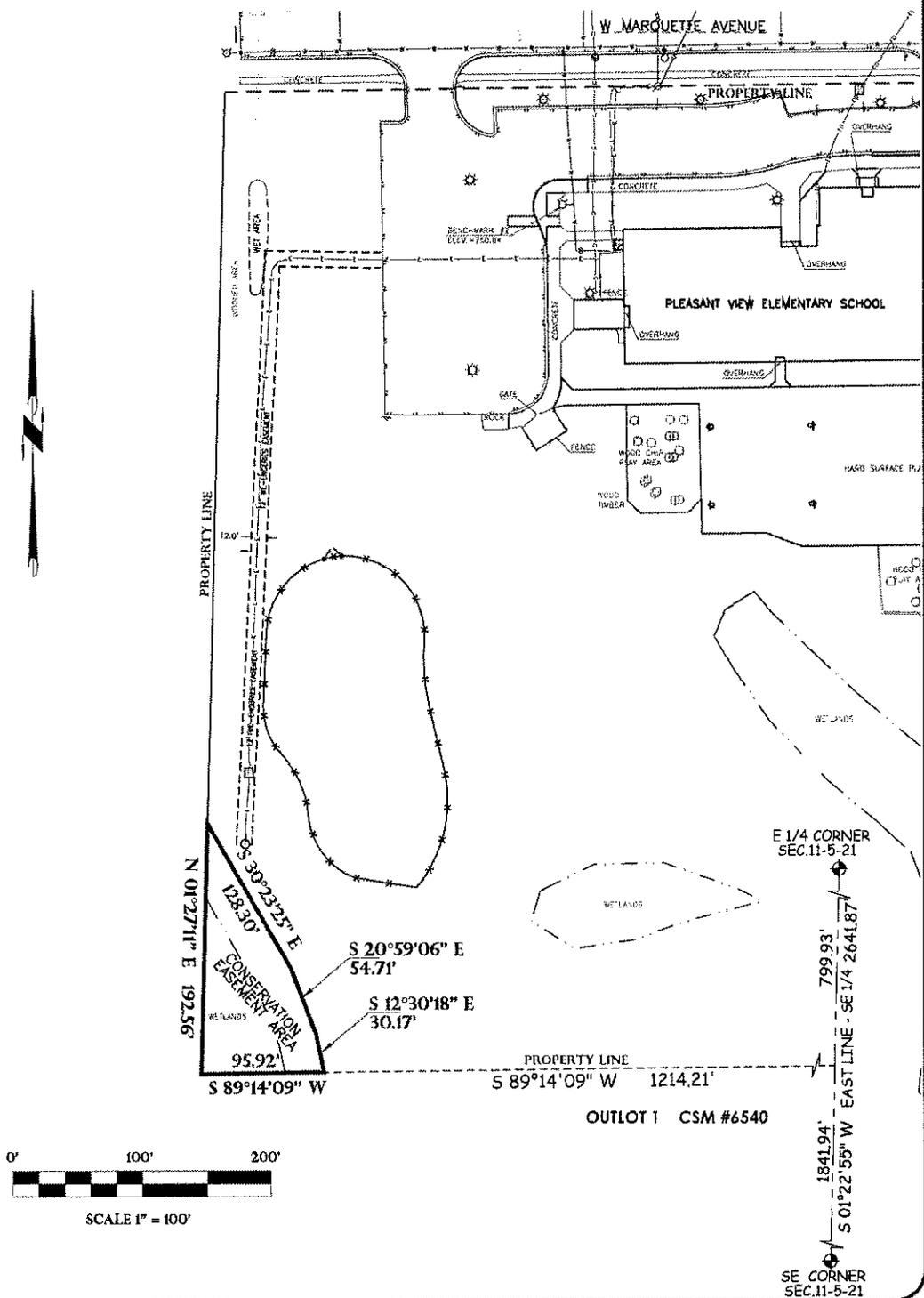
A conservation easement located in the East ½ of the Southeast ¼ of Section 11, Township 21 North, Range 5 East, City of Franklin, Milwaukee County, Wisconsin, the exterior boundary more particularly described as follows:

Commencing at the East ¼ corner of Section 21, Township 11 North, Range 5 East; thence S 01°22'55"W along the East line of the Southeast ¼ of said Section 21, 683.05; thence N 88°33'53"W, 494.67 feet to the point of beginning (POB) of the easement to be described; thence S 01°22'42"W, 43.68 feet; thence S 24°08'56"W, 39.55 feet; thence S 02°02'49"W, 56.32 feet; thence S 89°14'09"W, 273.37 feet; thence N 06°18'19"E, 39.88 feet; thence N 15°25'13"E, 49.40 feet; thence N 19°06'56"W, 35.09 feet; thence S 75°20'19"W, 154.31 feet; thence S 69°50'19"W, 40.25 feet; thence S 81°35'54"W, 61.77 feet; thence N 58°24'12"W, 73.84 feet; thence N 16°41'24"E, 60.60 feet; thence N 64°03'17"E, 66.77 feet; thence N 88°37'50"E, 65.85 feet; thence S 71°11'16"E, 65.83 feet; thence S 63°18'20"E, 66.74 feet; thence N 75°20'19"E, 38.75 feet; thence N 49°36'55"W, 78.46 feet; thence N 44°39'48"W, 68.02 feet; thence N 32°57'01"W, 99.48 feet; thence N 22°50'36"E, 49.00 feet; thence N 57°35'27"E, 65.48 feet; thence S 44°37'19"E, 142.11 feet; thence S 53°23'57"E, 114.47 feet; thence S 38°00'06"E, 79.01 feet; thence N 64°21'13"E, 37.04 feet; thence S 73°09'02"E, 54.22 feet; thence S 65°07'20"E, 28.25 feet; thence S 51°35'16"E, 39.61 feet to the point of beginning.

Dated this 29<sup>th</sup> day of September, 2015.

# EXHIBIT A - CONSERVATION EASEMENT #2

LOCATED IN THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



Civil Engineering  
Land Surveying  
Landscape Architecture  
**Scott Groholski, RLS #2281**  
5709 Windy Drive, Suite D  
Stevens Point, WI 54482  
715.344.9999(PH) 715.344.9923(FX)

THIS INSTRUMENT WAS DRAFTED BY SCOTT GROHOLSKI AND DRAWN BY TRAVIS PLANTICO

JOB # 13.515

SHEET 1 OF 2 SHEETS



Point of Beginning

**EXHIBIT "A"**  
**Conservation Easement #2 Legal Description**

**Legal Description**

A conservation easement located in the East ½ of the Southeast ¼ of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, the exterior boundary more particularly described as follows:

Commencing at the East ¼ corner of Section 21, Township 11 North, Range 5 East; thence S 01°22'55"W along the East line of the Southeast ¼ of said Section 21, 799.93; thence S 89°14'09"W, 1214.21 feet to the point of beginning (POB) of the easement to be described; thence S 89°14'09"W, 95.92 feet; thence N 01°27'11"E, 192.56 feet; thence S 30°23'25"E, 128.30 feet; thence S 20°59'06"E, 54.71 feet; thence S 12°30'18"E, 30.17 feet to the point of beginning.

Dated this 29<sup>th</sup> day of September, 2015.

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">10/06/15</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN AMENDMENT, CERTIFIED SURVEY MAP AND NATURAL RESOURCE SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 11010 WEST ST. MARTINS ROAD (TO ALLOW FOR A 23,600 SQUARE FOOT ADDITION TO THE REAR OF THE EXISTING SOUTHBROOK CHURCH BUILDING ALONG WITH A FIRE LANE) (SOUTHBROOK CHURCH, INC., APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.4,</i></p>

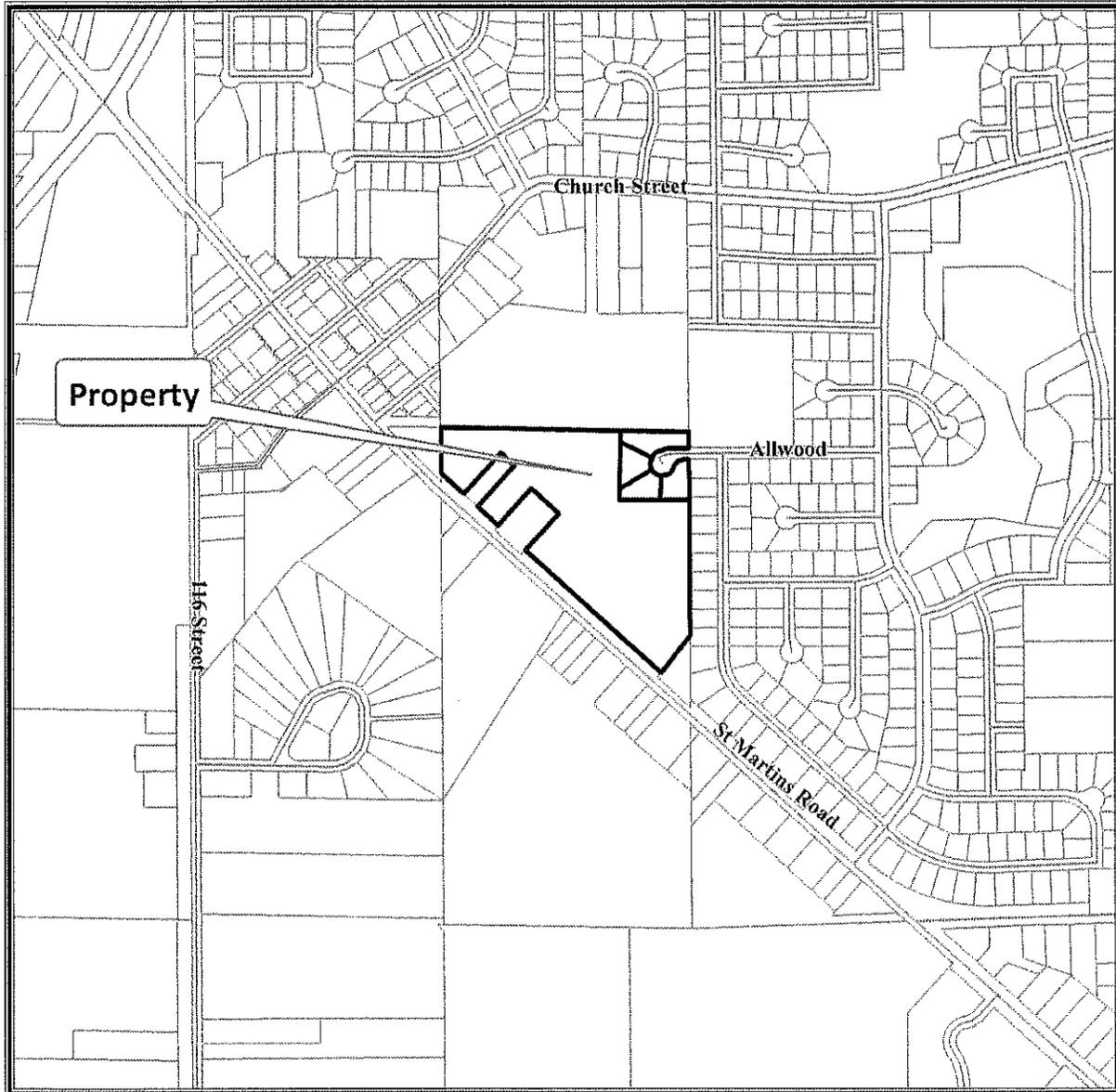
City Development staff recommends approval of a resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Site Plan Amendment, Certified Survey Map and Natural Resource Special Exception for property located at 11010 West St. Martins Road (to allow for a 23,600 square foot addition to the rear of the existing Southbrook Church building along with a fire lane) (Southbrook Church, Inc., Applicant), subject to technical corrections by the City Attorney.

**COUNCIL ACTION REQUESTED**

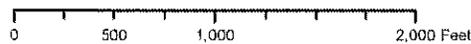
A motion to adopt Resolution No. 2015-\_\_\_\_\_, authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Site Plan Amendment, Certified Survey Map and Natural Resource Special Exception for property located at 11010 West St. Martins Road (to allow for a 23,600 square foot addition to the rear of the existing Southbrook Church building along with a fire lane) (Southbrook Church, Inc., Applicant), subject to technical corrections by the City Attorney.



# 11010 W. St. Martins Road



Planning Department  
(414) 425-4024



2013 Aerial Photo

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

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2015-\_\_\_\_\_

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO  
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART  
OF THE REVIEW AND APPROVAL OF A SITE PLAN AMENDMENT, CERTIFIED  
SURVEY MAP AND NATURAL RESOURCE SPECIAL EXCEPTION FOR PROPERTY  
LOCATED AT 11010 WEST ST. MARTINS ROAD (TO ALLOW FOR A 23,600  
SQUARE FOOT ADDITION TO THE REAR OF THE EXISTING SOUTHBROOK  
CHURCH BUILDING ALONG WITH A FIRE LANE)  
(SOUTHBROOK CHURCH, INC., APPLICANT)

---

WHEREAS, the Plan Commission having approved a Site Plan Amendment and recommended approval of a Certified Survey Map and having recommended approval of a Natural Resource Special Exception upon the application of Southbrook Church, Inc., on March 5, and August 6, 2015, respectively, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the woodlands, wetland buffers and wetlands on the site; and

WHEREAS, §15-7.0102G, §15-7.0103Q, §15-7.0702Q and §15-9.0309D of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Site Plan and Certified Survey Map review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Site Plan Amendment and Natural Resource Special Exception; and

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

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

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

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

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS  
TO ACCEPT A CONSERVATION EASEMENT  
SOUTHBROOK CHURCH, INC.  
RESOLUTION NO. 2015- \_\_\_\_\_

Page 2

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

APPROVED:

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

ATTEST:

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

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

## CONSERVATION EASEMENT

Southbrook Church

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

### WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, Northeast 1/4 of the Northeast ¼ of Section 18, Township 5 North, Range 21 East, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, mature woodlands, wetland buffers, and wetlands, and refer to Natural Resource Protection Plan by JSD Professional Services, Inc., dated January 23, 2015, with all applicable revision dates, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems, except for construction by the City of Franklin of an approximately 10-foot wide paved future multi-purpose trail at a mutually agreed to location; and

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

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

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

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

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

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

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

1. Construct or place buildings or any structure;

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

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

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

To Grantor:  
 Southbrook Church, Inc.  
 11010 W. St. Martins Road  
 Franklin, WI 53132

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

In witness whereof, the grantor has set its hand and seals this on this date of \_\_\_\_\_, 20\_\_.

Southbrook Church, Inc.

By: \_\_\_\_\_

STATE OF WISCONSIN        )  
   ) ss  
 COUNTY OF MILWAUKEE    )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_ by  
 \_\_\_\_\_ Southbrook Church, Inc.

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

\_\_\_\_\_  
 Notary Public

My commission expires \_\_\_\_\_

**Acceptance**

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

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

CITY OF FRANKLIN

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

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

STATE OF WISCONSIN        )  
  ) ss  
COUNTY OF MILWAUKEE    )

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

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

This instrument was drafted by the City of Franklin.

Approved as to contents:

\_\_\_\_\_  
Nicholas Fuchs, Senior Planner  
Department of City Development

\_\_\_\_\_  
Date

Approved as to form only:

\_\_\_\_\_  
Jesse A. Wesolowski  
City Attorney

\_\_\_\_\_  
Date

**EXHIBIT A**  
**EASEMENT DESCRIPTION MAP**

GRANTEE: CITY OF FRANKLIN  
OFFICE OF THE CITY CLERK  
9229 W. LOOMIS ROAD  
FRANKLIN, WI 53132

GRANTOR: SOUTHBROOK CHURCH, INC.  
11010 W. ST. MARTINS ROAD  
FRANKLIN, WI 53132

**LEGAL DESCRIPTION**

A permanent conservation easement which crosses a part of the grantor's property located in the Northeast 1/4 of the Northeast 1/4 of Section 18, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Beginning at the Northeast corner of the Northeast 1/4 of said Section 18; thence South 00°24'53" East along the East line of said Northeast 1/4 also being the East line of Lot 2 of Certified Survey Map(CSM) #6613 as recorded with the Milwaukee County Register of Deeds, 1082.81 feet; thence South 37°37'55" West along the East line of said Lot 2, 252.68 feet to a point on the north right of way line of W. St. Martins Road, thence North 47°53'33" West along said north right of way line, 480.59 feet; thence South 76°46'20" East, 56.04 feet; thence North 45° 00'31" East, 22.17 feet; thence North 16°31'42" East, 49.88 feet; thence North 30°51'14" East, 43.68 feet; thence North 17°29'13" East, 31.41 feet; thence North 05°29'40" East, 28.29 feet; thence North 15°34'20" East, 35.84 feet; thence North 27°20'57" East, 23.94 feet; thence North 34°09'14" East, 28.77 feet; thence North 52°27'57" East, 38.69 feet; thence North 67°49'14" East, 30.03 feet; thence North 34°05'43" East, 45.20 feet; thence North 47°15'29" East, 43.32 feet; thence South 87°12'38" East, 25.18 feet; thence South 41°40'45" East, 39.04 feet; thence South 11°53'40" East, 42.90 feet; thence South 64°20'39" East, 20.24 feet; thence South 40°40'41" East, 71.25 feet; thence South 03°11'27" East, 70.69 feet; thence South 74°56'55" East, 14.32 feet; thence North 61°26'21" East, 31.13 feet; thence North 02°12'40" West, 133.64 feet; thence North 35°27'44" West, 36.73 feet; thence North 04°15'17" East, 109.55 feet; thence North 30°15'36" West, 41.33 feet; thence South 60°03'29" West, 15.59 feet; thence North 84°55'44" West, 18.93 feet; thence North 49°54'58" West, 33.09 feet; thence North 28°13'45" West, 11.49 feet; thence North 06°32'31" West, 28.24 feet; thence North 06°02'16" East, 39.47 feet; thence North 44°54'28" East, 63.83 feet; thence North 23°34'45" East, 29.12 feet; thence North 67°21'04" East, 47.45 feet; thence North 03°38'45" East, 22.31 feet; thence North 62°49'56" East, 39.01 feet; thence North 00°17'19" West, 114.73 feet; thence North 01°46'58" West, 111.55 feet; thence North 82°10'21" West, 33.69 feet; thence North 05°40'57" West, 21.10 feet; thence North 81°46'03" West, 13.77 feet; thence North 03°42'49" West, 10.80 feet; thence North 89°47'51" West, 52.65 feet; thence North 75°34'38" West, 54.90 feet; thence South, 89°08'12" West, 54.99 feet; thence North 88°29'26" West, 157.32 feet; thence South 18°14'14" East, 20.85 feet; thence South 17°41'48" West, 54.74 feet; thence South 36°57'16" West, 53.34 feet; thence South 83° 20'52" West, 36.05 feet; thence South 86°39'45" West, 66.83 feet; thence South 45° 59'03" West, 55.53 feet; thence South 77°04'04" West, 17.73 feet; thence North 67°37'36" West, 32.06 feet; thence North 51°27'39" West, 31.14 feet; thence North 28°24'04" West, 44.01 feet; thence North 63°54'42" West, 33.57 feet; thence North 00°09'55" West, 18.65 feet; thence North 60°02'44" West, 30.98 feet; thence North 86°20'34" West, 46.79 feet; thence South 58°03'06" West, 44.68 feet; thence South 49°19'10" West, 146.06 feet to the Northeast corner of Lot 1 of said Certified Survey Map #6613; thence North 47°53'33" West along the North line of said Lot 1, 100.00 feet to the Northwest corner of said Lot 1; thence South 42°06'27" West along the West line of said Lot 1, 297.00 feet to a point on the north right of way line of W. St. Martins Road; thence North 47°53'33" West along said north right of way line, 159.58 feet to a point on the West line of said Lot 2; thence North 00°24'05" West along said West line of said Lot 2, 250.48 feet to a point on the North line of said Northeast 1/4, also being the North line of said Lot 2; thence South 88°47'56" East along said North line, 1321.44 feet to the point of beginning.

Containing in all 422,712 square feet (9.7041 acres) of land, more or less.

PREPARED BY:

 **JSD** Professional Services, Inc.  
• Engineers • Surveyors • Planners  
MILWAUKEE REGIONAL OFFICE  
#22 W22931 NANCY'S COURT SUITE 3  
WALKESSA, WISCONSIN 53186  
262.513.0666 PHONE / 262.513.1232 FAX



**EXHIBIT A  
EASEMENT DESCRIPTION MAP**

GRANTEE: CITY OF FRANKLIN  
OFFICE OF THE CITY CLERK  
9229 W. LOOMIS ROAD  
FRANKLIN, WI 53132

GRANTOR: SOUTHBROOK CHURCH, INC.  
11010 W. ST. MARTINS ROAD  
FRANKLIN, WI 53132

**CONSERVANCY EASEMENT LINE TABLES**

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	S76°46'20"E	56.04'
L2	N45°00'31"E	22.17'
L3	N16°31'42"E	49.88'
L4	N30°51'14"E	43.68'
L5	N17°39'13"E	31.41'
L6	N05°29'40"E	28.29'
L7	N15°34'20"E	35.84'
L8	N27°20'57"E	23.94'
L9	N34°09'14"E	28.77'
L10	N52°27'57"E	38.69'
L11	N67°49'14"E	30.03'
L12	N34°05'43"E	45.20'
L13	N47°15'29"E	43.32'
L14	S87°12'38"E	25.18'
L15	S41°40'45"E	39.04'
L16	S11°53'40"E	42.90'
L17	S64°20'39"E	20.24'
L18	S40°40'41"E	71.25'
L19	S03°11'27"E	70.69'
L20	S74°56'55"E	14.32'
L21	N61°26'21"E	31.13'
L22	N02°12'40"W	133.64'
L23	N35°27'44"W	36.73'
L24	N04°15'17"E	109.55'
L25	N30°15'36"W	41.33'
L26	S60°03'29"W	15.59'
L27	N84°55'44"W	18.93'
L28	N49°54'58"W	33.09'
L29	N28°13'45"W	11.49'
L30	N06°32'31"W	28.24'
L31	N06°02'16"E	39.47'
L32	N44°54'28"E	63.83'
L33	N23°34'45"E	29.12'
L34	N67°21'04"E	47.45'
L35	N03°38'45"E	22.31'
L36	N62°49'56"E	39.01'

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L37	N00°17'19"W	114.73'
L38	N01°46'58"W	111.55'
L39	N82°10'21"W	33.69'
L40	N05°40'57"W	21.10'
L41	N81°46'03"W	13.77'
L42	N03°42'49"W	10.80'
L43	N89°47'51"W	52.65'
L44	N75°34'38"W	54.90'
L45	S89°08'12"W	54.99'
L46	N88°29'26"W	157.32'
L47	S18°14'14"E	20.85'
L48	S17°41'48"W	54.74'
L49	S36°57'16"W	53.34'
L50	S83°20'52"W	36.05'
L51	S86°39'45"W	66.83'
L52	S45°59'03"W	55.53'
L53	S77°04'04"W	17.73'
L54	N67°37'36"W	32.06'
L55	N51°27'39"W	31.14'
L56	N28°24'04"W	44.01'
L57	N63°54'42"W	33.57'
L58	N00°09'55"W	18.65'
L59	N60°02'44"W	30.98'
L60	N86°20'34"W	46.79'
L61	S58°03'06"W	44.68'
L62	S49°19'10"W	146.06'
L63	N47°53'33"W	100.00'
L64	S42°06'27"W	297.00'
L65	N47°53'33"W	159.58'
L66	N00°24'05"W	250.48'

PREPARED BY:

**JSD** Professional Services, Inc.  
• Engineers • Surveyors • Planners  
MILWAUKEE REGIONAL OFFICE  
N22 W22631 NANCY'S COURT SUITE 3  
WAUKESHA, WISCONSIN 53186  
262.513.0666 PHONE | 262.513.1232 FAX

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;"><b>10/06/15</b></p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A BEAUTY SALON BUSINESS USE UPON PROPERTY LOCATED AT 11113 WEST FOREST HOME AVENUE, SUITE 210 (MONDA SALON, LLC, APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.5.</i></p>

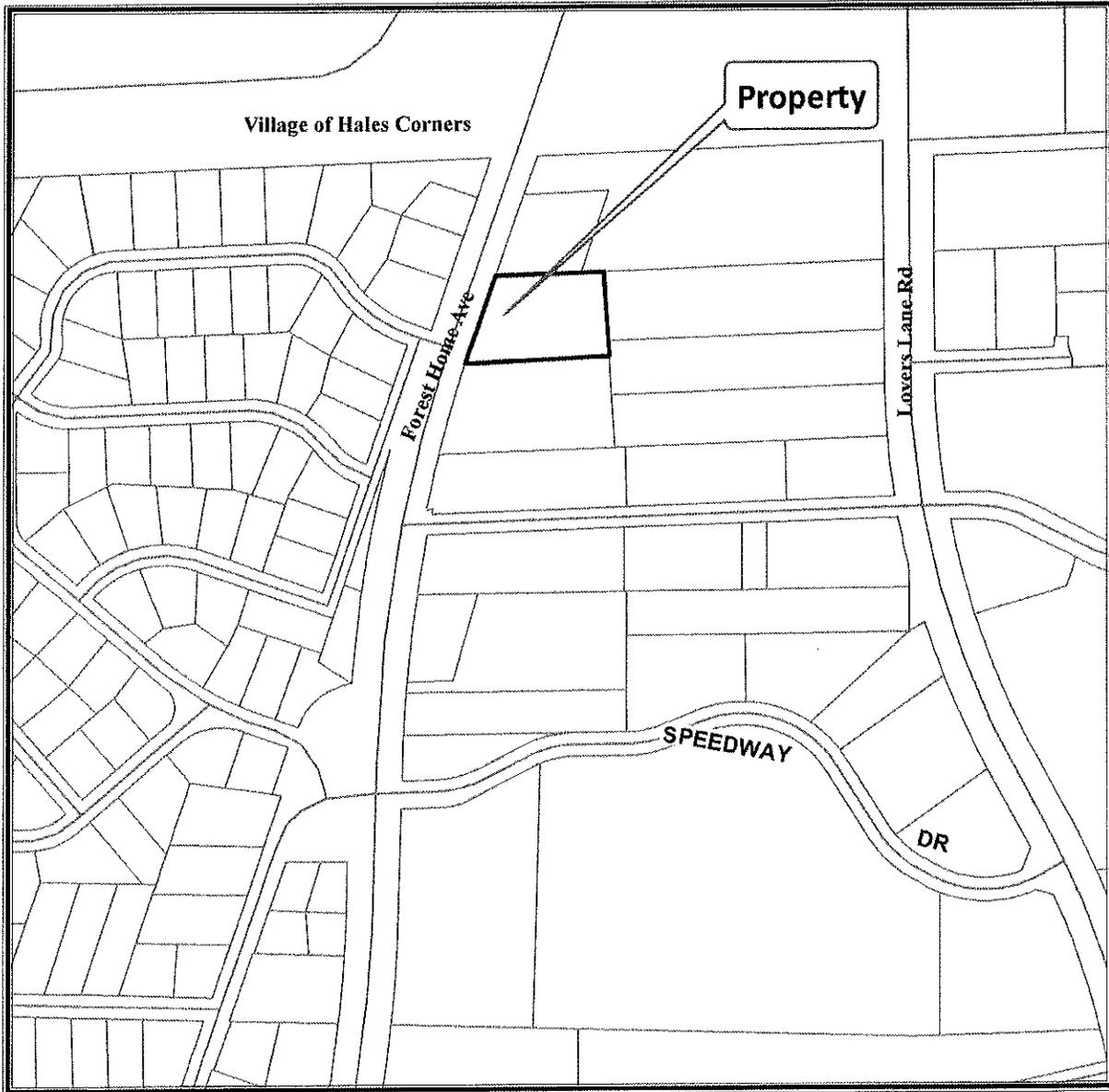
At its September 17, 2015, meeting, the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a Special Use for a beauty salon business use upon property located at 11113 W. Forest Home Avenue, Suite 210 (Monda Salon, LLC, Applicant).

**COUNCIL ACTION REQUESTED**

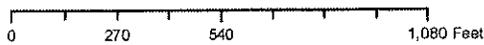
A motion to adopt Resolution No. 2015-\_\_\_\_\_, a resolution imposing conditions and restrictions for the approval of a beauty salon business use upon property located at 11113 W. Forest Home Avenue, Suite 210 (Monda Salon, LLC, Applicant)



11113 W. Forest Home Avenue  
TKN 704-9978-002



Planning Department  
(414) 425-4024



2013 Aerial Photo

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

## RESOLUTION NO. 2015-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR  
THE APPROVAL OF A SPECIAL USE FOR A BEAUTY SALON BUSINESS USE  
UPON PROPERTY LOCATED AT 11113 WEST FOREST HOME AVENUE, SUITE 210  
(MONDA SALON LLC, APPLICANT)

---

WHEREAS, Monda Salon LLC, having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District and C-1 Conservancy District under Standard Industrial Classification Title No. 7231 "Beauty shops", to allow for a beauty salon business use upon property located at 11113 West Forest Home Avenue, Suite 210, bearing Tax Key No. 704-9978-002, more particularly described as follows:

Parcel 1 of Certified Survey Map No. 3988, recorded on March 11, 1981, Reel 1362, Images 185 to 187, as Document No. 5462366, being a part of the Northeast 1/4 of Section 6, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 17th day of September, 2015, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Monda Salon LLC, for the approval of a 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 Special Use is approved only for the use of the subject property by Monda

MONDA SALON LLC – SPECIAL USE  
RESOLUTION NO. 2015-\_\_\_\_\_

Page 2

Salon LLC, successors and assigns, as a beauty salon business use, which shall be developed in substantial compliance with, and operated and maintained by Monda Salon LLC, pursuant to those plans City file-stamped September 10, 2015 and annexed hereto and incorporated herein as Exhibit A.

2. Monda Salon LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Monda Salon LLC beauty salon, 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 Monda Salon LLC and the beauty salon business use for the property located at 11113 West Forest Home Avenue, Suite 210: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. The parking lot shall be re-stripped to accommodate eighteen (18) off-street parking spaces, in accordance with the revised Site Plan City file-stamped March 3, 2015, prior to the issuance of a Final Occupancy Permit.
5. The concrete pad for seven (7) off-street parking spaces, located behind the building, shall be paved and striped in accordance with the revised Site Plan City file-stamped March 3, 2015, prior to the issuance of a Final Occupancy Permit.
6. All of the landscaping shall be installed in accordance with the approved Landscape Plan City file-stamped March 3, 2015, prior to the issuance of a Final Occupancy Permit.
7. Applicant shall have the stormwater drainage pipe televised to assess its current condition, provide the results of the inspection to the Engineering Department together with a location map, repair the pipe as may be necessary, and grant the City of Franklin an easement to protect and access the pipe, prior to the issuance of a Final Occupancy Permit.
8. The E.I.F.S. reveal on the building shall be scored in accordance with the approved colored architectural elevations, City file-stamped January 26, 2015, prior to the issuance of a Final Occupancy Permit.

MONDA SALON LLC – SPECIAL USE  
RESOLUTION NO. 2015-\_\_\_\_\_

Page 3

9. The 10' x 10' wood fence dumpster enclosure and 6' wood fence shall be installed in accordance with the revised Site Plan City file-stamped March 3, 2015, prior to the issuance of a Final Occupancy Permit.

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

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

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

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

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

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

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

MONDA SALON LLC – SPECIAL USE  
RESOLUTION NO. 2015-\_\_\_\_\_  
Page 4

APPROVED:

ATTEST:

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

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

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



REPORT TO THE PLAN COMMISSION

Meeting of September 17, 2015

Special Use

RECOMMENDATION: Department of City Development staff recommends approval of the Special Use Application for a beauty salon business use upon property located at 11113 W. Forest Home Avenue, Suite 210, subject to the conditions of approval in the attached draft resolution.

Table with 2 columns: Label (Project Name, Project Address, Applicant, Property Owner, Current Zoning, 2025 Comprehensive Plan, Use of Surrounding Properties, Applicant Action Requested) and Value (Monda Salon Special Use, 11113 West Forest Home Avenue, Suite 210, Monda Salon, LLC, 11113 West Forest Home Avenue, LLC, M-1 Limited Industrial District and C-1 Conservancy District, Industrial, WI Electric Power Company property and Ewald automobile dealership to the north, gasoline service station to the south, Hale Park Lumber and Hiller Ford automobile dealership to the east and single-family residential to the west, Recommendation of approval of the Special Use Application to allow for a beauty salon business use)

Introduction

Please note:

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

On August 24, 2015, the applicant submitted a Special Use Application to operate a beauty salon business use at 11113 West Forest Home Avenue, Suite 210. The proposed use is classified under Standard Industrial Classification (SIC) Title No.7231, Beauty Shops, which is allowed as a Special Use in the M-1 Limited Industrial District. The applicant is not proposing any exterior site or building modifications as part of this application.

Project Description/Analysis

The applicant is proposing to occupy approximately 890 square feet of space on the upper level of Ogden Construction Group, LLC's building located at 11113 W. Forest Home Avenue. The property is approximately 1.95 acres or 84,942 square feet. The applicant has indicated that the

business will have one employee. The proposed hours of operation for the salon are 9:00 a.m. to 7:00 p.m., Tuesday through Friday and 8:00 a.m. to 12:00 p.m. on Saturdays.

Parking:

Table 15-5.0203 of the UDO requires a Standard Parking Ratio (SPR) of three spaces per chair, plus one space per employee for a salon. The approximately 890 square foot salon will only have 1 chair and one employee. Therefore, the salon use requires four parking spaces. Ogden Construction Group's Special Use (Resolution No. 2015-7065) approved a eighteen (18) stall parking lot on the north side of the building, seven (7) striped spaces on a concrete pad behind the building and five (5) gravel spaces within the W.E.P.Co. easement in the rear of the property, for thirty (30) total off-street parking spaces. The Special Use approval was conditioned on the applicant submitting a revised Site Plan with a parking layout meeting all of the requirements of Section 15-5.0202 of the Unified Development Ordinance, to the Department of City Development for review and approval by Staff, prior to the issuance of a Building Permit. Staff approved a revised Site Plan meeting the requirements of Section 15-5.0202 of the UDO on March 3, 2015.

Ogden Construction group has patched and striped the parking lot located on the north side of the building, but it only has sixteen (16) off-street parking spaces instead of eighteen (18). Therefore, this parking lot is not in accordance with Resolution No. 2015-7065 or the revised Site Plan City file-stamped March 3, 2015. The thirty (30) total off-street parking spaces for the property was already a 25% reduction from the minimum Standard Parking Ratio, granted by the Plan Commission. For this reason, Staff has concerns with any further reductions. Therefore, Staff recommends the applicant re-stripe the north parking lot to accommodate eighteen (18) off-street parking spaces, pursuant to the revised Site Plan City file-stamped March 3, 2015, prior to issuance of a Final Occupancy Permit.

The concrete pad for the seven (7) off-street parking spaces located behind the building has not yet been poured. According to the project narrative, this will be done by October 15, 2015. Therefore, Staff recommends the concrete pad for seven (7) off-street parking spaces behind the building be paved and striped, prior to issuance of a Final Occupancy Permit.

Landscaping:

Ogden Construction's Special Use (Resolution No. 2015-7065) was approved subject to the applicant submitting a Landscape Plan to the Department of City Development for review and approval by Staff, prior to issuance of a Building Permit. Staff approved a Landscape Plan on March 3, 2015. However, Ogden Construction Group, LLC has not yet installed any of the approved landscape plantings. According to the project narrative, the landscaping will be installed before the end of the year. Therefore, Staff recommends the applicant install all of the landscaping per the approved Landscape Plan City file-stamped March 3, 2015, prior to issuance of a Final Occupancy Permit.

Stormwater Management:

The property contains an underground pipe that conveys surface drainage from the north to an existing storm sewer with an outlet at the southeast corner of the property. As a condition of Ogden Construction Group's previous Special Use (Resolution No. 2015-7065), the applicant was to have the stormwater drainage pipe televised to assess its current condition, provide the results of the inspection to the Engineering Department together with a location map, repair the pipe as may be necessary, and grant the City of Franklin an easement to protect and access the pipe. Staff further recommends the applicant have the stormwater drainage pipe televised to assess its current condition, provide the results of the inspection to the Engineering Department together with a location map, repair the pipe as may be necessary, and grant the City of Franklin an easement to protect and access the pipe, prior to the issuance of a Final Occupancy Permit.

Lighting:

The applicant is not proposing any new lighting on the building or property. There are three existing exterior lights on the building. A Lighting Plan will be required, in conformance with Division 15-5.0400 of the UDO, if lighting is proposed in the future.

Architecture:

The exterior architectural changes approved as part of Ogden Construction's Special Use (Resolution No. 2015-7065) have primarily been completed. The building materials have been updated to cement board lap siding with a composite trim, accented by an Air Stone veneer and a small amount of E.F.I.S. In addition, the original cedar shake mansard roof has been replaced with an E.F.I.S. reveal, which provides a flat surface for the applicant to display wall signage for their business and future tenants. However, the E.I.F.S reveal was supposed to be scored in a geometric pattern to break up the north and west façades, which has not been done. Therefore, Staff recommends the applicant score the E.F.I.S. reveal as shown on the approved colored architectural elevations City file-stamped January 26, 2015, prior to issuance of a Final Occupancy Permit.

Furthermore, Ogden Construction Group has not yet installed a 10' x 10' wood fence dumpster enclosure in the rear of the property or a 6' wood fence on the north side of the building as required by Resolution No. 2015-7065. Therefore, Staff recommends the 10' x 10' wood fence dumpster enclosure and 6' wood fence be installed, prior to issuance of a Final Occupancy Permit.

Signage:

The applicant has been made aware that any signage will require separate review and approval by the Architectural Review Board and issuance of a Sign Permit from the Inspection Department.

**Staff Recommendation**

Department of City Development staff recommends approval of the Special Use Application for a beauty salon business use upon property located at 11113 W. Forest Home Avenue, Suite 210, subject to the conditions in the attached draft resolution.

## Exhibit A

11113 West Forest Home Avenue  
Suite 100  
Franklin, WI 53132



Phone 414.342.7200 • Fax 414.342.4203  
Website: ogdencg.com

September 9, 2015

Franklin

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

SEP 10 2015

City Development

**RE: Monda Salon, LLC Special Use**

I am writing in response to your inquiries dated September 8, 2015.

**Planning Department**

-See attached Status of Site Improvements in Attachment "A"

-See attached Special Use Summary in Attachment "B"

**General**

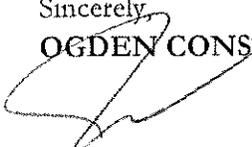
-There will be a Knox Box with a minimum of (2) labeled Master keys as required.  
-There are no Fire Code violations, and the Franklin Fire Prevention Code will be reviewed before any work is started.

**Alarm and Protection Systems**

-We have an alarm system in place and will continue to keep the NFPA 10 fire extinguishers up-to-date as required.

Thank you for your consideration.

Sincerely,  
**OGDEN CONSTRUCTION GROUP, LLC**



Joel Cook  
President

**11113 WEST FOREST HOME  
SITE IMPROVEMENTS  
ATTACHMENT "A"**

Following is the status of required items in regard to the Ogden Construction Group's Special Use Permit:

**Architectural Upgrades:** The exterior improvements to the building are 100% complete (see attached pictures)

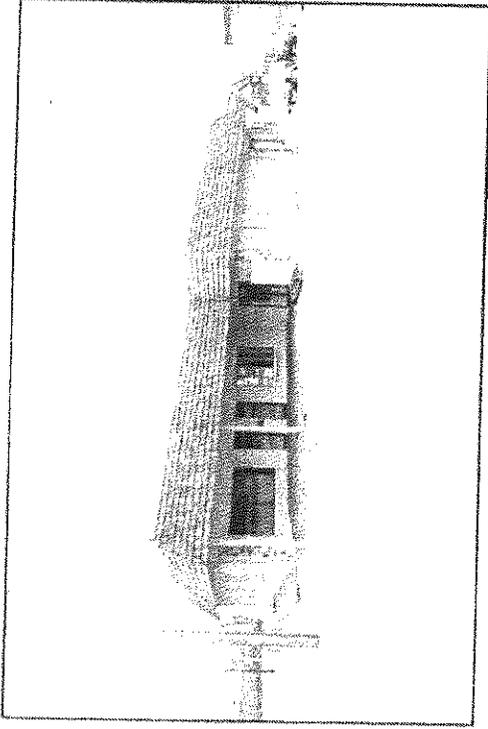
**Parking:** The West side of the building is complete, we have patched the North parking lot and the lower lot parking area is excavated and will be poured by October 15, 2015.

**Landscaping:** The landscaping was a lot more expensive than we had anticipated. We received (3) bids and the lowest bid was \$34,977. We still plan on completing this by the end of the year, however; having an added income from this tenant will help reduce the financial stress.

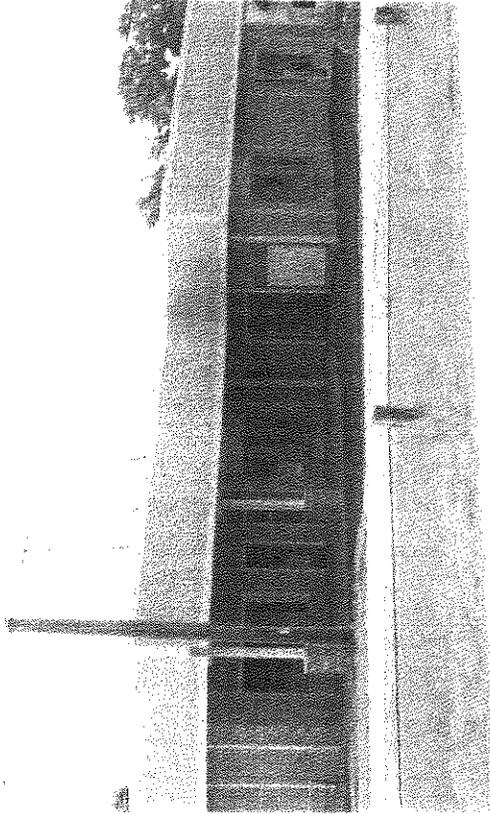
**Fencing:** The fencing will be complete by the end of the year.

**Dumpster Enclosure:** The dumpster enclosure will be completed with the lower parking lot by October 15, 2015.

**BEFORE**



**11113 W. FOREST HOME AVE. · FRANKLIN · WI**



**AFTER**



## ATTACHMENT "B"

August 20, 2015

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

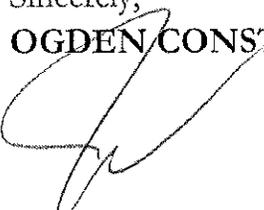
RE: 11113 W. Forest Home Avenue  
Special Use Summary

I am asking for a special use permit to allow a beauty shop at my multi-tenant building. Per the M-1 Zoning, a beauty shop is listed as special use.

Monda Salon, LLC's hours are from 9:00am to 7:00pm, Tuesday through Friday and 8:00am till noon on Saturdays. There is one (1) employee and the space occupied is an 890sq.ft existing space with no building modifications. They will have no adverse effect on the neighborhood and will provide a much needed service to the residents of Franklin.

I appreciate your consideration of this proposal.

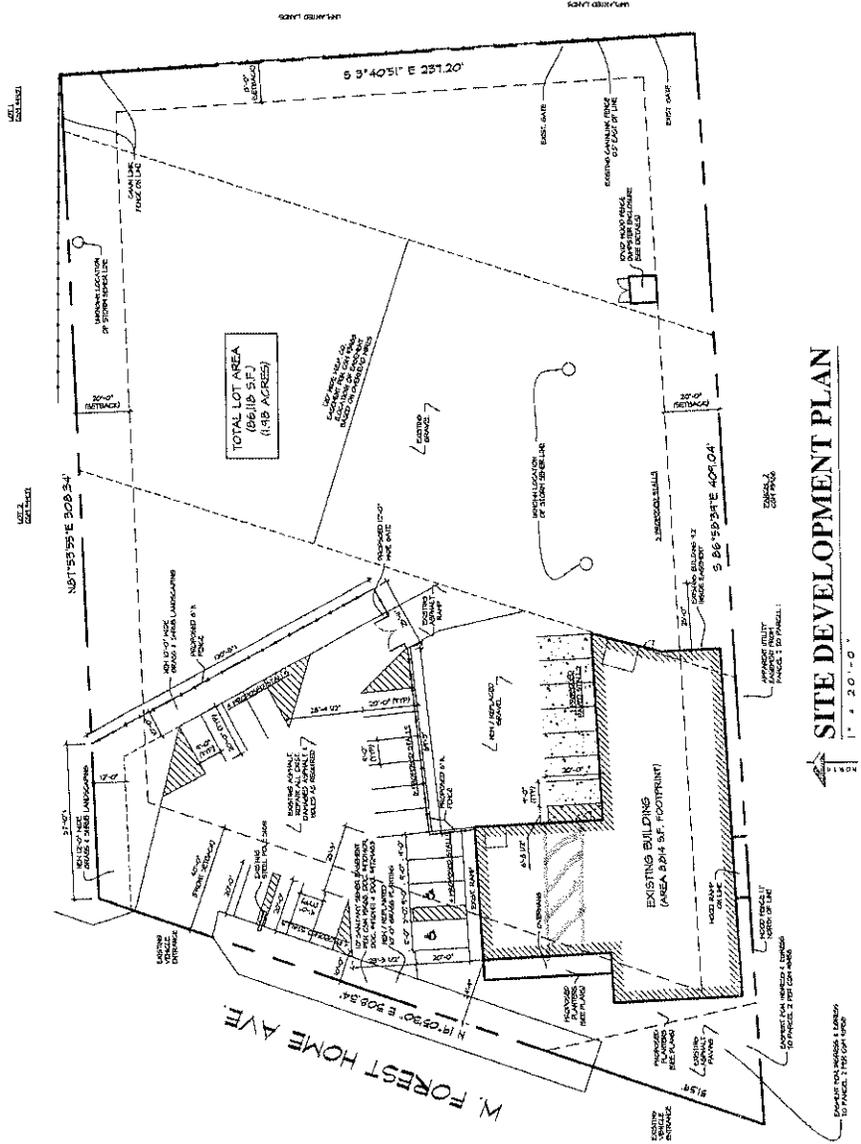
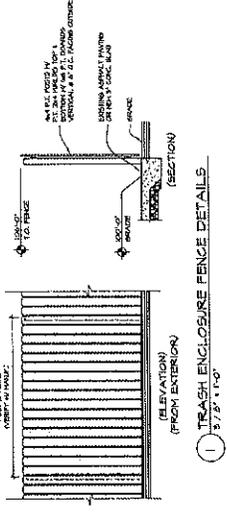
Sincerely,  
**OGDEN CONSTRUCTION GROUP, LLC**



Joel Cook  
President



BUILDING INFO	
OWNER	OGDEN CONSTRUCTION, INC.
ARCHITECT	PAT RA
ADDRESS	1113 W. FOREST HOME AVE.
CITY	ST. LOUIS, MO 63111
DATE	11/13/10
SITE DATA	
LOT NO.	1113
LOT AREA	5,819.52 SQ. FT.
PERMITS	1113 W. FOREST HOME AVE. 11/13/10
APPROVED BY	11/13/10
APPROVED DATE	11/13/10
APPROVED BY	11/13/10
APPROVED DATE	11/13/10
APPROVED BY	11/13/10
APPROVED DATE	11/13/10



**DIVISION 15-3.0700      SPECIAL USE STANDARDS AND REGULATIONS**

**SECTION 15-3.0701      GENERAL STANDARDS FOR SPECIAL USES**

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

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

*Response:* Beauty Shop is one of the listed Special Uses and does fit with the intent of the comprehensive master plan

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

*Response:* This proposal will in no way adversely affect any other property in the area

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

*Response:* There will be no interference with surrounding developments as the space already exists and we are planning no changes to the building

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

*Response:* The public facilities are adequate as is; we do not even use public trash collection

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

*Response:* The proposed tenant will draw 2 - 3 cars per hour of operation

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

*Response:* There will be no destruction of significant features as the space is existing

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

*Response:* We will comply with all standards. The space is existing and we only plan on replacing carpet and painting

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

*Response:*

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

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

*Response:* The beauty salon will be open to all residents of Franklin and should increase the aesthetic appeal of the residents of Franklin

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

*Response:* This business was previously renting in Hales Corners and our location was the only space in the area that fit into their budget

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

There will be no adverse effects as we are not changing the at all

*Response:*

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

*Response:* I do not feel this will set a precedent for beauty shops to be allowed in M-1 Zoning because this shop is the only shop in this area of Franklin and is a needed asset to the community.